





**Brighton & Hove  
City Council**

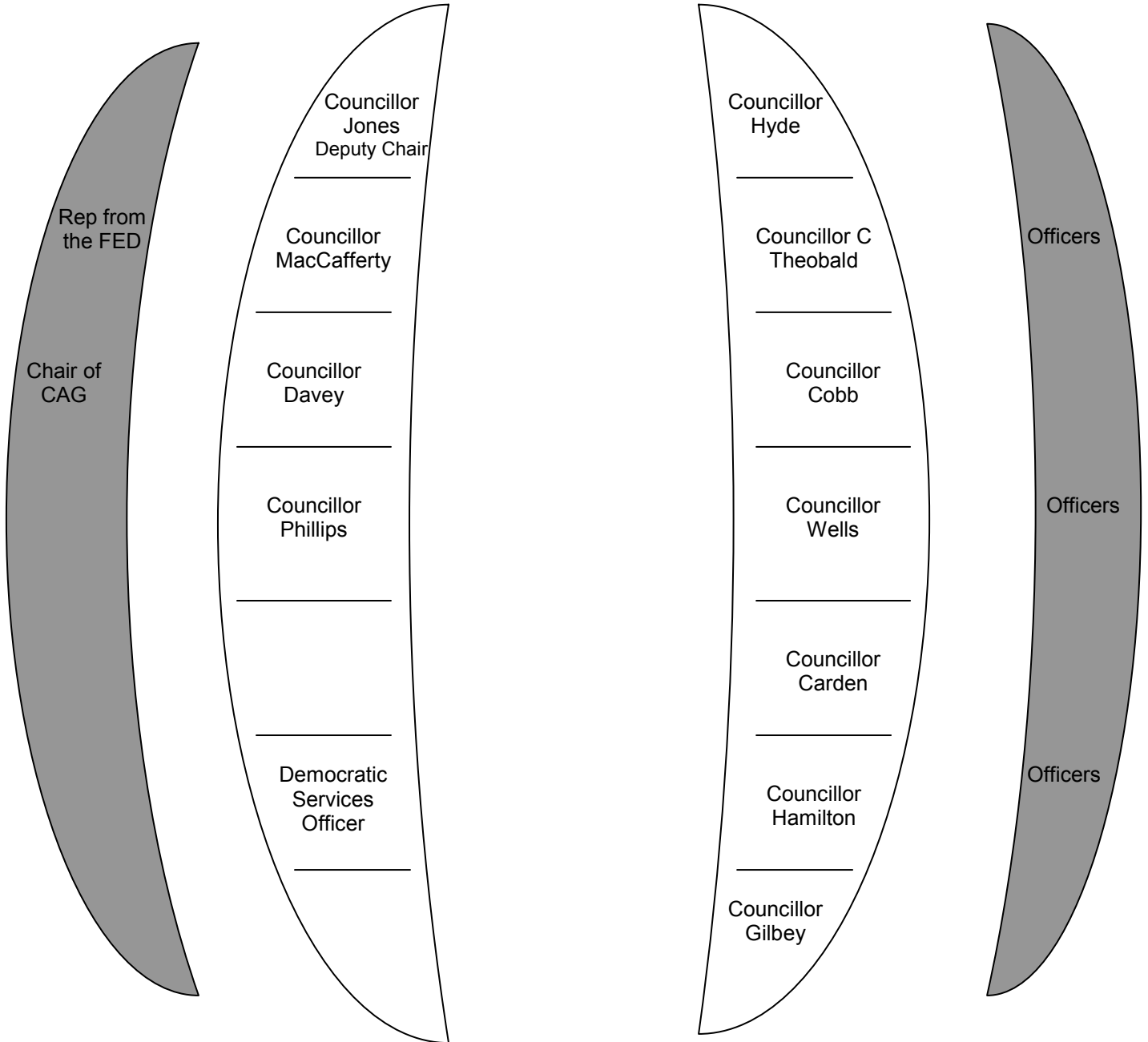
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>15 May 2013</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Hawtree (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cobb, Davey, Gilbey, Hamilton, Mac Cafferty, Phillips, C Theobald and Wells</p> <p><b>Co-opted Members:</b> James Breckell (Conservation Advisory Group) and Chris Kift (The FED Centre for Independent Living)</p>
Contact:	<p><b>Ross Keatley</b> Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gov.uk</p>

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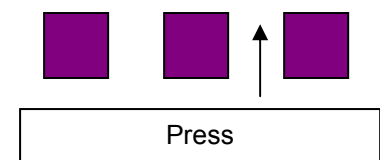
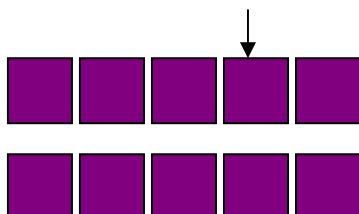
# Democratic Services: Planning Committee

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



## AGENDA

### 199. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest or Lobbying
  - (a) Disclosable pecuniary interests not registered on the register of interests;
  - (b) Any other interests required to be registered under the local code;
  - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.
- (c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

### 200. MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 24 April 2013 (copy attached).

## PLANNING COMMITTEE

### 201. CHAIR'S COMMUNICATIONS

### 202. PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 7 May 2013.

### 203. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

### 204. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

#### MAJOR APPLICATIONS

**A. BH2013/00197-Richmond House, Richmond Road, Brighton 31 - 80  
-Full Planning Permission**

Demolition of existing 2no storey building and construction of 1no three storey building and 1no five storey building providing 144 rooms of student accommodation, with associated ancillary space, 186 cycle spaces, removal of existing trees, landscaping and other associated works.

**RECOMMENDATION – REFUSE**

*Ward Affected: St Peter's & North Laine*

**B. BH2012/03364 -1 Manor Road, Brighton - Full Planning 81 - 112  
Permission**

Demolition of existing chapel, garages and extensions to Villa Maria and St Augustine's buildings. Change of use from convent boarding house (Sui generis) and refurbishment of existing buildings Villa Maria and St Augustine's to provide 16no. flats. Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats. A total of 46no. dwellings to be created with associated car and cycle parking, landscaping and other works including ecological enhancements.

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: East Brighton*

#### MINOR APPLICATIONS

**C. BH2013/00254 - Land to South of 32 Cambridge Grove, 113 - 128  
Hove-Full Planning Permission**

Erection of 1 no. 3 bedroom dwelling.

**RECOMMENDATION – REFUSE**

*Ward Affected: Goldsmid*

## PLANNING COMMITTEE

- D. BH2012/03806 -33 Mighell Street & 70a Carlton Hill, Brighton - Full Planning Permission** **129 - 150**
- Demolition of existing garage and flint wall. Rebuilding of flint wall and construction of new part five and part four storey building comprising of office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works.
- RECOMMENDATION – GRANT**  
*Ward Affected: Queen’s Park*
- E. BH2012/04087 - 33 Mighell Street & 70 Carlton Hill, Brighton - Conservation Area Consent** **151 - 162**
- Demolition of existing building and flint wall.
- RECOMMENDATION – GRANT**  
*Ward Affected: Queens Park*
- F. BH2013/00139 -Land to Rear of 67-81 Princes Road, Brighton - Full Planning Permission** **163 - 196**
- 6no. three storey, 2no bedroom terraced houses with pitched roofs & solar panels. Provision of private and communal gardens, waste & refuse facilities & cycle store with associated on street car parking. Erection of a street level lift gate house.
- RECOMMENDATION – GRANT**  
*Ward Affected: St Peter’s & North Laine*
- G. BH2013/00683 - Sandringham Lodge, 23 Palmeira Avenue, Hove - Full Planning Permission** **197 - 210**
- Formation of additional level comprising of 2no three bedroom penthouse flats incorporating roof gardens and delegated car parking.
- RECOMMENDATION – MINDED TO REFUSE**  
*Ward Affected: Brunswick & Adelaide*
- H. BH2013/00393 - Land rear of 39-73 Queen Victoria Avenue, Hove - Full Planning Permission** **211 - 228**
- Erection of 2 no. single storey one bedroom dwellings.
- RECOMMENDATION – REFUSE**  
*Ward Affected: Hove Park*
- I. BH2013/00947 -Second & Third Flat 11 Powis Road, Hove- Householder Planning Permission** **229 - 236**
- Removal of existing rear dormer and replacement with new dormer with a timber decked balcony and glass balustrade. Installation of rear rooflight.
- RECOMMENDATION – REFUSE**  
*Ward Affected: Regency*

## PLANNING COMMITTEE

**205. 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

**206. APPEAL DECISIONS** **237 - 290**

(copy attached).

**207. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **291 - 294**

(copy attached).

**208. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **295 - 296**

(copy attached).

**209. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** **297 - 302**

(copy attached).

**210. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** **303 - 426**

(copy attached)

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

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

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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.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

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

## PLANNING COMMITTEE

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

For further details and general enquiries about this meeting contact Ross Keatley, (01273) 291064, email [ross.keatley@brighton-hove.gov.uk](mailto:ross.keatley@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 7 May 2013





**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 24 APRIL 2013****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors Hawtree (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Bowden, Cobb, Davey, Gilbey, Mac Cafferty, K Norman, Robins and C Theobald

**Co-opted Members:** James Breckell (Conservation Advisory Group)

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager), Zachary Ellwood (Area Planning Manager), Anthony Foster (Senior Planning Officer), Maria Seale (Major Projects Officer), Guy Everest (Senior Planning Officer), Rob Fraser (Head of Planning Strategy), Pete Tolson (Principal Transport Planning Officer), Steven Shaw (Principal Transport Planning Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Officer).

**PART ONE****187. PROCEDURAL BUSINESS****187a Declarations of substitutes**

187.1 Councillor Bowden was present in substitution for Councillor Phillips; Councillor Ken Norman was present in substitution for Councillor Wells and Councillor Robins was present in substitution for Councillor Hamilton.

**187b Declarations of interests**

187.2 Councillor Mac Cafferty declared an interest in relation to Application A: BH2012/02205 – Anston House, 137 – 147 Preston Road, Brighton as – in his role as role as the Lead Member for major projects – he had met the applicant with the Head of Planning & Public Protection, Martin Randall, but he had not pre-determined his view on the matter. He confirmed the nature of the meeting had been information gathering; he remained of an open mind and would remain during the consideration and vote on this application.

- 187.3 Councillor Bowden declared an interest in relation to Application B: BH2012/04048 – Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land explaining that a deputation was due to be reported to the next meeting of the Economic Development & Culture Committee for which he acted as Chair, and as such he would not want to prejudice his position and would withdraw from the meeting during the consideration and vote taking. Councillor Bowden also declared an interest in relation to Application F: BH2013/00162 – Plinth, Kings Esplanade, Hove, as he had already expressed a view on the matter when it came before the Economic Development & Culture Committee; he stated he would withdraw from the meeting during the consideration and vote on this application.
- 187.4 Councillor Robins declared an interest in relation to Application C: BH2013/00245 – Land adjoining 10 New England Road and rear of 53 New England Street, Brighton as he worked for the company that may own the land abutting the application site. He confirmed that he remained of an open mind and would remain present during the consideration and vote on this application.
- 187.5 Councillor Davey declared an interest in relation to Application K: BH2013/00500 – 119 Portland Road, Hove, as he knew the applicant personally. He stated he would withdraw from the meeting during the consideration and vote on this application.
- 187.6 Councillor Hawtree declared an instance of lobbying in relation to Application K: BH2013/00500 – 119 Portland Road, Hove. He stated he knew the applicant to be a local trader in the area but remained of an open mind and would remain during the consideration and vote on this application.

#### **187c Exclusion of the press and public**

- 187.7 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.
- 187.8 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

#### **188. MINUTES OF THE PREVIOUS MEETING**

- 188.1 The Democratic Services Officer, Ross Keatley, noted that following amendments to the minutes: at paragraph 180.1 the resolution should read ‘minded to grant’; at Application D the reference number should be amended to read ‘BH2012/00287’ and paragraph 180.5 should be deleted.
- 188.2 **RESOLVED** – That, with the above changes, the Chair be authorised to sign the minutes of the meeting held on 4 April 2013 as a correct record.

#### **189. CHAIR'S COMMUNICATIONS**

- 189.1 There had been a minor typographical in the minutes from the meeting held on 13 March 2013 in relation to Application D: Land rear of 140-146 Springfield Road, Brighton. Paragraph (17) stated that 'planning permission was refused' and this should read 'planning permission was granted'. This error had been amended on the published minutes on the Council's website, and a corrected hardcopy had also been produced for the Chair to sign.
- 189.2 It was reported that the Council's *Food Growing & Development* Planning Advice Note had been shortlisted for two awards for innovation: the National Royal Town Planning Awards and a South East Centre for the Built Environment 'Construction Excellence' award. This Planning Advice Note was published summer 2011 aiming to inspire and encourage developers to integrate food growing into any landscaping plans, substituting non productive plants with productive, edible plants. It is the first of its kind nationally and has received a very positive response from developers and planning applicants. Despite the absence of any additional requirements on developers, there has been a sharp rise in proposals for food growing from 1% to 38% of residential applications since the introduction of the PAN.

**190. PUBLIC QUESTIONS**

- 190.1 There were none.

**191. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

- 191.1 There were none.

**192. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**Major Applications**

**A. BH2012/02205 - Anston House, 137 - 147 Preston Road, Brighton - Full Planning Permission**

Demolition of existing building and erection of a new building ranging from 7no to 15no storeys providing 231 residential units, circa 2,019 sqm of non-residential floor space (including a mix of B1a Office, Retail and Community floorspace), 158 car parking spaces and 240 cycle spaces, landscaping and other associated works.

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

**Introduction from Officer(s)**

- (2) The Senior Planning Officer, Anthony Foster, and the Head of Planning Strategy, Rob Fraser, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings, photomontages, a model and a sample of materials. Attention was also drawn to items listed on the Late List, and it was noted that since the publication of the Late List a petition had been received with 380 signatures in opposition to the scheme. The application site currently contained Anston

House a 7 to 9 storey purpose built block that had been vacant for almost 25 years. The site had a frontage to Preston Road, and the adjoining site was Telecom House to the south which was 10 storeys in height; the site also ran parallel to Dyke Road Drive which contained residential properties between 3 and 4 storeys. Preston Park, a Grade II listed park and garden, was also opposite the site. The Preston Village Conservation Area lies to the east of the site. Permission was sought for the demolition of Anston House and the construction of 231 residential units and 2,019 sqm of commercial space; the scheme would provide 30% affordable housing.

- (3) Parking would be situated on the ground and lower-ground floors of the site, and the commercial space would be at the ground and first floors with an active frontage and accessed via a main central lobby. At first floor level there would be a landscaped courtyard, and the residential accommodation would be divided into five blocks of varied size and number of units. At the front of the building there would be a series of overhangs above the ground and first floor levels by 5 metres, and the rear of the property would be set away from the properties on Dyke Road Drive by a minimum of 21 metres. The scheme would also include roof top allotments. During the consultation period overhanging balconies had been removed at the rear of the proposed scheme, together with screening and half height obscured glazing to address overlooking and the amount of affordable housing had been increased from 26% to 30%.
- (4) It was highlighted that the key policy issues related to the loss of office space; the provision of housing and the provision of affordable housing. The site was identified for use as high tech commercial space or general office space, and normally the planning authority would oppose the loss of the space; however, the Emerging City Plan had a strategic allocation on this site to allow for mixed use development of office and residential space, and Officers had sought to retain a minimum of 3000 sqm office floorspace. However the wider area was considered a secondary office location, rather than a primary, and the Council had an obligation to find more housing sites in line with the NPPF. In these circumstances significant weight had been given to the strategic allocation and the scheme proposed 2,019 sqm of commercial space which would be attractive to the digital media and creative sectors. An employment land study review had also highlighted that the financing of such office space in the current economic climate was challenging.
- (5) In relation to the provision of housing the NPPF sought a significant boost in the housing supply and required local authorities to provide for the lifetime of plans. Policies in relation to housing delivery were out of date in the current agreed Local Plan, and the City Plan sought 11,300 new residential units by 2030, and set the trajectory for three 5 year phases for the life of the plan. Due to the economic climate it had become increasingly difficult to bring new development forward and the site was considered to be one of the critical sites. The provision of affordable housing was important given the needs of the city, and the 30% provided for in the application fell short of the 40% in the Local Plan and the emerging City Plan; however, the proportion was considered against a set criteria and the viability of schemes was key to the agreement of affordable housing. In this instance the applicant had been able to demonstrate – through the submission of evidence – that viability could not be achieved at 40% affordable housing; however, the District Valuer had stated that the scheme would be able to meet 40%. Officers had considered this, but were recommending an exception to policy as the scheme would enable delivery in the early

life of the City Plan. It was felt that a rigid application of the policy would delay implementation on the site, and a two year permission had been recommended to encourage early delivery.

- (6) It was highlighted that the site was located in a tall buildings corridor of the city where the principle of taller buildings was accepted; in the context of this corridor the scheme would be considered 'very tall', and would have an impact on the surrounding area, but this was considered acceptable. The scheme had emerged in consultation with the South-East Design Panel and they had suggested reconfigurations which had led to the current proposed design. The key to the success of the scheme would be the considerable landscaping at ground floor level and at the podium, and the height of the building at the rear did not exceed 9 storeys. The overall height of the building in close proximity to Preston Road was not seen as an issue, and it was considered that it was a slim building when approaching the road edge. Officers acknowledged it would be impossible to overcome the bulk of the scheme, but the setbacks had been carefully used to emphasise the vertical lines. The design was considered an efficient and effective use of the land; and providing a high quality building.
- (7) The Heritage Officer had expressed concern in relation to the height and the front building line as well as concern about the impact on the Conservation Area; the Conservation Advisory Group (CAG) had also raised an objection. English Heritage had raised no objection, but had acknowledged there would be some impact; however, this was alleviated on the medium and longer distance views. The units would be capable of achieving lifetime homes standards, and most had private amenity space – with the exception of those to the rear where the balconies had been removed following consultation. There would also be a children's play area and full details of this were sought through condition.
- (8) The rear of the proposals would be between 21-24 metres from the rear of the flank elevations of the properties on Dyke Road Drive, and this distance was within guidance. Daylight and sunlight assessments had been undertaken which had shown the majority of properties would continue to receive the same level of light, and where there was an impact this was not considered to be significant. As well as the removal of balconies to the rear, the windows at the rear would be obscured to half height to help prevent overlooking. A revised shadow study to Preston Park and an independent assessment had also been undertaken, and this had identified a difference in the length of shadows; however, it concluded the shadowing would be for a limited part of the day and within guidelines. The scheme also proposed the loss of three trees on the site – 2 limes trees and 1 sycamore tree – two of which were protected by TPOs, and the arboriculturalist had objected to this. The scheme sought to provide 9 new trees on the site, and this was considered acceptable – a detailed landscape plan had also been submitted.
- (9) The application proposed 158 parking spaces for commercial and residential use, and it was considered that parking at the scheme would not cause problems in relation to displacement parking, and there would also be a car park management plan. The scheme proposed 24 disabled spaces, and the Sustainable Transport Officer sought an additional 10 spaces which could be secured through condition, and the provision of parking would be monitored through the travel plan. The net increase of traffic levels would fall within day to day variations. The scheme was proposed to achieve BREEM

level excellent, and there was a low carbon energy solution that could be upgraded at a later date. In summary it was highlighted that the scheme proposed 30% affordable housing; was located in a tall buildings corridor; the site had been vacant for almost 25 years; proposed a two year consent and was considered high quality design with a mix of uses. The recommendation was minded to grant for the reasons set out in the report

### **Public Speakers and Questions**

- (10) Mr Shaw and Ms Dadkhah spoke in objection to the scheme in their capacity as local residents. They stated that they welcomed development on the site, and were aware of the need for housing across the city; however, they noted that this one site would provide 40% of the annual housing requirement. Standards had been lowered; there was a loss of character and it was felt the viability argument put forward by the applicant could set a precedent for future development in the city. Reference was made to the emerging City Plan and comments around protecting and enhancing character, and the scheme was likened to the 'Holiday Inn' on the Brighton seafront. The scheme would sit close to the pavement; was considered grossly dominant and 'scraped' the minimum guidelines in relation to overshadowing of the park. It was also noted that in justifying tall buildings alternate plans proposing lower and medium height buildings should be provided. The Committee were asked to not accept a scheme that fell short of local and national standards, and that was dictated by financial constraints.
- (11) Councillor Littman spoke in his capacity as the Local Ward Councillor and stated that local residents were not being unreasonable. He did not doubt that development was necessary on the site; however, the proposals were for a scheme that was too tall and too dense and would overshadow Preston Park – as well as the loss of light and privacy. The scheme only proposed 75% of the minimum level of affordable housing that would be expected, and the District Valuer felt that the scheme would be viable with the full 40%. Councillor Littman questioned how the application could be recommended for approval and stated that in this instance he thought Officers were wrong, he emphasised that the District Valuer had said that the scheme would not be viable. Approval of this scheme could set a precedent for other developers, but felt that this scheme would be an 'early loss' in the lifetime of the City Plan. Despite the building being derelict for a number of years a better scheme could be bought forward.
- (12) Mr Latham spoke in support of the application on behalf of the applicant. He stated that the proposals were the culmination of two and a half years of work; which had been undertaken with local people. In October 2010 a competition had been held in relation to the design, and since then a number of options had been considered. Consultation had been done with the South-East Design Panel, and a public exhibition had been held. The proposal before the Committee was the result of all this work, and it was considered this was the 'best deal'. The scheme provided much needed homes for the city and new flexible employment space for digital and media centres; there would also be a direct financial investment in local facilities. The applicants were proud of the scheme they were proposing, and the site had been derelict for some years. There had been a careful collaborative process, and a balancing of all elements. The importance of the scheme was recognised and approval would send a strong message about development within the city.

- (13) Councillor Carol Theobald asked about the height of the flats, and it was confirmed the average ceiling height would be 2.6 metres, and the penthouses would be higher.
- (14) At this point in the proceedings Officers become aware that some Members of the Committee had been sent information by both objectors and the applicants directly that the officers themselves, they had been party to. The Senior Solicitor, Hilary Woodward, noted that any information Members were sent that could potentially influence how they might vote needed to be shared with Officers to be verified. Councillor Hawtree expressed concern that information had been submitted from both objectors and the applicant, and Councillor Bowden noted that he had received additional information, but had decided not to read this. The Committee agreed to a short adjournment to allow Officers to consider the information. Following the adjournment the Deputy Development Control Manager, Paul Vidler, highlighted there were two documents – one from Urban Splash (the applicant) and one from the Brighton Society – that had not been seen by Officers; it was confirmed that these did not raise any new material considerations that had not already been considered, and it was recommended that the Committee continue to determine the application. The Committee resumed asking questions of the applicant in relation to their submission.
- (15) Councillor Cobb asked for more information on the location of the office and work spaces in relation to the children’s play areas. In response it was explained that it would largely be at street level overlooking Preston Road; there were some areas in the courtyard, but none of this overlooked the children’s play area.
- (16) In response to queries from Councillor Hyde it was explained that consultation had been undertaken with residents, and there had been a public exhibition. The applicant understood the strength of feeling from residents, but it was felt on the whole the scheme was a positive contribution to the neighbourhood. A great deal of work had been undertaken on the best way to arrange the building, and the design was such that it stepped away from the properties on Dyke Road Drive, and the height would be similar at the rear to the existing properties. A great deal of analysis had been undertaken, and – with the exception of the two front towers – the blocks were similar height to surrounding buildings.
- (17) It was confirmed for Councillor Jones that the rear of the proposals would be approximately 21-25 metres away from windows at the rear of the properties on Dyke Road Drive – this was within guidelines. The lower half of the windows would be obscurely glazed and it was confirmed they would be a mixture of living rooms and bedrooms.
- (18) It was confirmed for Councillor Bowden that the building was partially masked by two large trees that aligned with each of the two towers; however, it was acknowledged that the building was still visible above the trees and the Senior Planning Officer confirmed the images used in the presentation by Officers had been verified and their locations agreed with the Conservation Team.
- (19) Councillor Robins asked for more information in relation to the allotments, and it was confirmed they would be more in the form of raised planting beds up to 800mm deep, but they could be used to grow food.

- (20) Following queries from Councillor Davey the following points were made: a large majority of the residential units would be above recommended minimal guidelines for units nationally; however, there were 37 1no. bedroom flats that would be below this guideline, but these would not be the affordable homes units. The smaller units would create more affordable homes across the development as a whole. In relation to the overshadowing of the rose garden it was highlighted that the assessments had shown this would be minor, and where it did occur it would track with the movement of the sun – the majority of the overshadowing would also take place in late afternoon when there was already overshadowing from mature trees.
- (21) It was confirmed for Councillor Bowden that a number of the affordable homes units would have direct views of Preston Park, and the stepped design had been used to accommodate this.
- (22) Following a query from Councillor Cobb it was confirmed the height of the ceiling in the penthouses was 5 metres in part – stepping down to 2.6 metres at the rear.

### **Questions to Officers**

- (23) Mr Breckell asked about the pressure on the local authority to meet housing targets, and if this had been used by the developer as a means to justify a reduction in the standards at the site. In response the Head of Planning Strategy explained that the local authority wanted to see an effective and efficient use of sites, and this sometimes resulted in challenging levels in relation to density due to the lack of sites across the city. The current economic climate also had made meeting targets more difficult, but this did not affect the design approach and position of the local authority. Mr Breckell went on to ask if the local authority were of the view that the building was too tall, and in response it was explained that the design was discussed by the South-East Design Panel who encouraged the developer to go higher on one of the towers to provide a clear differential. The original configuration of the site was different, but it was felt this would establish a new building height on Preston Road rather than present a single one off case for a very tall building.
- (24) The differences in width at the front and rear of the scheme were clarified for Councillor Cobb.
- (25) Councillor Hyde asked for more information in relation to the recommendation to grant, and in response the Head of Planning Strategy explained that the reference to the building line came from the tall building guidance and this was an important element in the consideration of the impact on the site. There were some more unattractive buildings in this corridor, and it was envisaged the scheme could set a new standard for design on other potential sites.
- (26) Councillor Jones asked for more information in relation to the disparity of the views from the applicant and the District Valuer in relation to the viability and level of affordable housing. In response it was explained that the issue was the technical viability of the scheme; Officers had considered whether the housing would actually be delivered to allow the Council to deliver a 5 year land supply.



- (27) Following questions from Councillor Bowden it was explained that the emerging City Plan had been drafted with flexibility to demonstrate it could remain valid for a significant period of time, and there was flexibility with the criteria that would be taken into consideration. In assessing the appropriate level of affordable housing consideration needed to be given to a series of factors to ensure the delivery of schemes and housing in the city.
- (28) In response to Councillor Robins in relation questions about the trees it was explained that the aboriculturalist objected to the loss of the 3 trees; however, the proposed replacement trees were considered to be acceptable. Further details had been requested on the protection of other trees on the site.
- (29) In response to queries about the access for Fire Services from Councillor Gilbey it was confirmed that this matter fell under the remit of the Building Regulations. It was also clarified that the overhangs at the front of the scheme would be 4.25 metres from Preston Road.

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

- (30) Mr Breckell stated that CAG had been of the view that this application should not have reached the point of determination at Committee, and it was a scheme based on the necessity to meet targets. It was the first building to use the Tall Building Policy, and the design was 'second rate'. Mr Breckell asked that the Committee to refuse the application for reasons in relation to the height and design.
- (31) Councillor Carol Theobald stated that it had taken a very long period of time for proposals to come forward in this site, and she felt the proposals were ugly, and a softer design would have been more appropriate. The s106 contributions sought were too onerous, but the landscaping in the centre of the scheme was good. The scheme was too high and would overshadow Preston Park, and it was too close to the building to the rear. There was also concern about access for the Fire Services, and that the aboriculturalist rarely objected to schemes. Councillor Carol Theobald stated she wanted to see the site developed, but could not support this scheme.
- (32) Councillor Jones stated he did not feel the design was 'terrible', but the developers had tried to work within a brief dictated by finance; he welcomed the landscaping and the mixed use, but had concerns with the scale and the overlooking of the rear of Dyke Road Drive. He also had concerns in relation to the affordable housing here, and felt there was a 'slip' in standards to provide housing at the site quickly. He stated he was still considering his final position on the matter.
- (33) Councillor Hyde stated she largely agreed with the comments made by CAG, but she had an appreciation of the reasons for the Officer recommendation, and she was concerned this scheme could set a precedent. She believed it could be overdevelopment of the site, and was too close to Preston Road.
- (34) Councillor Gilbey highlighted the potential impact of the scheme on other areas of the city – in particular the New England Quarter; she also expressed concern about the amount of play space and the shortage of schools in that part of the city.

- (35) Councillor Carden stated that, in his view, the Committee turned down a number of applications, and he thought the scheme was 'beautiful'. There had been proper consultation on the proposals, and the recommendation would not have been in support if Officers were of the view that the design was below standards.
- (36) Councillor Mac Cafferty noted that appropriate mitigation would be sought through the s106 contributions in relation to facilities and schools. The scheme provided homes and employment space, and the 2 year consent would push the development forward helping provide economic benefits to the city. The city was excellent at creating start up business, but these often had problems when they reached a certain size and many relocated outside of the city. The developer was award winning, and the design was excellent. Councillor Mac Cafferty noted the evolution of design in the city, and stated this was a bold project which should be welcomed to the city.
- (37) Councillor Davey expressed concern that 'the bar had been set too high' and he would be supporting the application – particularly the mixed use. This was a strong example of a consent that was viable.
- (38) Councillor Ken Norman stated the design was bold, but was more suited to the city centre. He acknowledged that the site needed to be redeveloped, but this was too much. It would be overpowering, and the site did not necessarily warrant such a large scheme, and a more suitable design was needed.
- (39) A vote was taken and the Officer recommendation to be minded to grant was not carried on a vote of 4 in favour to 5 against with 3 abstentions. Councillor Cobb proposed reasons for refusal and these were seconded by Councillor Gilbey; a short adjournment was then held to allow Councillor Hawtree, Councillor Cobb, Councillor Gilbey, the Deputy Development Control Manager, the Senior Lawyer and the Senior Planning Officer and the Head of Planning Strategy to draft the reasons for refusal in full. These reasons were then read to the Committee, and it was agreed they reflected what had been put forward by Members. A recorded vote was then taken with the proposed reasons for refusal and Councillors Cobb, Gilbey, Ken Norman, Robins and Carol Theobald voted that planning permission be refused; Councillors Hawtree, Carden, Davey and Mac Cafferty voted that planning permission be granted and Councillor Jones, Hyde and Bowden abstained from the vote.

192.1 **RESOLVED** – That the Committee has taken the Officer recommendation to be minded to grant into consideration, but resolves to **REFUSE** planning permission for the reasons set out below:

- i. The proposed development by reason of its height, density, bulk and form is overbearing, out of keeping with the surrounding area and would have a detrimental effect on properties to the rear in Dyke Road Drive and the listed Preston Park and would set an undesirable precedent. The proposed development is therefore contrary to policies QD1, QD2, QD4, QD27, HE6 and HE11 of the Brighton and Hove Local Plan 2005 and SPGBH15: Tall Buildings.
- ii. It has not been satisfactorily demonstrated that 40% Affordable Housing cannot be achieved and the proposal is therefore contrary to policy HO2 of the Brighton and

Hove Local plan 2005 and policy CP20 of the Brighton and Hove Submission City Plan Part One.

- iii. The amount of commercial floorspace proposed does not comply with policy DA4 the Brighton and Hove Submission City Plan Part One and policy EM2 of the Brighton and Hove Local Plan 2005 and would result in a potential shortfall of office space in the City.

**B. BH2012/04048 - Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land - Removal or Variation of Condition**

Application for variation of condition 70 of application BH2006/01124 as amended by BH2012/00042 (Major mixed use development comprising new engineered basement structure to create platform on Spending Beach and West Quay, 853 residential units in 11 buildings ranging from 6-40 storeys, Class A, D1, D2 and B1 uses, Lifeboat Station, 496 parking spaces, alterations to pontoons and moorings, new bridges, informal and formal recreation space and alterations to access arrangements) to allow revisions to basement structures over Spending Beach and West Quay with associated landscaping and engineering works to accommodate revised car parking layout. Total number of car parking spaces and main access point to remain unchanged.

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

**Introduction from Officer(s)**

- (2) The Major Projects Officer, Maria Seale, introduced this application and gave a presentation by reference to plans, photographs and elevational drawings; attention was also drawn to matters listed on the Late List. Since the closure of the Late List 9 additional letters of objection had been received, and 1 from the Brighton Marina Residents Association withdrawing their objection; no new material matters had been raised. In 2006 permission was granted for a major mixed use scheme comprising 853 residential units and a 40 storey tower; the permission had commenced in 2008 and was currently live. The original scheme involved two platforms to be constructed; one over the spending beach and one to the south of the West Quay public house. Three layers of car park had originally been proposed under the spending beach, and this structure involved wave chambers. The current application proposed the relocation of the parking from under the spending beach to the development to the south of the West Quay public house and the creation of 3 new levels of basement parking. The access point to the parking and overall number of parking spaces would remain the same.
- (3) A new pile structure over the Spending Beach was now proposed, and the application was considered a minor material amendment to a major scheme. The amendment did not alter the size or scale of the scheme, and in making a decision the principle of the original development could not be revisited. The Case Officer had requested some new plans, but these largely related to matters of clarification. The primary reason for the application was to make the first phase of the development more viable by providing the parking upfront without the need to provide temporary measures, and the use of piling would be less complex. Revised environmental assessments had been undertaken, and all expert consultees had responded without raising any concerns.

Members were also made aware that an almost identical scheme was granted permission in 2007 – although this had now lapsed. The application was a minor amendment to help bring forward a major mixed scheme. The application was recommended to be minded to grant for the reasons set out in the report.

### **Public Speakers and Questions**

- (4) Mr Powell and Professor Watts spoke in objection to the application in their capacity as local residents. They stated that the car parks would be in the wrong place, and some residents would have to walk approximately 250 metres. The ecology of the Marina would also be destroyed, and access for the disabled would not work, and residents would be disturbed continuously by noise. The scheme was not sustainable, and the provision of photovoltaic panels had been removed from the application. The 40 storey building would tower over the Marina and the application would mean the loss of 80 berths. The original 2006 permission was not considered of a high enough standard, and the situation had changed affecting the engineering – this could leave the wave wall vulnerable. Questions were raised in relation to the Council's powers to determine planning matters at the Marina.
- (5) Councillor Davey asked for more information on what had changed that might affect the engineering. In response Professor Watts explained that the traffic was extremely congested, and the ramps were not adequate for this. Councillor Davey went on to ask about the risk to ecology, and it was explained that there were starlings that roosted under the West Quay public house that would be affected; as well as cockles and sand shrimp. The ecology of the inner harbour was also at risk as the changes could affect the sluice gates and consequently if they became blocked the anaerobic conditions in the inner harbour could change encouraging the growth of algae, and potential increase in bad odours.
- (6) Councillor Robins asked for more information in relation to a document shown in the objectors' presentation. In response the Senior Solicitor explained that the Brighton Marina Act gave the Council reasonably to determine planning applications within the Marina; there were various other consents that the applicant would or may need to apply for, but a separation of the Council as the planning authority and the Council corporately were noted.
- (7) Councillor Mears spoke in her capacity as the Local ward Councillor, and stated that permission had been granted in June 2006 at a special meeting of the then Planning Applications Sub-Committee. The application would create 3 levels of underground parking that would be visible at low-tide as a large concrete wall, and would not enhance the Marina. The report did also not address the changes to the sustainability measures and the removal of earlier features of the scheme that made it a 'green project'. The scheme had also changed in terms of affordable housing and the 3 bed family units no longer formed part of the scheme. Councillor Mears concluded by stating that she did not consider this application to be a minor amendment.
- (8) Mr Goodall and Mr Towner spoke in support of the application on behalf of the applicant. They stated that in 2007 an identical application had been approved, but this had lapsed in 2010; the application did not seek to introduce additional car parking or look different, but brought the car parking forward to make the scheme more viable. The

whole scheme had been put on hold 5 years ago, and this would kick start it and deliver some of the s106 monies upfront. There had been work undertaken to look at both physical and mathematical models, and this had demonstrated that the piled structure on the spending beach was better as it was more porous and would create less wave deflection. It was also stated that the issues in relation to ecology highlighted by the objectors were incorrect.

- (9) Councillor Hyde asked about the water circulation, and for further details to give assurance. In response Mr Towner explained that the coffer dams would not block any of the sluice gates; if there was water level difference water would flow into the inner harbour and ensure a flow of water; there would not be the changes to the conditions as suggested.
- (10) It was confirmed for Councillor Cobb that the applicants had called the piles 'porous' to mean the gaps between them, rather than the actual materials.
- (11) Councillor Davey asked how the application made the scheme more viable, and in response Mr Goodall explained that the units would be more marketable as they could be sold with the parking spaces. It was also highlighted that, following more tests and subject to approval of the scheme, the applicant would be ready to commence with the new permission in September 2013.

#### **Questions for Officer and Decision Making Process**

- (12) The Major Projects Officer highlighted that the amended plans were submitted at her request to help clarify some minor matters of discrepancy. The photovoltaic panels had been removed as they were no longer required to meet the sustainability standards. There would also be no loss of berths as they would be relocated where there was spare capacity.
- (13) Councillor Gilbey asked about different levels of traffic, and it was explained that the transport assessment had shown the proposed changes would lead to a reduction in the estimated use; monitoring had also been undertaken to provide evidence that traffic levels at the Marina had changed little in recent years.
- (14) In response to series of questions from Councillor Hyde the following response were given: there was no evidence to suggest that the harbour would need to be closed during construction, and this would be secured through a construction methodology condition. The Sustainability Officer was satisfied with the proposals in the report, starlings were not endangered by the scheme, and the construction was not under the West Quay public house where they nested. The Senior Solicitor covered the response in relation to Marina Management Organisation under the Marine and Coastal Access Act 2009, and explained that the two regimes operated in parallel and the applicant would need to apply to the MMO for a licence; this did not affect the powers of the Council in relation to the Town and Country Planning Act. Lastly in relation to concerns about the visible concrete wall it was acknowledged that this would be visible at lower tide, but it was considered acceptable in the context of the other visible concrete walls at the Marina.

- (15) It was confirmed for Councillor Cobb that there had been 4 deeds of variation to the s106 agreement since the 2006 permission; these had all been dealt with under delegated powers.
- (16) A vote was taken and planning permission was granted on a vote of 8 to 2 with 1 abstention.
- 192.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the Conditions and Informatives set out in the report.

**Note:** Councillor Bowden was not present during the consideration and vote on this application.

**C. BH2013/00245 - Land Adjoining 10 New England Road and rear of 53 New England Street, Brighton - Full Planning Permission**

Temporary change of use of land for 5 years from scrap metal yard to residential and the erection of 36 containers in one block of 5 containers in height and one block of 3 containers in height for use as individual dwelling units.

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

**Presentation from Officer(s)**

- (2) The Senior Planning Officer, Guy Everest, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to an open yard used for storage and vehicle parking, and temporary consent was sought for 5 years for 3 to 5 storey blocks of self-contained residential units with internal shower rooms and balconies – constructed from shipping containers. The accommodation would be provided by Brighton Housing Trust (BHT), and the 5 year consent would help to alleviate short term housing needs without prejudicing development in the London Road area. Sussex Police had not raised any issues in relation to crime prevention, and it was noted condition 5 had been amended in relation to the railings and the gate to New England Road. The development was considered appropriate in this location, and the nature of the use would not create harm to amenity. Condition 4 in the application asked for more information on the colour of the units, and there was an additional condition recommended in relation to a walking and cycling plan. The application was recommended for approval for the reasons set out in the report.

**Public Speakers and Questions**

- (3) Mr Humphris spoke in objection to the application in his capacity as a local resident. He stated that he was not opposed to the scheme, but did not feel the application was sustainable, and it could constitute 'planning by stealth' and there was concern that after the five year period an application for a permanent arrangement would come forward. There would be a loss of privacy as the units had windows at each end of the

converted containers, and it was felt the drawings did not represent the project properly. Furthermore nearby trees would have to be felled or heavily pruned, and there would be an overdevelopment of the site that the local infrastructure would not be able to cope with or support – there was also no way for ambulances or the Fire Services to get onto the site. There was also no elevator access to the upper floors, and there was not enough information on sound insulation.

- (4) Mr Labrum spoke in support of the application on behalf of the applicant. He stated he worked for BHT and the organisation already had a substantial amount of housing in the city; however, there was an issue with moving people from temporary to permanent accommodation. This temporary solution would help to alleviate this problem over the next few years; there was no intention to take the site beyond the 5 year consent, and it was envisaged this could help over 100 homeless people.
- (5) Councillor Davey asked for more information on the background of the people who would be using the accommodation. In response it was explained that there were projects across the city, and they would be used for people who had been with the Trust for 6 – 18 months and were more ready to move on. They would be well known to the Trust and would continue to be supported in the accommodation.
- (6) Councillor Hawtree asked about potential noise from the recycling bins in the neighbouring yard, and in response it was explained that they would be moved away from the site and inside an existing warehouse.
- (7) Mr Labrum confirmed for Councillor Jones that there were no plans that would affect the trees.
- (8) Councillor Bowden asked for more information on how else the units had been used, and in response Mr Labrum explained that there were coming from Holland where they had been used as student accommodation. At the beginning of the project there would be a dedicated member of staff present on the site for half of the week, and once things had bedded down there would be weekly meetings on site.

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

- (9) Councillor Hawtree asked for any comments from the Committee in relation to potential colour of the units. Members felt this could be considered when they were in situ, and the existing colour known.
- (10) Councillor Carden welcomed the scheme and wished it every success.
- (11) Councillor Robins stated that this type of scheme might help to deter crime in the area generally.
- (12) Councillor Carol Theobald concurred with others comments and felt this was an excellent idea, and the area was suitable.
- (13) Councillor Gilbey welcomed the proposals, and felt the colour could be determined when the units arrived.

- (14) Councillor Bowden welcomed the scheme, and commended BHT for finding creative solutions.
- (15) Councillor Hawtree noted he welcomed the application particularly the use of pre-fabricated buildings.
- (16) A vote was taken and planning permission was unanimously granted.

192.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report, and the amended and additional conditions set out below.

i. **Condition 1 amended reason to read:**

**Reason:** The planning permission is not suitable as a permanent form of development and to comply with policies HO2, HO3 and HO4 of the Brighton & Hove Local Plan; policy WMP 6 of the East Sussex, South Downs and Brighton & Hove, Waste and Minerals Plan; and policy DA4 of the Brighton & Hove Submission City Plan Part One.

ii. **Amend Condition 5 to read:**

No development shall commence until details at a 1:20 scale of external doors, windows, balconies, stairways, walkways and railings and gate to the New England Road frontage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

iii. **Additional Condition:**

15. No development shall take place until a Travel Plan for the development setting out measures to promote walking and cycling has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be subject to annual review, which should include regular monitoring of the use and need for additional cycle parking spaces. The Travel Plan shall be implemented in accordance with the approved details and in accordance with details submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage sustainable travel and to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.

### **Minor Applications**

#### **D. BH2012/03222 - 5 Roedean Heights - Full Planning Permission**

Demolition of existing house and construction of 7 residential apartments with new access from Roedean Road.

#### **Presentation from Officer(s)**



- (1) The Area Planning Manager, Zachary Ellwood, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and an artist impression. Information was highlighted on the Late List and it was noted that since the publication of the agenda the applicant had lodged an appeal to the Planning Inspectorate against non-determination and the Committee were asked to give an indication of their view had they been in a position to determine the application; as such the recommended had been changed to 'minded to refuse'. The application was for the construction of 7 flats, and the site abutted the boundary of the South Downs National Park (SDNP). The applicant had submitted drawings to indicate that the proposed development would serve as a transition line between the house to the east and the larger development to the west – Ocean Heights. The proposals would be for access from both Roedean Heights and Roedean Road to the south – this would involve cutting through the bank, and included an underground car park. Contextual elevations were used to show the difference in height between the proposals and Ocean Heights to the east, and the house to the west. The applicant had submitted photomontages to show that the visual impact reduced the further way from the development.
- (2) It was noted that the character of Roedean Heights was very different from Roedean Road, and consisted of 5 large detached properties, and Officers were concerned that this application would impact on the distinctive character of the road. Furthermore the scale and bulk failed to address the area, and it was felt the development would harm views from the SDNP. The principle of the new access was acceptable, but the applicant had not been able to submit sufficient details to suggest that the access would not harm the area. Finally it had not demonstrated that the proposed development would meet required levels of sustainability, and Officers were not satisfied this could be done without redesign. The application was recommended to be minded to refuse for the reasons set out in the report, and the amended reasons on the Late List.

### **Public Speakers and Questions**

- (3) Mr Copping spoke in objection to the scheme on behalf of local residents and the residents association. He was aware that CJ Planning had submitted a representation against the application, but they were unable to attend and he would be speaking on their behalf. The development would have a detrimental impact on surrounding and adjoining areas, and the character of Roedean Heights was residential with family sized dwellings; flats would be an exception to this. There was concern in relation to highway safety and the Committee were asked to support the Officer recommendation.
- (4) Councillor Mears spoke in her capacity as the Local Ward Councillor. She stated that the previous speaker had covered many of her own concerns, and she noted that the application just fell short of the number of units necessary for affordable homes. The access to Roedean Road was considered dangerous, and would be a concern for pedestrians as the entrance cut through the bank.
- (5) It was noted that the applicant's agent had registered to speak in support, but was not present at the Committee meeting.

### **Questions for Officers, Debate and Decision Making Process**

- (6) Councillor Hyde noted there had been reference to Ocean Heights, and she noted the distinction between Ocean Heights on Roedean Road, a busy road, and the proposals on Roedean Heights a small road with a few detached houses. She stated she would support the Officer recommendation.
- (7) Councillor Carol Theobald stated she thought the proposals were more unacceptable than Ocean Heights.
- (8) Councillor Hawtree stated he was not averse to mixture of styles, but did not feel this was appropriate given the setting.
- (9) A vote was taken and planning permission was minded to refuse on a vote of 10 to 1.

192.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to be **MINDED TO REFUSE** planning permission for the reason set out below.

- i. The scale, bulk and appearance of the proposed building is excessive, fails to respect the immediate and wider context of the application site, and would appear as an incongruous addition to the area, out of keeping with the prevailing character of the locality. The proposal would harm strategic views from the South Downs National Park to the north of the site, and from Marine Drive to the south / east of the site. The proposed development would create a more built up or 'urbanised' edge to the National Park boundary by itself and in conjunction with Ocean Heights, in contrast to the existing dwelling and neighbouring dwellings along Roedean Heights which provide a less intrusive and developed boundary to the urban area. The proposal is therefore contrary to policies HO4, QD1, QD2, QD3, QD4, NC7 and NC8 of the Brighton & Hove Local Plan.
- ii. The proposed building would have an overbearing impact and create a sense of enclosure when viewed from the dwellings and gardens to either side. Increased overshadowing of neighbouring dwellings and garden areas would also be caused. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
- iii. The information submitted regarding the proposed underground car park, vehicular access and any clearing and regrading works required to provide clear sight lines, is incomplete and in parts contradictory. The applicant has failed to demonstrate that these elements of the proposal would result in an acceptable appearance and would not cause an increased highway safety risk. Furthermore the required ground works could result in unstable land and no technical information such as details of retaining walls has been submitted. Based upon the information submitted the proposed development is therefore contrary to policies QD1, QD2, QD3, QD4, SU8 and TR7 of Brighton & Hove Local Plan.
- iv. The proposed development would not provide a level of sustainability which would adequately address the requirements of policy SU2 of the Brighton & Hove Local Plan and the guidance set out in SPD08 'Sustainable Building Design'. Sufficient justification

has not been provided to demonstrate that the level of sustainability recommended in SPD08 could not reasonably be met.

**Note 1:** Councillor Ken Norman was not presented during the consideration and vote on this application.

**Note 2:** The application was referred to the Planning Inspectorate for appeal on the grounds of non-determination. The Committee were asked to express a view on the application had they been in the position to determine it.

**E. BH2012/03673 - Blocks A & B, Kingsmere, Brighton - Full Planning Permission**

Erection of additional storey to Blocks A and B to create 8no flats with private roof gardens, with associated additional car parking and cycle storage.

(1) A vote was taken a planning permission was granted on a vote of 7 in favour with 2 abstentions.

192.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the completion of a s 106 Obligation. Conditions and Informatives as set out in the report, and the additional condition below:

- i. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the construction of the cycle storage has been submitted to and approved in writing by the Local Planning Authority. This should provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement. **Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

**Note:** Councillors: Carden, Ken Norman and Carol Theobald were not present during the consideration and vote on this application.

**F. BH2013/00162 - Plinth, Kings Esplanade, Hove - Full Planning Permission**

Erection of stone clad plinth with surrounding paving at base, incorporating lighting scheme set flush in ground & on plinth for use to display sculptures & art.

**Presentation from Officer(s)**

- (1) The Area Planning Manager introduced the application and gave an introduction by reference to plans, photographs and elevational drawings. The proposals were for a plinth to exhibit art pieces that would change periodically. The plinth would have stone

cladding; with granite sets and appropriate up-lighters. The actual height of the plinth would approximately the height of the beach huts.

### Questions for Officers, Debate and Decision Making Process

- (2) It was confirmed for Councillor Cobb that the plinth would have a suitable anti-graffiti treatment. Officers also noted that they could add an informative in relation to relocation of a nearby waste bin.
- (3) It was confirmed for Councillor Gilbey that the permission was just for the plinth; pieces of art would each need to be the subject of separate applications, and these would be either be delegated or committee decisions based on the number of representations.
- (4) Councillor Hawtree noted he welcomed the application.
- (5) A vote was taken and planning permission was unanimously granted.

192.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reason for the recommendation, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report, and the amended informative set out below.

i. **Amended Informative 2. to read:**

The applicant is reminded that the display of structures and works of art upon the plinth hereby approved is operational development and that separate Planning Consent will be required either individually or for a programme of display.

**Note:** Councillors Bowden, Carden, Ken Norman and Carol Theobald were not present during the consideration and vote on this application.

### G. **BH2012/03252 - 150 Ladies Mile Road, Brighton - Full Planning Permission**

Demolition of garage and outbuilding in garden to North side of existing bungalow and erection of new two storey detached dwelling.

- (1) A vote was taken and planning permission was granted on a vote of 8 in favour and 1 against.

192.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

**Note:** Councillors Carden, Ken Norman and Carol Theobald were not present during the consideration and vote on this application.

### H. **BH2012/02173 - 39 Upper Gardner Street, Brighton - Full Planning Permission**

Change of use from retail (A1) to café (A3) on lower ground, ground and first floors and retrospective change of use from café (A3) to office (B1) on second floor and replacement of ground floor sliding doors and fenestration above.

### **Presentation by Officer(s)**

- (1) The Area Planning Manager introduced this application and gave a presentation by reference to plans, photographs and drawings. It was also noted that the 'Argus' (a local newspaper) had incorrectly reported that Councillor West had objected to the scheme. The premises was a converted warehouse where the previous business had failed, and the principle of the loss of employment was already in place. The application proposed office space on the second floor, and a café on the ground and first floors with ancillary use in the basement, more appropriate traditional entrance doors would be installed at the front. The loss of the retail space was not contrary to policy and the site was not located within the regional shopping centre. The application gave more flexibility and was recommended for approval for the reasons set out in the report.

### **Questions for Officers, Debate and Decision Making Process**

- (2) It was confirmed for Councillor Robins that the application sought to align the hours of activity with the premises licence, and no vertical drinking was to be permitted at the premises.
- (3) Councillor Jones expressed a concern about noise, and noted the premises had previously been a deli; Officers considered there were appropriate controls of noise in the licence.
- (4) Councillor Davey stated that the use was inappropriate, and the previous business had failed due to the inappropriate location.
- (5) A vote was taken and planning permission was granted on a vote of 8 in favour with 1 against.

192.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reason for the recommendation, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

**Note:** Councillors Carden, Ken Norman and Carol Theobald were not present during the consideration and vote on this application.

### **I. BH2012/04042 - 121-123 Davigdor Road, Hove Full Planning Permission**

Change of Use of part of car park to hand car wash (Retrospective).

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

### **Presentation from Officers**

- (2) The Area Planning Manager introduced the application and gave a presentation by reference to photographs, and plans, attention was also drawn to the officer's report and the recommendation that temporary consent be limited to one year. It was noted that the car wash was already in operation and the application was retrospective. It was also noted that at the site visit it had been apparent that the activities were going on beyond the extent of the red line in the plans. There was also an existing enforcement notice in respect of the canopy, but this unauthorised canopy was not part of the application. The 1 year consent was considered proportionate to assess the traffic and amenity impact.

### **Public Speakers and Questions**

- (3) Mr Barnes spoke in opposition to the application in his capacity as a directly affected party. He stated he was a local trader and he and his staff used the retail park and noted the problems created by the car wash which made the area dangerous for pedestrians and cyclists. There was doubt expressed that the applicant would abide by planning conditions as the car wash had been in unauthorised operation for 2 years, and was operating outside of the proposed area; there was also a van used on the site for storage of materials. The operation of the car wash caused congestion, and sometimes created long queues to enter the site.
- (4) Councillor Davey asked for more information on the impact, and in response Mr Barnes explained that it impacted upon other people trying to use the retail park to the extent that it could take 15 – 20 minutes to gain access to the site.
- (5) Mr Collins spoke in support of the application on behalf of the applicant. He stated that the car parking spaces were available to be used as they had previously been used in conjunction with the adjoining office block; however, since a change of use at that premises only 4 of the spaces were required, freeing up the rest of the parking. As covered in the report sustainable transport had no objection to the use of spaces as they were surplus to requirement, and the applicant refuted the claims that the operation of the business caused increased congestion, or impacted on Davigdor Road. There was no policy objection, and the applicant was willing to accept the permission for one year.
- (6) Following a query from Councillor Robins it was explained by Mr Collins that he could not say for certain how many days each week the car wash operated.
- (7) Councillor Hawtree asked for information on why operation was taking place outside of the red line on the plans. In response Mr Collins explained that he was asked to proceed with the application within this line, and it would be necessary to monitoring the operation if granted.
- (8) Mr Collins confirmed for Councillor Gilbey that there were 20 unused spaces in the car park, but the application area requested the use of 8. Following a further query from Councillor Hyde it was confirmed the applicant leased the 8 spaces.
- (9) Councillor Hawtree asked if there was any arrangement with the use of the 'Wickes' (a nearby hardware supplier) car park, and in response Mr Collins said he was not able to comment.

- (10) Following a query from Councillor Carol Theobald it was explained that staff at the car wash were able to use the restroom facilities in the office block.

#### **Questions for Officers**

- (11) The Area Planning Manager confirmed that the hours of operation in the refused 2011 application were 08.00 to 18.00, and there was a leaflet on the case file with advertised 08.00 to 18.30 seven days a week.
- (12) It was confirmed for Councillor Hyde that the applicant had been operating since the 2011 application was refused.
- (13) In response to queries from Councillor Bowden it was explained that the canopy was the subject of a separate planning enforcement action and not part of this application, and the loss of the parking on the site had been alleviated through the change of use of the office building. In these circumstances Officers had not identified any material impact through the application, and there would be no grounds to refuse an application on the basis it was retrospective or that part of the site was the subject of an enforcement notice.

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

- (14) Councillor Hyde noted that the site had been operating since 2011, and at the site visit it had been clear that the car wash was operating outside of the proposed area. She expressed concern in relation to the proper management of the site, and said she could not support the Officer recommendation.
- (15) Councillor Cobb echoed the comments made by Councillor Hyde, and expressed concern that the Committee could be minded to grant an application that would not be a true reflection of the operation of the site.
- (16) Councillor Davey suggested that an additional condition be added, if granted, in relation to the hours of operation.
- (17) Councillor Bowden stated that he lacked confidence in the management plan.
- (18) Councillor Gilbey noted that she had reservations, but on balance she agreed that the Officer recommendation was appropriate, and she would support the application.
- (19) Councillor Carol Theobald stated that it was difficult to have faith that the site would be operated in line with the permission if granted.
- (20) Councillor Mac Cafferty noted that no pre-determination should be made on the application in relation to either the separate enforcement notice or the retrospective nature of the application; he echoed comments made by Councillor Gilbey, and stated he would support the Officer recommendation and seconded Councillor Davey's proposal to regulate the hours – suggesting they be 08.00 to 18.00.

- (21) The Deputy Development Control Manager endorsed the comments of Councillors Gilbey and Mac Cafferty, and stated that, if granted, any activity outside of the red line would be the subject of potential enforcement action.
- (22) Councillor Carden noted he agreed with the comments made by both Councillors Gilbey and Mac Cafferty.
- (23) A vote was taken and planning permission was granted on a vote of 7 to 3 with 1 abstention.
- 192.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report, and the additional condition set out below:
- i. The use hereby permitted shall not be open to customers except between the hours of 08.00 and 18.30 each day.
  - ii. **Reason:** To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.

**J. BH2013/00254 - Land to South of 32 Cambridge Grove, Hove - Full Planning Permission**

Erection of 1 no. 3 bedroom dwelling.

**Presentation from Officer(s)**

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. There were listed buildings in the immediate vicinity of the application site, and there was a detailed planning history of applications for dwellings on this site. The proposals were for a 2 storey building that would be sunken to give the impression of a single storey dwelling from the road frontage; the living accommodation would be on the ground floor with the bedrooms on the lower ground floor. It was noted on the elevational drawings that there was a fence that had been erected along the boundary wall without planning permission. The application also included a sedum roof, and it also noted there would be mutual overlooking between the proposed dwelling and the neighbouring building. Officers had concerns in relation to the loss of the historic gap, and although the applicant had sought to reduce the bulk of the dwelling, it was considered it would relate poorly to the wider area, and create a loss of character to the Conservation Area. The development itself would be overbearing, and result in a cramped form of development. Concerns had also been expressed in relation to the green wall, and how it would be maintained, and the dwelling would not comply with code level for sustainability. The application was recommended for refusal for the reasons set out in the report.

**Public Speakers and Questions**



- (2) Mr Phillips spoke in support of the applicant in his role as the architect. He stated that there was support for the scheme from 10 neighbours who felt it would enhance the area; there was also no objection from Environmental Protection or CAG. He felt this related well to the NPPF as it was the effective use of brownfield site, and he felt the position of the Heritage Officer was contrary to the advice of the appeal inspector. It was unlikely the scheme would result in a loss of light, and it would not overlook any of the neighbours as the house would only be 2.7 metres above ground level.
- (3) Following a query from Councillor Davey it was confirmed by Mr Phillips that it was his view the site was brownfield.
- (4) In response to Councillor Davey it was explained by Mr Phillips that his company had local experience of planting and maintaining green walls and roofs.

**Questions for Officers**

- (5) The Area Planning Manager noted that the planning authority were of the view that the site was greenfield, and, as such, would ask for code level 5 for sustainability.
- (6) Following a query from Councillor Mac Cafferty it was noted that Officers believed there were buildings in the gap as the other end of the terrace on Cambridge Grove, but this had been part of the original development of the whole mews. and it had been the position of the Council to resist development on this site for a number of years due to the preservation of the gap in the Conservation Area.
- (7) Councillor Bowden noted that the site currently looked derelict and was minded to take the applicant's view that it was a brownfield site.
- (8) Councillor Hawtree suggested that the item be deferred to allow a site visit to take place.

192.10 **RESOLVED** – That the application be deferred to allow a site visit to take place.

**K. BH2013/00500 - 119 Portland Road, Hove - Full Planning Permission**

Erection of 1no. three bedroom dwelling house.

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

**Presentation from Officer(s)**

- (2) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application sought to infill the garden, and retain a small forecourt for the attached building; the building would be set in from the rear boundary. The application would require the removal of an attractive bay window; the loss of a terrace area, and the removal of plant/equipment to a less suitable location. The proposed dwelling would be a 2 storey, flat roof building, and gave the impression of a squat building that would be inappropriate with the surrounding area. There would be no windows in the east

elevational, and therefore no concern in relation to overlooking. Officers were concerned that this development would impact of the neighbouring buildings, and create a heightened sense of enclosure – especially in the neighbouring garden. It was acknowledged that this was an efficient use of the gap, but any proposal had to be appropriately contextual, and it was felt the proposed did not relate well. There would be harm through: the relocation of the plant equipment and impact of the neighbouring amenity, and the proposed garden size was considered to be inadequate. For the reasons set out in the report the application was recommended for refusal.

### **Public Speakers and Questions**

- (3) Councillor Cox spoke in his capacity as the Local Ward Councillor. He stated that an extension had been built in the past for the popular convenience store, but the viability of the store had been undermined since permission had been granted for a nearby 'Sainsburys'. He had canvassed local views about the application and found that the majority of residents were in favour of the scheme; the scheme would be appropriate for the area. There was an acceptance of the impact on the amenity of the neighbouring property, but the design had been such to help mitigate this. Councillor Cox asked the Committee to support the application.
- (4) In response to Councillor Hawtree it was explained by Councillor Cox that the gap had been lost in the property across the road.
- (5) Mr Lumba spoke in support of the application in his capacity as the applicant. He stated that he was the owner of the adjoining building and had lived there for 25 years, and his business had been affected since the opening of the 'Sainsburys'. He noted that similar designs had been constructed in the area, and the design attempted to echo the surrounding area. Every effort had been made to prevent impact, and the design had been set in at the rear. The design was not unsympathetic, and would not stand out more than any other building, and there were letters of support from neighbours. The proposals would provide good family accommodation; close to local amenities.

### **Questions for Officers**

- (6) In response to Councillor Mac Cafferty the footprint of both the proposed dwelling and the existing building were given.
- (7) Councillor Bowden asked if there were any windows overlooking from the neighbour on Rutland Road, and it was confirmed there were none, the building would be set up against the boundary and the affected property had submitted a letter of objection.
- (8) It was confirmed for Councillor Hawtree that there would be a garden at the ground floor and a terrace at the first floor.
- (9) Using photographs it was confirmed for Councillor Mac Cafferty the potential impact on the street scene.
- (10) In response to Councillor Gilbey it was explained that the existing yard for the shop would be lost in this application, and Officers were concerned about this loss.

**Debate and Decision Making Process**

- (11) Councillor Cobb stated that she felt sympathy for the applicant in relation to impact on his business, and the design was quite fitting and matched the previous extension. It was confirmed by Officers that they considered the loss of light was significant to cause material harm, and it was considered the proposals were unneighbourly.
- (12) Councillor Jones noted that he felt the application fitted with the street scene, but he noted the impact on the neighbouring garden and stated he would support the officer recommendation.
- (13) Councillor Mac Cafferty stated that he was not convinced that the design was compelling.
- (14) A vote was taken and planning permission was refused on a vote of 6 in favour with 2 abstentions.

192.11 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to **REFUSE** planning permission for the reason set out below.

i. The proposed dwelling, by virtue of its design, scale and siting, relates poorly to the adjacent properties and to the host property and would stand out in the street scene as an incongruous and unsympathetic addition. The proposed dwelling is therefore considered overdevelopment of the site and would look out of character with the existing residential development in the area. For this reason the development is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.

ii. The scheme proposes relocating existing plant to the side elevation of the property fronting Rutland Road and the removal of one of the rear first floor windows. These alterations would significantly detract from the appearance of the host property and would stand out in the street scene as unsympathetic alterations. The scheme is therefore considered contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.

iii Due to the position and bulk of the proposed dwelling, the proposal would result in a significant loss of outlook, light and a heightened sense of enclosure to the residents of 117A Portland Road. The proposal would therefore lead to an unacceptable material loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

iv The scheme does not include suitably sized outside private amenity areas which would be appropriate for a family sized dwelling. The scheme is therefore considered contrary to policy HO5 of the Brighton & Hove Local Plan.

v. The ground floor bedroom would suffer severe lack of privacy or have limited light and outlook if blinds or curtains were constantly drawn to the window serving the bedroom

in order to maintain privacy. The lounge area also has limited outlook and light with one window facing south. Having regard to the above, the scheme is deemed to result in an inappropriate standard of accommodation and is contrary to policies SU2, QD2 and QD27 of the Brighton & Hove Local Plan.

**Informatives:**

i In accordance with the National Planning Policy Framework the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

**Note:** Councillors Carden, Davey, Ken Norman and Carol Theobald were not present during the discussion and vote on this application.

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

193.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
Application J: BH2013/00254 Land to South of 32 Cambridge Grove, Hove	Councillor Hawtree

**194. APPEAL DECISIONS**

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

**195. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**196. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**197. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

198.1 That the Committee notes the details of applications determined by the Executive Director, Environment, Development and 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 and Housing. The register complies with legislative requirements.]

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

The meeting concluded at 8.27pm

Signed

Chair

Dated this

day of



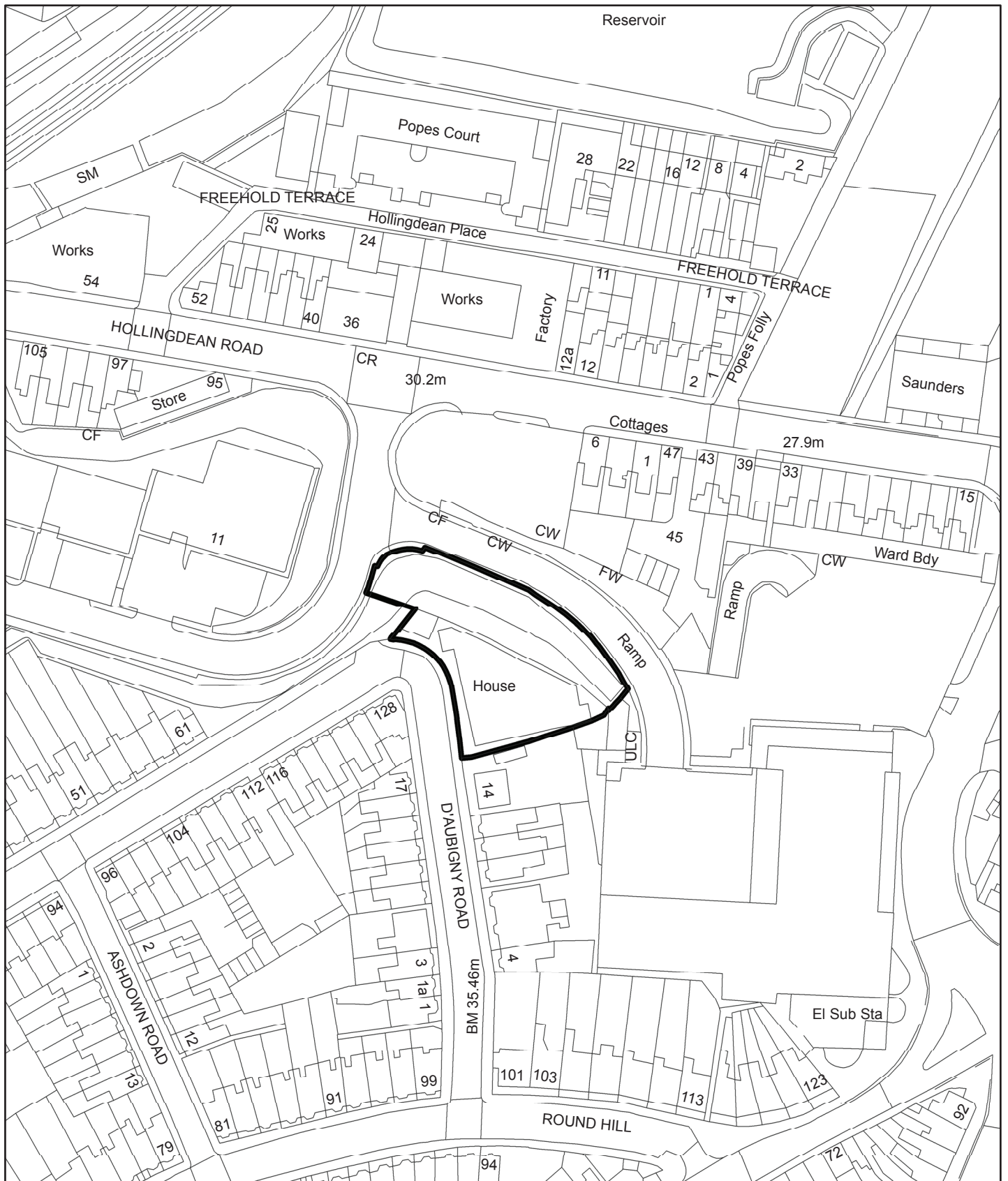
**PLANS LIST  
ITEM A**

**Richmond House, Richmond Road, Brighton**

**BH2013/00197  
Full planning consent**

**15 MAY 2013**

# BH2013/00197 Richmond House, Richmond Road, Brighton.



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2013/00197</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Richmond House, Richmond Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing 2no storey building and construction of 1no three storey building and 1no five storey building providing 144 rooms of student accommodation, with associated ancillary space, 186 cycle spaces, removal of existing trees, landscaping and other associated works.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	15/02/2013
<b><u>Con Area:</u></b>	Adjacent to Round Hill	<b><u>Expiry Date:</u></b>	17/05/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Mr Andrew Lambor, The Agora, Ellen Street, Hove		

## 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 reasons set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site (approximately 0.16 hectares) is located on the eastern side of D'Aubigny Road, at the eastern end of Richmond Road and on the southern side of the existing Service Road, accessed via Hughes Road, which provides private access to the rear of the Lewes Road Sainsbury's. The Service Road and the eastern end of Hughes Road is set at a much lower level than Richmond Road/D'Aubigny Road as a result of the topography within the area. A steep embankment is located in the northern section of the site, between the existing office building and the service road/Hughes Road. The service road is located on a west to east gradient whilst Hughes Road has an east to west gradient as it progresses into the adjacent Industrial estate.
- 2.2 The site is currently occupied by a 2 storey, white rendered, office block of a 1920s/1930s style with associated car parking area, set within a triangular plot, with the steep embankment to the north. The main frontage of the existing building fronts onto Richmond Road and D'Aubigny Road whilst the rear elevation fronts onto the adjacent service road, albeit at a raised level.
- 2.3 Richmond House lies immediately adjacent to the Round Hill Conservation Area. Within the Conservation Area and immediately in the vicinity of the site are some 2 storey rendered terraced houses with pitched roofs, set behind small forecourted gardens with rendered boundary walls.
- 2.4 The area to the north of the site, which is set at a much lower level, comprises a new part 2, 3, 4 and 5 storey flat development and historic two storey terraced

houses, which front onto Hollingdean Road. Centenary Industrial Estate is located to the north-west of the site and contains modern warehouse style buildings.

### **3 RELEVANT HISTORY**

**BH2002/00897/FP:** Alterations to window arrangement to north elevation. Approved 28/05/2002.

**BH1997/01565/FP:** Alterations and extensions to premises comprising rendering over brickwork first floor infill extension to provide ladies WC. Two storey extension to front to form new stairwell, entrance and ramp, and creation of new parking facilities. Approved 06/01/1998.

**95/1307/FP:** Change of use of first floor from storage and premises to health club and gymnasium. Refused 09/01/1996.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing office building (use class B1), the excavation of part of the existing embankment and the erection of two new buildings to provide 144 rooms for student accommodation (use class Sui Generis) with associated ancillary space, cycle storage, removal of existing trees, landscaping and other associated works.
- 4.2 Building 1 would be excavated into the existing embankment and would front onto Hughes Road/Sainsbury's Service Road. This 5 storey building would comprise 129 studio/self-contained units, including 5 accessible units (all with their own en-suite, dining and kitchenette areas). A lift would be provided to each floor level. A reception area, office/security room, laundry room, plant room, guest WC, common room and area for the storage of 186 cycles would be provided at ground floor level. A refuse store, accessed externally, would be provided at 2<sup>nd</sup> floor, which would be level with Richmond Road/D'Aubigny Road. The main entrance to this building would be from the corner of Hughes Road, with secondary entrances on the service road frontage at ground floor level and the Richmond Road/D'Aubigny Road frontage at second floor level.
- 4.3 Building 2 would front onto D'Aubigny Road and would be 3 storeys in height. This building would contain 3 cluster flats, each containing 5 en-suite bedrooms with shared kitchen/dining/sitting room facilities. The only entrance to this building would front onto D'Aubigny Road.
- 4.4 3 car parking spaces are proposed between the buildings at the Richmond Road/D'Aubigny Road level.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

- 5.1 **Neighbours: 141 (One Hundred and Forty One)** letters of representation objecting to the proposal have been received. The address details are annexed to this report (Appendix 1). The objections are for the following reasons:-  
Design/Visual Amenities

## PLANS LIST – 15 MAY 2013

- The proposed building is poorly sited and is not in keeping with the residential buildings due to both its excessive height and materials of construction, which are completely out of character and will be very jarring to the eye,
- The development is in the middle of a Conservation Area. The Council upholds this at present with rigour to the extent that doors and windows can only be replaced following strict rules. Residents uphold and support these rules as supportive of the special and historic character of the area. The approval of a massive modern accommodation block, three times the size of the current building, would totally dominate the area while being completely out of keeping with it and would render the Conservation Area rules farcical. Any residential property with direct frontage onto these roads (Richmond Road and D'Aubigny Road) should be subject and included within this parameters to maintain the integrity of the Conservation Area,
- Adds nothing positive to the Round Hill Conservation Area,
- Understand the development itself is not in the Conservation Area but since it will have such a large impact on the surrounding streets it should complement the existing buildings. Overall mass of the proposed design is far too big in scale and height to front onto the Conservation Area. The design does not “demonstrate a positive contribution to the local characteristics” (policy QD1) of Round Hill. It is three storeys high (higher than the street elevations around it) and will be constructed in blue/grey brick with aluminium windows when the vast majority of houses are finished in render with sash style windows. Round Hill is a Conservation Area and has “street elevations (which) are remarkably intact and devoid of 20th Century re-development” and is a “visually cohesive neighbourhood (which) retains uniform heights of 19th Century terraces and villas” (BHCC Round hill Conservation Area Character Statement),
- The proposal will result in the loss of significant local vistas from within Roundhill towards the South Downs National Park, which is recorded in ‘Document 21 Roundhill Neighbourhood Study’ prepared by Brighton & Hove City Council. Views to the South Downs are an important part of the area, the elevated building will destroy and obliterate these current views and irreparably damage the feel of the Conservation Area,
- The scale of the proposed development is completely out of proportion with the mixed residential character of the neighbourhood of today. Despite the larger of the two buildings being just outside the Conservation Area, the sheer size, height bulk and mass of the building would clearly be harmful to the existing and adjoining houses within the Round Hill Conservation Area. The three storey building would be wholly within the Conservation Area. The surrounding and adjacent buildings are all two storey and of a domestic scale and proportion unlike the proposal which is more akin to a commercial office building,
- There is a cohesive street elevation throughout Round Hill which retain the 19th Century character of the street and this will be compromised by the new development in terms of both scale and appearance,
- The proposal does not demonstrate a positive contribution to the local characteristics of Round Hill either in appearance, use or size. The proposed design shows no sensitivity to the special characteristics of the Conservation Area which it adjoin or for the impact it will have on it,

- The impact on the streetscene for local houses will be enormous, looks like a massive building even if some of the storeys are sunk into the hillside,
- The design is clearly aimed at maximising the number of students per square metre to a level that is way beyond the current neighbourhood's residential housing population density, which is already high,
- The appearance and size of the buildings is so dominant, dwarfing the houses in D'Aubigny Road,
- Will remove views into and out of the area,
- The Round Hill Conservation Area both provides and derives from the gaps between the terraces. The long public views into the Conservation Area are special in relation to the City's heritage, since Round Hill's period architecture remains remarkably uninterrupted and intact. The views out of the Conservation Area between Richmond Road and D'Aubigny Road extend to Wild Park, Coldean Woods, Bear Road, Woodvale, Tenantry Down and beyond. However, these long views are also available to streets to the west (e.g. higher up Richmond Road) and dwellings to the south-west (e.g. Ashdown Road) of the site. Users of Richmond Road and D'Aubigny Road will find that valued long views are interrupted by the large increase in bland facades,
- Within the consultation documents for the City Plan the Council states that its preferred options for 'All housing, but particularly high density tall buildings, should be in regard to the local characteristics of the surrounding neighbourhood and should consider the setting of the historic, built and natural environment'. The current proposal will not meet this preferred option,
- The elevations are extremely bland, featureless and repetitive and no effort whatsoever has gone into producing an interesting or innovative design picking up any of the character of its surroundings. This is shown clearly in the image looking down Richmond Road where the front elevation is very large, expansive and has no detailing to break it up in complete contrast with the Victorian houses on the right hand side, and
- The character statement for Round Hill Conservation Area highlights how it is "notable for its hilly siting with long terraces of houses framing distant views of the sea to the south and of the downs to the east". There are a number of locations on its streets where such viewpoints can be gained and one of these is along Richmond Road. The development will be seen in full context of one of the outstanding views from the Conservation Area and will have a harmful effect on views within it.

## 5.2 Amenity

- Increased noise and pollution from vehicles coming and going. Will add to the severe air pollution problem in the area,
- The taller building would be sited on the edge of an industrial estate, do not feel is acceptable or makes for a pleasant place to live,
- Noise and disturbance. The quiet streets will no longer be so if 144 students are coming and going at all hours, including late night drinkers. The Roundhill area already has a number of students living in it and they are extremely noisy. There are lots of young families that live in the area; the students that live here now are having a direct impact on them. If a large

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block of student accommodation is built in the area this will undoubtedly lead to more families leaving and the area will become completely dominated by students,

- Communal areas fronting onto Richmond Road/D'Aubigny Road will increase noise disturbance as students are likely to gather outside to smoke and socialise. This will be particularly highlighted in the spring and summer months when longer days and better weather will allow for outdoor use longer into the evenings and at night.
- Impact on neighbours is a situation that has clear and well documented precedent in the form of the 'Brewery Halls' off Southover Street which has changed the dynamic of the area and blighted the lives of residents for a considerable period of time
- Residents and visitors will only have a small outdoor space at the top of D'Aubigny Road and over 60 windows look out onto Richmond and D'Aubigny Roads. Both these elements will add to noise and disturbance in what is currently a quiet residential area,
- The planned collection of refuse from all 144 students on D'Aubigny Road (a relatively small road which already gets overly congested) will add to disruption and nuisance,
- Extra intrusion, loss of privacy and overlooking to homes on east side of D'Aubigny Road from windows at the southern end of the main building,
- The un-necessary secondary entrance for Building 1 onto Richmond Road and D'Aubigny Road, giving 100+ students access into a quiet residential community for no obvious reason. Whilst the developers claim that the 129 rooms on Hughes Road will be accessed by an entrance there, it seems likely that many will prefer to use the alternative entrance onto D'Aubigny Road to get into town, go shopping and return from town late at night as this entrance would be more convenient. This will lead to considerable noise and disturbance. The present population of D'Aubigny Road is about 50 people, this proposal seeks to increase it to nearly 200, a massive and inappropriate change,
- Light pollution,
- There are lots of families living in the area due to being in close proximity of good schools and great outdoor space, children will be able to witness students smoking and most probably drinking on the proposed outdoor pavement area, which is an incredibly bad influence if not quite disturbing for them,
- Noise break out from open windows in 74 student rooms facing Richmond Road and D'Aubigny Road,
- The Council's Environmental Department has on record the results of previous Acoustic Surveys carried out in the area. The results clearly show how low the ambient sound levels are, particularly at night, in the area around the upper access level of the proposed complex. The sources of noise from the development would be unmanageable and residents would be deprived of the conditions required for reasonable resting and sleeping as stated in British Standard BS8233 and recommended by the World Health Organisation Guidelines for Community Noise,
- Fail to see how clauses 2.52, 2.54 and 2.58 of policy SU10 can be met by this potentially noisy development,

- Anti-social behaviour of students,
- Presumably the rooms would be let for other use during the summer vacation, again creating noise and constant flow of people,
- Round Hill has narrow streets and houses closely built, many having virtually no front patios. The proximity to the street means disturbances late at night make a huge impact in those sleeping in front bedrooms,
- The developer does not appear to be too concerned about the welfare of the students as some of the rooms will have next to no natural light. The outlook for residents accommodated within its two lower floors would be very bleak. To the south-east 79 of the buildings windows would look onto the truck and van service toad leading to and from Lewes Road Sainsbury's. To the south-west the first two floors will be below ground level so the windows offered for the student rooms at level 1 would be in light wells,
- This is a quiet residential area and the scale of the business previously run from Richmond House has not affected that however the scale of what is proposed can only have a severe negative effect on the nature of the area,
- There can be no useable amenity space on level 0 since the 5 storey building will rise up from an industrial estate,
- Will tower above new flats currently nearing completion to the north of Hollingbury Road causing significant overshadowing and loss of privacy to and overlooking of these new flats,
- Noisy foot traffic along D'Aubigny Road, and
- Over-shadowing of adjoining residents.

### 5.3 Transport

- The transport infrastructure of Round Hill just could not handle all the services and visitors which a development of this size would draw,
- Makes no sense to pretend that the provision of 186 cycle spaces on the ground floor of the 5 storey building will provide the perfect 'car-free development' which would reduce the impact on Round Hill. There is likely to be considerable 'comings and goings' at times when nobody would want to be out walking or cycling and when public transport options would be considerably reduced. Provision for cycle spaces is fine, but the assumption that all residents could or would want to ride a bicycle is flawed.
- The mouth of the Centenary Industrial Estate and the truck/van service road off it serving deliveries to and from Lewes Road Sainsbury's provides unacceptable access onto pedestrian and cycle routes and networks,
- Provision for all other types of transport infrastructure would depend on Round Hill, the Richmond Road entrance at level 3, which the developer describes as "a secondary entrance, primarily for staff use",
- A true car-free development would be able to describe a safe and pleasant access for pedestrians and bicycles.
- The proposed cycle parking provision is not large enough, which would result in many cycle being chained to various railings, fences and lampposts, causing yet another obstacle for pedestrians, particularly wheelchair users, people with disabilities and parent/carers with buggies/prams,

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- Increased traffic of resident and services will put excessive strain on the narrow access roads,
- Will add to the existing parking problems in the area, especially at night. The new parking regulations for the area will already reduce the number of spaces currently available to residents in an already congested area. The little local streets will simply not be able to cope with the kind of access requirements that such a large development will inevitably incur, particularly as it will offer no parking solutions of its own whatsoever,
- There is no parking or waiting near the entrances in Hughes Road so all related traffic would attempt to use D'Aubigny Road. Cars trying to deliver/collect students simultaneously, such as at the beginning/end of term, in a road with no parking and no space to double park will cause congestion, pollution and disturbance,
- The plans do not address traffic flow and parking at the beginning and end of term the document in the application refers to students attending the university of Northumbria,
- Increased traffic would effect safety of children in area who regularly cross the road,
- Possible damage to parked cars from increased traffic movement in area,
- The main entrance from Hughes Road to the 5 storey building would not be suitable for people or bicycles as it is too steep. There is no waiting or parking facility near it and it is immediately adjacent to Sainsbury's lorry entrance and the entrance to the Industrial Estate,
- Neither of the building entrances provide vehicle waiting areas for taxis or parking facilities for visitors and it is unrealistic to assume that public transport will suffice,
- The autumn arrivals at other hall of residents with much better access roads often have to be staggered and even then the roads are grid-locked for hours,
- Although labelled a 'car-free' development many students would bring cars. Cannot see how something in a tenancy contract to prevent students bring a car will be policed. The area is already likely to be subject to a CPZ. Whilst the parking restrictions would be from 9am to 8pm the parking problem occurs when returning home after 8pm, this problem is likely to be exacerbated with more cars being parked after 8pm,
- D'Aubigny Road and Richmond Road effectively form a cul-de-sac, with all the existing parked cars the road space is quite narrow. Hollingdean Road is a horrible narrow hill filled with lorries and dustcarts. It is not safe cycling territory now, let alone when an extra 150 bikes have to use it,
- This is a quiet mainly residential area, especially since the vehicle 'rat run' from Ditchling Road via Richmond Road was ended by stopping access down Richmond Road. This has reduced traffic through Richmond Road, D'Aubigny Road and Roundhill Crescent. The proposal would increase traffic cut-through,
- The lower entrance on Hughes Road/Sainsbury's delivery road clearly could not be used in any way for parking or waiting as parking on this category of industrial land is limited to operational use only,
- Additional pressure on the bus service in the area which is already at saturation point due to the numbers of students in the area using the bus

service to travel to the Universities. Students will continue to use the no. 28 and 29 services which travels onwards out of the City. Presently those trying to travel on these routes are unable to guarantee arriving at their destinations on time as the buses are full, due to the sheer number of students. This will only get far worse if an additional 144 students are to be housed in the area,

- Cannot see need for something like 180 bicycle spaces for 142 [sic] students when the University of Brighton is only a few minutes walk away and there are good bus services to both Universities and into the City Centre,
- The development does not take into account the safety issues of students cycling to the area from Lewes Road and Upper Lewes Road, roads which are not very safe. Concerned that the applicant seeks to encourage all 144 students to use their cycles, they will most certainly hit the vogue gyratory which is a hotspot for cycle collisions,
- Previous businesses in Richmond House have had their own dedicated off-road parking spaces. The proposal replaces all that space with buildings whose occupants will produce a greater on-road parking demand,
- Parking standards SPGBH4, restricting motor vehicle use on the Centenary Industrial Estate to “operational”, make it an unsuitable site for any residential development,
- The trip generation quoted bares no relation to reality and the history of the site over the years. The car park was rarely full when the building was occupied so all the theoretical trips quoted never happened,
- The transport statement has taken no account of the fact that Roundhill residents were recently consulted on a residents parking scheme and have voted for it,
- There is no point monitoring the on-street parking after permission has been granted as suggested as it will be too late afterwards to put other measures into place, and
- The proposal does not offer sufficient space for disabled parking on the only level where this would be possible, i.e. within the Round Hill. Several bays could be needed for a development this size. Given that there will still be pressure on parking in Round Hill after the CPZ is implemented, it would be quite a challenge to prevent non-blue badge users from temporarily occupying disabled bays,

#### 5.4 Other

- Already a high number of students occupy properties in area. The quiet area has always had a nice mix of families, students, single professionals etc, the proposal would result in an imbalance/disproportion and would irrevocably and detrimentally alter the residential character of the quiet residential area. If allowed it could transform this area and make it an unwelcome environment to live in,
- 144 additional people to the area is more than enough, any more than 1 person per room will certainly be too many for the area,
- The current area is mixed residential with many families and some houses converted into HMOs occupied by students. The students living in a residential area learn how to get on with neighbours, modify their behaviour



and rub along accordingly. However introducing 144 new students to the area will radically change this balance and the expectations of peace and quiet at any time of day or night. With the influx of 144 students the personal contact currently achieved with students in the area, which has resolved disputes in the past, would not be possible,

- The proposal has 5 times the floor area of the existing building, leading to a loss of open green space, The buildings are on a massive scale, nearly doubling the footprint and trebling the built volume of the existing offices,
- If a residential development is proposed for the Conservation Area then it should be in keeping with the style and finish of the existing residential buildings, but if it is argued that the larger part of the development is on Hughes Road, then it is in the wrong place as an industrial estate is no place for 129 students, especially beside the access road to a supermarket loading bay, with no possibility for parents to deliver their offspring or collect them at term's end,
- It is far too big a complex to even consider for this site, there are many empty large buildings scattered across Brighton, why not renovate an existing site?,
- Crime. Having this many students living here will attract chancers who deal with petty crime,
- The refuse and recycling provisions are inadequate for a development of this size and the smaller block has no provision at all. Know how much rubbish and recycling students create. Enough time is spent cleaning up the Roundhill area by the community clean up. Black bags are left to be ripped open by gulls or foxes and recycling not being sorted properly leave streets dirty and pavements unclear, an extra 144 people will only make this problem a lot worse. Students leave rubbish out on the street at all times, not just collection days,
- Safety and well being. Having 144 students living at the bottom of the road is a daunting prospect,
- Lack of outdoor space for the students. As Hughes Road is so unpleasant expect all 144 students to use the strip of grass on D'Aubigny Road,
- The theory that purpose built student accommodation will release houses for families to rent is unlikely to work out in practice, since such renting does not offer the financial incentive to landlords that the student market does, with minimum being spent on maintenance and council tax exemption. Sceptical about claims that proposal will help move students out of family properties and ultimately help the City's housing shortage as both Universities want to increase student numbers,
- Too much emphasis is being given to the needs of students. The town is almost becoming a student accommodation campus, having noticed tow former public houses, The Northern in Ditchling Road and the Race Horse Inn in Elm Grove under construction to student bedsits and of course the immense development for students in the ex Co-op building in London Road. Bevendean, Hanover and other areas off Lewes Road generally are all suffering from the HMO effects caused by student demand,
- There will be no consideration for local residents given that students are only there for a short period of time and no addition to the community or any involvement,

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- One of the defining things about living in Brighton is sharing the City with students. They bring vibrancy and creativity to the area which would not want to discourage. However with plans already agreed for 351 rooms in the old Co-op building and another 750 proposed and currently under consideration at the Old Preston Barracks, cannot help feeling that the needs of the students are already being catered for within this locality and that the request for a further 144 homes in an area primarily housing families and older people just isn't appropriate or necessary. Indeed, with the downturn in the economy and the ever-increasing cost of gaining a university education currently resulting in falling student numbers, who can say whether these extra student properties would end up ultimately being an enormous waste of money,
- Don't think anyone would argue that the uninspiring office building currently on the proposed site is of any great architectural merit so replacing it with a few terrace homes to fit in with the existing street-scape or even a low-rise apartment block similar to that on Mayo Road would seem a suitable sympathetic development for this site whilst meeting a real housing need,
- Richmond House has been a white elephant ever since it was built and doubt anyone will mourn its demolition. However, to replace it with an even bigger monstrosity, which will completely overwhelm everything in sight, is surely a mistake,
- The Universities of Brighton & Hove have more than sufficient land, on campus, to build further Halls of Residents, where they can be suitably monitored. Building off campus is neither necessary nor appropriate. Know that there is need for student accommodation in the Brighton area. Surely there is vacant land to the north of the City that could accommodate a student housing development, rather than increasing pressure on the limited space within the City and Roundhill Conservation Area,
- Roundhill is not well suited to the installation of new public litter bins given the narrow footpaths so rubbish is likely to be strewn on the streets,
- The Design and Access Statement is littered with inaccuracies and misleading illustrations such as traffic free streets, flat roofs are indicated to all the surrounding buildings diluting the language of the neighbourhood and the proposed massing blocks are shown lower than the elevations and sections indicate. Also reference to local facilities such as Sky Gym which has not existed for a number of years is incorrect. Collectively these errors indicate a lack of local knowledge and research when developing the proposals,
- Thought the Council were attempting to limit the impact of students in the area with the new planning around certain areas that are suffering from studentification,
- Pressure on wi-fi/broadband, which is already unable to cope with the current numbers of residents,
- What is being proposed is, in effect, a large hall of residents, presumably unsupervised/unstaffed by professional residential wardens, i.e. persons with authority and status, employed by the Universities,
- Roundhill is struggling to foster community spirit and responsible citizenship, where as many residents as possible pull together, in an area in which density of population is already an issue. There is currently a real sense of

optimism in Roundhill, a celebration of the unique identity within the City. If the proposal goes ahead the job in strengthening community ties and building cohesion will be much more difficult because of a grafted on monoculture of 144 people who will inevitably constitute a distinct group that will change in September every year,

- The developer wishes to get as good a return as possible for the financial outlay and is therefore likely to wish to cram as many people as possible on to the site, whereas residents wish to preserve the quality of their community and wish to have some breathing space rather than seeing every spare bit of space crammed with as many people as possible, particularly when the area, as in this case, is already very densely populated. Human habitats must be fit for purpose otherwise the consequences will be dire and costly in terms of social problems and mental health,
- The area is a Conservation Area which reflects a special character based upon quite dense housing accommodation. There continues to be considerable pressure to use every single spare space for infill housing development. While the development is on the edge of the zone it will degrade the area as the site is currently occupied by a building with quite a small footprint and impact on the local environment, the natural route to town will be through Roundhill Crescent, a quiet residential street, students do not have much sense of pride and ownership of the area in which they stay and there will be access pressure on Richmond Road and D'Aubigny Road,
- From an aesthetic and ecological point of view, don't believe that it is acceptable to remove the only trees in the immediate area. The destruction of the remaining mature trees around Richmond House car park would remove an important visual barrier currently screening the Conservation Area of D'Aubigny Road from the industrial estate off Hughes Road. The trees visually break up the density of the housing in addition to providing a visual, audio and pollution screen to the residents from the noise and traffic related to and coming from the industrial estate on Hughes Road, the Sainsbury's supermarket and the Hollingdean Road,
- Among the Wildlife that currently makes use of this vital natural resource are great-spotted woodpeckers, jays and sparrow hawks, all protected under the Wildlife and Countryside Act of 1981,
- Overcrowding,
- The proposal is against Council guidance,
- An inappropriately large development for a residential area whose infrastructure in the area (parking, doctors, school, shops etc) are already over-stretched,
- City Clean are currently unable to collect recycling due to parked cars and increased traffic on both sides leading up to the proposed development. Such a large development will undoubtedly cause greater levels of material waste and there is a lack of access and allocated space for recycling collection and waste storage,
- Industrial sites are needed for the purpose of which they are designed. The Leader of the Council is concerned business will be pushed out if new government planning rules are introduced allowing commercial space to be converted to residential use,

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- Students should be accommodated on the old barracks in Lewes Road, a site badly in need of development with more than adequate space for more than 144 students and which is adjacent to the University, its library and other facilities. This would also mean less travelling for the students and leave the residents of Roundhill in peace,
- Its use as mass accommodation for a transient population consisting exclusively of students is not suitable for a quiet residential area that owes its community feel to the fact it has a good mix of families, retired people, some flats and a sprinkling of individual shared student houses,
- Emergency services being able to respond to call-outs are likely to be hindered by excess parking in the narrow streets,
- The development would permanently deprive the City of another commercial premise of this difficult to find size and type, which is crucial for future employment opportunities in the area. The proposed student accommodation will not provide any meaningful long term wealth generating employment in the area,
- Will increase footfall to an area already under strain,
- Owner of Sainsbury's access road will not allow construction access to the proposed site from the access road either during the build or after completion. Pedestrian access to the building via Hughes Road/Service Road would not be allowed either. Cannot see how the proposal is viable with no access via the access road,
- The proposal would represent an overdevelopment of the site resulting in 'town cramming' and a density of development in excess of what might reasonably be expected to be achieved on the site and would consequently be out of character with the area,
- Level 0 of the 5 storey building has two additional accesses for use in emergencies. These would direct occupants of the building to the truck/van service road where it would be dangerous for pedestrians (perhaps in a panic) to stray. Streetscapes, which pedestrians cannot use because they have been built for lorries, neither offer safe nor pleasant active frontages. Even the 'primary entrance' to the 5 storey building at a junction of the lorry service road is very limited in space. It would hardly be a safe place for a single cyclist to mount or dismount, let alone a small group,
- The application says that building one has a secondary access into Richmond Road to be used primarily by staff, but then also says elsewhere that 'multiple entrances will improve connectivity of the building with its surrounding neighbourhood'. How would it be enforced that the entrance onto Richmond Road would 'primarily be used by staff?'; it would be impossible to enforce given the deficiencies of the primary access and the two accesses (for use in emergency) at level 0,
- The application states that the background noise levels are already quite high, but this is not true in Richmond Road and D'Aubigny Road or any of Roundhill, it is a quiet area at all times. Hughes Road may well be noisier,
- The applicant has failed to address local residents concerns and the applicant has failed to properly maintain the existing building and surrounding site leading to its current under occupancy,

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- The design orientation is not conducive to a strong environmental performance with an exposed north elevation full of window openings being the most prominent,
- Such a large development will put an enormous strain on services such as refuse disposal, street cleaning, postal and commercial deliveries,
- The proposal does not meet the criteria for student housing set out in the student housing options paper for the City Plan. The paper also identifies the Universities preferred sites for new student accommodation; Richmond House is not identified as one of them,
- In the Council's submitted documents for the City Plan, it notes that there are currently no policies for the management of student housing but recognises that this is a gap as there are obvious conflicts in studentified areas with the local residents,
- The applicant notes the small number of existing student beds in Brighton relative to student population and claims that this population is set to increase year on year however results of an analysis carried out by the Times Higher Education Supplement that figures for student acceptances of university places were down 17% on last year and is attributed to the rise in student fees. Also changes in immigration rulings at the beginning of this academic year have already had a very big effect in student applications from outside the EU,
- The applicant includes supporting correspondence which states the marketing of the existing commercial building had little success because of the difficulties of access in narrow streets comprised by on street parking, surely this situation remains unchanged and will cause problems of access for building plant and create congestions and problems of access to the Round Hill area,
- It will not contribute very much to the neighbourhood in terms of supporting its health, social and cultural well-being, on the contrary it will make many demands upon existing residents,
- The agents acknowledge that the economic circumstances mean that there is little interest which is a short sighted approach to take, when the economy picks up there will be firms needing premises and a shortage of floorspace,
- Marketing information does not indicate that a fair rent is being asked for which the owner/developer clearly hopes will mean that there is little interest in the property. From the particulars information submitted, it seems that the estate agents are asking the same rent as modern offices with parking in central Hove and on Preston Park where the biggest offices are. This is despite the agents saying in the same document that Richmond House suffers from being isolated and outside the City Centre. Clearly the asking rent should be lower to attract the many start up firms in Brighton looking for premises,
- Development would devalue properties in area. It will make the area run down and unsought after,
- Student campuses have supervision and rules and more importantly all the residents are students. Nowhere in the proposal is there any indication of how the student community will manage itself. Will it merely be a privately

owned student hostel or will it be an academic community with residential staff present?

- The development would mean the loss of a commercial premises which could house local businesses employing people local to Brighton,
- The Hughes Road access serves disabled people very badly,
- The Richmond Road access could involve complications. Service vehicles for refuse and recycling collections can block Round Hill streets, assembling long queues of cars behind them. Servicing a 144 room development from Richmond Road/D'Aubigny Road will put far too much pressure on those streets. These would certainly have safety implications, and
- The proposed design makes little attempt to reduce its environmental impact other than the addition of a sedum/grass roof and the design does not indicate how the proposed BREEAM 'very good' rating would be achieved and no design stage evidence has been submitted.

5.5 **Five (5)** letters of representation have been received from **41 Thompson Road, 24 Thornhill Avenue, 61 Coldean Lane, 4 Beaufort Terrace, and 164 Saunders Hill Road** supporting the application on the following reasons:

- It is a much better place for students than other areas`,
- It is better for students to be living in flats that are built for them with shared space,
- Fed up with students living in other streets taking up the parking spaces and changing the area and feel from a family estate,
- Better to provide the right housing for students in the right area,
- Brighton is a two University town with a great student culture,
- Hanover has student housing and all the advantages of a vibrant community, and
- Richmond House is in a fantastic location adjacent to the Lewes Road transport system (bus and rail) in close proximity to the Universities,
- There is a severe lack of designated student accommodation,
- The site has many benefits and suits this use, and
- It will assist the local area in taking students away from the much needed family housing.

5.6 **One (1)** letter of representation has been received from **12 Brangwyn Drive** commenting that the Coldean area is being over run with students. Residents in Coldean can never park and get late night disruption. Housing students in purpose built blocks is a better option to filling up family areas.

5.7 **Conservation Advisory Group (CAG):** Object The group recommend refusal of the application on the grounds that it would be detrimental to views of the Conservation Area and from the Conservation Area to other parts of the City. The design of the proposed building is unattractive and unsympathetic in its design and materials to the neighbouring buildings in the adjacent Conservation Area. It was felt the materials proposed would be unlikely to perform well in the local marine environment. The 3 storey building at Richmond Road level is excessive and would block gaps between the terraces. The group requested that the application be referred to the Planning Committee to determine if Officers are minded to approve.

- 5.8 **East Sussex Fire and Rescue Service:** Have no comments to make.
- 5.9 **Environment Agency:** Comment Having screen the planning application with regard to the low risk of the development type and location of the proposal, can confirm have no comments to make.
- 5.10 **Southern Water:** Comment Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewage system and existing properties and land may be subject to a greater risk of flooding as a result.
- 5.11 The public sewer is a combined system, receiving both foul and surface water flows and no flows greater than currently received can be accommodated in this system. However, it is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows.
- 5.12 As an alternative, additional off-site sewers, or improvements to existing sewers can be provided to service the development.
- 5.13 Should the application receive planning approval, request that a condition is attached requiring details of the proposed means of foul and surface water sewerage disposal to be submitted to and approved in writing.
- 5.14 **Sussex Police:** Comment Disappointed to note that the Design and Access Statement submitted in support of the application fails to make a single reference to the crime prevention measures to be incorporated into the design and layout. The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Design and access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places – The Planning System and Crime Prevention.
- 5.15 Control of entry to student halls is paramount and to that end an access control system must be incorporated. A number of security measures to the building are recommended including access control system to the communal entrance doors, flat entrances be devoid of letter apparatus and have door viewers, postal arrangements to be made that there is no need for postal workers to access any further than the lobby, any ground floor and easily accessible windows to have laminated glazing to a minimum thickness of 6.4mm and have limiters fitted to reduce opportunist theft, communal areas to have dusk till dawn switched lighting with remaining corridors being switched with PIR operation and consideration should be given to installing CCTV.

- 5.16 The cycle store entry doors should confirm to either PAS 024 or LPS 1175 SR2, have thumb turn locking system internally to reduce accidental locking in. Lighting within should be switched by PIR operation and recommends that the cycle store is sub divided to further protect cycles. The stands should be robust enough to support and be cable of securing the cycles with both wheels and the frame.
- 5.17 Due to the quantity of proposed rooms have concerns over the amenity of the residents in the adjacent streets in the form of noise, litter and incidents of anti-social behaviour.
- 5.18 **UK Power Network:** No objections.
- Internal:**
- 5.19 **Access Officer:** Does not currently comment on student housing.
- 5.20 **Arboriculturist:** No Objection. The proposal would result in the loss of trees covered by Tree Preservation Orders, however they are mostly all diseased or structurally defective and should be felled on the grounds of safety regardless of whether the development proceeds.
- 5.21 Overall no objection to the proposal subject to replacements being planted as part of a landscaping scheme.
- 5.22 **City Clean:** Comment.  
(Original comments 4/04/2013) The proposed bin store is not big enough for a development of this size. Have worked with Sussex University and calculated, using their data, that each student needs 0.17litres of a 1100 litre bin. This development would need 25 times 1100 litre, bins for a weekly collection. The Council cannot unfortunately offer a more frequent collection.
- 5.23 For 25 bins with a footprint of 1.28m<sup>2</sup> per bin, an initial floor space of 32m<sup>2</sup> would be needed (this would be gridlocked) however to allow for manoeuvrability this would need to be multiplied by a factor of 2.5 (as stated in PAN05). To meet requirements the bin store would need to be 80m<sup>2</sup> to allow for a weekly refuse and recycling collection for 144 students.
- 5.24 (Additional comments 5<sup>th</sup> April 2013) Have concerns over parking restrictions to allow for the reuse and recycling vehicles to pull in and not block the road for long periods of time. Would need to see how parking will be restricted along the kerbside near the bin store.
- 5.25 **Ecology:** Comment Some loss of habitat of very local important is proposed as part of the development. However this can be compensated for and the development more than meets the requirements of planning policy with regards to nature conservation enhancement.
- 5.26 **Economic Development:** Comment. Has no adverse economic development comments but requests a contribution through a S106 agreement for the payment of £7,840 towards the Local Employment Scheme in accordance with



the Develop Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

- 5.27 **Environmental Health: Comment.** (22<sup>nd</sup> March 2013) that a full contaminated land condition is recommended for the development.
- 5.28 (Additional comment 17/0/2013 following a query by the Case Officer) Regarding the plant room, would recommend that the development achieve airborne sound insulation greater than Approved Document E for shared floor/ceiling between the room and the bedroom above. Would also recommend that the developer place any plant on anti-vibration mounts. Could also ask for a scheme for sound proofing for the plant room to prevent noise and vibration affecting future occupiers.
- 5.29 **Heritage: Objects.** Richmond House lies immediately outside the Round Hill Conservation Area. It fronts on to Richmond Road (the remainder of which is within the Conservation Area) at its junction with D'Aubigny Road (also in the Conservation Area). The site is prominent in views down Richmond Road, where the topography is such that it is viewed against a backdrop of the houses and downland on the other side of the valley. It is also visible in views along D'Aubigny Road.
- 5.30 The current building consists of a 2 storey white office building, of a 1920's/1930's style. The building is not in keeping with the predominant character of the Conservation Area, which consists of rendered terraced houses with pitched roofs, set behind small forecourted gardens with rendered boundary walls. Although it is of a larger floorplate than the surrounding buildings, its height is in keeping with the surroundings.
- 5.31 A steep embankment is set to the rear of the site, and is part of a number of similar embankments. These (in the general area of the former railway line) create an important distinction between the Conservation Area and the more varied character of the area to the north. The area to the north is at a much lower level and includes large modern warehouse style buildings, a new block of flats and the service road to Sainsbury's, as well as more historic terrace buildings.
- 5.32 The Conservation Area character statement describes the surviving railway line as 'Round Hill's green corridor'. Indeed this line and ribbons of green formed by large back gardens to the dwellings are prominent in views, particularly from Bear Road and Race Hill Road. The character statement states that 'There are few visible trees, as most of the houses have no front gardens and the private gardens behind are largely screened from close public view. However there are some notable trees on land just outside the conservation area at the north-east end of Richmond Road' (i.e. the development site).
- 5.33 The overall massing and bulk of the building is much greater than the existing. Although designed such that the bulk is not visible from the Conservation Area,

it will nevertheless appear as a greater mass. The monolithic roofscape emphasis this, such that the overall massing appears excessive for the site.

- 5.34 The loss of the embankment will erode the distinction between the Conservation Area and surrounding less cohesive streetscene to the north and will also likely lead to a loss of green in both views from within the Conservation Area and longer views.
- 5.35 The trees on the site are identified as important within the character statement. Although it is proposed to retain one tree on the site and add further trees, the overall density and massing of the proposal means there is insufficient space for sufficient planting and landscaping to compensate for the loss of the bank.
- 5.36 The buildings are similar, although slightly taller, than the existing building and are thus intended to be in keeping with the scale of existing buildings in the Conservation Area. The overall bulk of the building is nevertheless much greater and the design should be amended to break the bulk of the building down further. Introduce further vertical emphasis and to reflect the architecture of the Conservation Area to a greater extent. The proposed material is bluish brick; however this is not a common material in the Conservation Area and it is considered that render would be more appropriate.
- 5.37 Building 2 is sited such that it relates to the streetscene along D'Aubigny Road. Building 1 however does not have a direct relationship with the road and in this respect is not in keeping with the Conservation Area. Building 1 is higher than building 2 and therefore does not appear to step down the hill when viewed from within the Conservation Area.
- 5.38 There are no conditions/mitigations that can overcome the objections. The proposal should be substantially reduced in scale and its design substantially amended to better reflect the character of the Conservation Area.
- 5.39 **Planning Policy: Objects.** (Original comments 21<sup>st</sup> March 2013 and amended comments 5/04/2013 regarding provision of recreation space) The proposal is contrary to policy EM3 in the Local Plan and CP3 in the submission City Plan Part 1 in that the applicant has failed to demonstrate that the site is both redundant and incapable of meeting the needs for modern employment uses. The proposal provides insufficient marketing evidence and fails to retain any employment floorspace as part of the redevelopment scheme. In terms of the proposal for purpose built student accommodation, this is contrary to policy CP21 in the submission City Plan as it is a site identified as having potential for housing and no evidence has been provided that it is supported by one of the City's educational institutions.
- 5.40 (Additional comments 16<sup>th</sup> April 2013 following receipt of a letter from the agent) Legal advice has been sought over the appropriate weight to be given to each policy in the emerging City Plan and are satisfied that it is appropriate to afford Policy CP21 significant weight as it is a new policy which covers an area not addressed by any policies in the existing Local Plan. CP21 is not considered to

have significant unresolved objections and is underpinned by background evidence.

- 5.41 Although the applicant is correct in stating that the strategy for the Lewes Road Development Area is to enhance the area's role as an academic corridor, part A3 of the policy indicates that one means of achieving this is to encourage the development of employment floorspace. Taking this together with Policy EM5 which states that if the offices are considered genuinely redundant, preference will be given to alternative employment generating uses on the site, it is considered appropriate for the applicant to demonstrate why alternative employment uses have not been pursued in preference to student housing development.
- 5.42 The applicant states that waste management issues are covered by separate legislation. However, the East Sussex, South Downs and Brighton & Hove Waste & Minerals Plan is an adopted DPD and therefore part of the development plan for the city. Compliance with its policies should be demonstrated. Policies WMP3d and WMP3e are considered to be relevant to this proposal. Provision of a Site Waste Management Plan is a means through which compliance with Policy WMP 3d could be demonstrated.
- 5.43 The plans for the proposed scheme appear to show that the majority of the units are self-contained studio type accommodation. This would be considered sub-standard accommodation if marketed as conventional studio flats on the open market, but is appropriate for students. Should you be minded to approve the application, a condition should be attached to ensure that these units cannot subsequently be offered on the open market.
- 5.44 **Public Art Officer:** Comment In order to make sure the requirements of policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement.
- 5.45 **Sustainability:** Comment As a major development over 1,000m<sup>2</sup>, this development will have to meet SPD08 policies for major developments.
- 5.46 **Sustainable Transport:** Comment. (Original comments 11<sup>th</sup> April 2013) There are substantial problems with the submission but these can be addressed by the substantial S106 and conditions requirements specified in respect of a S106 contribution of £51,345 for sustainable modes provision locally and conditions relating to a management plan to comprise of a standard travel plan, disabled parking provision, provision for deliveries and arrangements for the start and end of term, approval of lease for student residents to prevent them from bringing cars into Brighton and enforcement mechanism for this, cycle parking and revision to crossover plans.
- 5.47 (Additional comments 1<sup>st</sup> May 2013 following Transport Committee on the 30<sup>th</sup> April 2013) The extension to zone J of the City's CPZ was approved by Transport Committee and will be operational from the 1<sup>st</sup> Jul 2013. Therefore on that basis can confirm that the Highway Authority would still recommend that the development in question be made car free.

## **6 MATERIAL CONSIDERATIONS**

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

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

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking standards

## PLANS LIST – 15 MAY 2013

SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD27	Protection of amenity
QD28	Planning obligations (likely contributions towards transport, education, open space, public art)
HO2	Affordable housing – ‘windfall’ sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses

### Planning Advice Note

PAN05	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
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### 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)

DA3	Lewes Road Area
CP1	Housing Delivery

CP3	Employment Land
CP16	Open Space
CP17	Sports Provision
CP21	Student Accommodation and Houses in Multiple Occupation

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Matters relating to the impacts of the proposal on the financial value of neighbouring properties is not material planning consideration in the determination of the application.
- 8.2 It is noted that a letter of representation has been received from the owner of the Sainsbury's Service Road stating that they would not allow pedestrian or vehicular access to the road during or after completion of the building, however this is not a material planning consideration, rather it is a civil matter and therefore does not prohibit the determination of the application.
- 8.3 The main considerations in the determination of this application relate to the principle of the loss of the existing office accommodation, the demolition of the existing building and the suitability of the site to accommodate the proposed 3 and 5 storey buildings, the impact of the proposed development upon the character and appearance of the site and the wider area including the strategic views into and out of the adjacent Conservation Area, neighbouring amenity, the standard of accommodation proposed, transport and sustainability.

### **Planning Policy**

#### Loss of Existing Office

- 8.4 The proposal includes the demolition of the existing two storey office building (Use Class B1). It is noted that there are discrepancies regarding the amount of existing office floor space provide within the various documentation submitted (stated to be 784m<sup>2</sup> in the application form/Design and Access Statement, 803m<sup>2</sup> in the Fludes Letter and 996m<sup>2</sup> in the Planning Statement), however such discrepancies do not prohibit the Local Planning Authority determining the application.
- 8.5 Policy EM3 of the Local Plan and CP3 of the Brighton & Hove City Plan Part One specifies that land in industrial use (Class B1, B2 and B8) or allocated for industrial purposes will not be released for other purposes unless the site has been assessed and found to be unsuitable for modern employment needs.
- 8.6 Policy EM5 of the Brighton & Hove Local Plan relates specifically to the change of use of redundant office floorspace and states planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant.
- 8.7 The policy qualifies how redundancy is determined. If redundancy is established preference is given to alternative employment generating uses; followed by affordable housing.

- 8.8 Within the information submitted as part of the application there are discrepancies between the dates provided regarding the marketing of the site in respect of the marketing details received from Fludes and a letter from the applicant.
- 8.9 The Council's Economic Development Officer comments that the property has also been listed on the Council's commercial property database since 9<sup>th</sup> December 2011 but no interest has been raised.
- 8.10 The applicant states that a national publishing business with a local presence was offered the entire building as a relocation option from their current premises however they chose not to pursue occupancy.
- 8.11 The submitted marketing particulars state that the Ground Floor level would be available from January 2013 however the marketing board seen on site during the recent Case Officer's Site Visit and the commercial property press adverts only refer to the first floor offices within the building.
- 8.12 The first floor level of the building has been marketed for a period of over twelve months; the ground floor level/entire building has not been marketed for such a period. As such the applicant cannot demonstrate that the use of the office space is no longer viable and to demonstrate that the use is genuinely redundant, contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One.
- 8.13 It is noted that the Council's Economic Development Officer comments that the building's location is not best suited for modern business requirements as it is bordered by residential development and there is limited car parking available on site, which many business see as a requirement, unless in a City centre location with alternative parking provision provided or close proximity to Brighton Station. However it is not considered that these views negate the requirements of policies EM3 and EM5 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One, with regards to demonstrating that the existing use is redundant and unsuitable for modern employment use, through a strategic marketing strategy of at least one year.
- 8.14 If the applicant had been able to demonstrate redundancy, student accommodation would not be the preferred use of the site.
- 8.15 It is acknowledged that the strategy of policy DA3 of Brighton & Hove City Plan Part One is to "further develop and enhance the role of Lewes Road as the City's academic corridor", as set out by the applicant, however part A3 of this policy indicates that one measure to achieve the overall strategy is by "encouraging the development of housing, employment floorspace ...". There is no conflict between policies Em3, EM5 and CP3.

Principle of student accommodation

- 8.16 The 2005 Brighton & Hove Local Plan does not specifically address the issue of purpose built student accommodation. This matter is however addressed in the emerging Brighton & Hove City Plan Part One in the form of policy CP21. It is

considered that in such a case, where the adopted Local Plan is silent on an issue, and the emerging City Plan provides specific policy, that this emerging policy should be given significant weight.

- 8.17 Policy CP21 seeks to support the provision of additional purpose built student accommodation across the city and is a criteria based policy;
1. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;
  2. High density developments will be encouraged but only in locations where they are compatible with the existing townscape (see CP12 Urban Design);
  3. Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
  4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
  5. Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;
  6. Schemes should have the support of one of the city's two Universities or other existing educational establishments within Brighton & Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;
  7. Permanent purpose built student accommodation will not be supported on sites with either an extant planning permission for residential development or sites identified as potential housing sites.
- 8.18 Sites identified as potential housing sites will include those identified in other City Plan policies and those listed in the Strategic Housing Land Availability Assessment.
- 8.19 Issues regarding criteria 1 are discussed in detail below.
- 8.20 Within the Planning Statement submitted it is stated that the applicant would be happy for a condition to be attached to an approval to ensure that the accommodation "can only be occupied by higher or further education students" but it is also stated that "Restricting occupancy to a particular establishment would interfere with market competition and would be unreasonable...".
- 8.21 If overall the proposal was considered to be acceptable the Local Planning Authority would seek measures to ensure that the approved scheme would be occupied solely by students, through a S106 Agreement.
- 8.22 It is noted that a Typical/Sample Student Management Plan has been submitted as part of the Transport Statement, which is discussed in further detail below, and that it is stated that security and/or management staff would be available 24 hours a day as a neighbourhood contact point. However no form of Management Plan has been submitted in respect of the specific student accommodation proposed. It is expected that such a plan would set out measures to be implemented to ensure that neighbouring occupiers would not



suffer nuisance and harm. It would be necessary to ensure that the education provider/s of the students residing at the facilities are involved in the management of the premises, and take an element of responsibility for the students' behaviour and potential reprimands should behavioural problems/nuisance occur.

- 8.23 Securing a Management Plan for a student accommodation development is a nationally agreed appropriate method of monitoring and managing student accommodation particularly when the development is off campus and close to neighbouring private residences
- 8.24 Although it is acknowledged that the implementation of a Management Plan could be secured as part of a legal agreement, it is considered that the complete lack of any form of Management Plan, relating specifically to the site, results in the applicant failing to demonstrate that the proposed student accommodation would be managed effectively and, in conjunction with the proposal not being supported by one of the City's two Universities or other existing educational establishments within Brighton & Hove, the proposal is contrary to criterion 6 of policy CP21.
- 8.25 With regard to criterion 7 the site is not subject to an extant planning permission for housing however it is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) (December 2012) with potential for 12 units to come forward in the next 6 to 10 years. The proposal for purpose built student accommodation is therefore contrary to criterion 7 of policy CP21.

### **Design**

- 8.26 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design. QD4 seeks to preserve or enhance strategic views, the setting of landmark buildings and views in and out of conservation areas. Whilst QD5 seeks to ensure new developments present an interesting and attractive street frontage particularly at ground floor.
- 8.27 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.28 The site is currently occupied by a two storey, white rendered, office building of 1920/30s style, known as Richmond House, which is sited immediately outside the Round Hill Conservation Area. The site fronts onto Richmond Road, the remainder of which is located within the Conservation Area, at its junction with D'Aubigny Road, which is also located within the Conservation Area. The existing building is not in keeping with the predominant character of the Round Hill Conservation Area, which consists of rendered terraced houses with pitched roofs, set behind small forecourted gardens with rendered boundary walls, and therefore no objections are raised to its demolition in design terms.

- 8.29 Although of a larger floor plate than the surrounding terraced properties, the height of the existing building, with a spot height of approximately 46.83 Above Ordnance Datum (AOD), is in keeping with the surrounding residential properties located in Richmond Road and D'Aubigny Road.
- 8.30 Due to the topography of the area, the existing building is prominent in views from the west of the site, down Richmond Road, in addition to being viewed against a backdrop of the houses and downland on the other side of the valley.
- 8.31 As previously stated the proposal comprises the construction of two blocks. Building 1 would be located on the northern side of the site, fronting onto the Sainsbury's Service Road and would be dug into the existing embankment. This results in Building 1 appearing as a 5 storey building when viewed from areas to the north but as a 3 storey building when viewed from areas to the south, including from areas within the Round Hill Conservation Area.
- 8.32 Building 1 has been designed to comprise 3 sections which allow the building to follow the curve of the Sainsbury's Service Road. Each section would be separated by glazed sections, which would result to internal corridor areas. It is stated that the inclusion of these glazed sections "breaks up the mass of the building". At the base of the building the brickwork would project at every second course, stated to "create a subtle but noticeably heavier base over the ground and first floors. The height of the base corresponds to the height of the change in level between the two roads". The design also includes windows which wrap around the north-western corner of the building, included to "emphasise the entrance to the building" and to "create a more active frontage and mark the prominent corner of the site".
- 8.33 Building 2 would be located in the south-western corner of the site, fronting D'Aubigny Road and would comprise of 3 storeys. The eastern corner of this proposed building would be chamfered.
- 8.34 The flat roof of Building 1 would measure 47.8 AOD (approximately 15.1m measured from northern elevation) whilst the flat roof form of Building 2 would measure 47.15 AOD (approximately 9.1m). The height of the two building would therefore slightly exceed the height of the existing office building, the main flat roof form of which measures 46.83 AOD.
- 8.35 Due to the siting of the proposed buildings in relation to one another, Building 2 would not be viewed independently of Building 1. The overall massing and bulk of Building 1 and the combined bulk and massing of Building 2 with Building 1 behind, is much greater than that of the existing office building.
- 8.36 It is noted that Building 1 would be excavated into the embankment located on the northern section of the site and therefore the lowest 2 floor levels would not be highly visible from D'Aubigny Road, Richmond Road or the Conservation Area. When viewed from within D'Aubigny Road/Richmond Road the proposed buildings would appear similar to the existing building with regards to overall height, thus intending also to be in keeping with the scale of the existing

terraced residential buildings in the Conservation Area. However, due to the design and size of the proposed development, which would be emphasized by the inclusion of a monolithic roofscape, the proposal in particular Building 1, would appear as a greater mass than the existing building, Richmond House, a mass which is considered to be excessive for the site, represent an over-development of the site and which would result in the development being prominent in views along Richmond Road and D'Aubigny Road, eastwards out of the Conservation Area

- 8.37 Despite the intention of the applicant regarding the design of the proposal to break up the mass of the building, discussed above, it is considered that the overall massing and bulk of the development should be reduced and that the design of the proposal should be amended to further break the bulk of the building down, introduce further vertical emphasis and to reflect the architecture of the adjacent Conservation Area.
- 8.38 Building 2 would front directly onto D'Aubigny Road and as a result is considered to relate to the existing streetscape of the surrounding streets. Building 1 however fronts onto the lower level Service Road and is set back from D'Aubigny Road/Richmond Road and as a result does not have a direct relationship with D'Aubigny Road/Richmond Road. The failure to relate to these roads results in Building 1 failing to be in keeping with the design and positioning of properties in Richmond Road/D'Aubigny Road and the surrounding Conservation Area, where the frontage of properties are located in close proximity to the related roads.
- 8.39 The height of the properties within the Round Hill Area relate to the gradient upon which they are located. Building 1 is higher than Building 2 and therefore fails to steep down in height from south to north to respect the gradient of the area and in particular the site.
- 8.40 A steep embankment currently separates the southern and northern parts of the site, the northern side being set at a much lower level. This existing embankment is part of a number of similar embankments within the area. These embankments, which are located in the general area of the former railway line, create an important distinction between the Conservation Area and the more varied character of the area located to the north of the site, which includes large modern warehouse style buildings, a new block of flats, Sainsbury's Service Road and more historic terraced houses.
- 8.41 Within the Round Hill Conservation Area Statement it is stated that "The Round Hill Conservation Area is notable for its hilly siting with long terraces of houses framing distant views of the sea to the south and of the downs to the east". As a result of the hilly nature of the Round Hill area and as a result of the abrupt land drop from the Conservation Area to Hughes Road "Views of the conservation area can therefore be found from other parts of Brighton, particularly from Bear Road to the east and Race Hill to the south-east...".
- 8.42 The Conservation Area Statement also describes the surviving railway line as "Round Hill's green corridor". This line and ribbons of green formed by the large

back gardens to the dwellings are prominent in views into the Conservation Area from areas to the east, such as from Bear Road and Race Hill Road. It is stated that “There are few visible trees, as most of the houses have no front gardens and the private gardens behind are largely screened from close public view. However there are some notable trees in the land just outside the conservation Area at then north-east end of Richmond Road..”, i.e. within the development site.

- 8.43 Although the proposal would not result in the complete excavation of the existing embankment, the construction of Building 1 would result in the obscuring of a majority of the embankment when viewed from areas to the north/north-east/east. The actual/visual loss of the embankment would erode the distinction between the Conservation Area and the surrounding less cohesive streetscape, located to the north of the site. In addition the loss of the embankment and the loss of the existing trees within the site would lead to the loss of greenery in both views from within the Conservation Area and views into the Conservation Area from areas to the north/east including from within longer views, such as from Bear Road or the Race Course. It is noted that the loss of the existing trees within the site, a total of 15 trees, is not objected to by the Council’s Arboriculturist for reason discussed in more detail below. Although replacement trees could be provided, due to the constraints of the site, replacement/additional planting and landscaping would not compensate for the actual/visual loss of the existing embankment.
- 8.44 The proposed buildings would be constructed of blue/grey brickwork, contrasting brick spandrel panels, bronze coloured aluminium windows sedum flat roofs, aluminium cladding and glass balustrades. The area between the two buildings would comprise a hard landscaped courtyard, in paviors to match the buildings, whilst soft landscape and planting would be provided along the site boundaries in addition to a brick boundary wall of approximately 0.6m along the frontage with Richmond Road/D’Aubigny Road.
- 8.45 The use of brick of a bluish colour is not a common material seen in the Conservation Area, it is considered by the Heritage Officer that render would be a more appropriate materials.
- 8.46 Overall it is considered that the proposal, by virtue of its design, finish materials, excessive bulk, scale and massing would be an over-development of the site, which would relate poorly to the terraced properties in D’Aubigny Road and Richmond Road, causing a harmful impact upon the visual amenities of the Richmond Road/D’Aubigny Road streetscenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood. The mass, scale and bulk of the development is substantially larger than the existing office building and would appear out of scale and overly prominent in views out of the Round Hill Conservation Area. The height of Building 1 fails to reflect the change in ground level across the site and fails to have a direct relationship with D’Aubigny Road/Richmond Road, a characteristic of the Conservation Area. In addition the actual/visual loss of the existing embankment would result in the erosion of the distinct barrier between the Conservation Area and the less

cohesive streetscape located to the north of the site, which would have a harmful impact upon the distinctive layout and predominance of green space of the area seen in longer views.

### **Amenity**

- 8.47 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.

### Neighbouring Amenity

- 8.48 The Round Hill Area is currently a quiet and tranquil area, predominately residential in character, apart from the presence of the existing office building. It is noted that an industrial estate is also located to the north of the site however this estate is not accessible from the Round Hill Area.
- 8.49 There are discrepancies within the information submitted with regards to the use of the proposed entrance to be level with Richmond Road/D'Aubigny Road, on the southern side of Building 1, as it is stated within the application that multiple entrance are proposed to improve connectivity of the building with its surroundings however in another part of the application it is stated that the Richmond Road entrance/secondary entrance would be for use by staff only. It is considered that the use of Building 1's southern entrance, which is closer to part of the City centre, by occupiers and visitors of the building would have a significant adverse impact upon the amenities of neighbouring properties within the Round Hill Area, especially with regards to noise disturbance, due to the significant increase in footfall which would be created from the proposed development. Although it is acknowledged that conditions could be attached to an approval restricting the use of this door, the liability of the scheme with regards to access from this door to the proposed courtyard area, which could be intended to be used as an external amenity area or to potential disabled parking (issues discussed further below), does not allow the Local Planning Authority to assess what control could be implemented.
- 8.50 The Building Research Establishment (BRE) Report, 'Site layout planning for daylight and sunlight: A guide to good practice' states *"privacy of houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically from 18m to 35m"*.
- 8.51 From the information submitted it is not apparent how the windows within the development would open or if any passive ventilation is proposed as part of the development. It is acknowledged that the provision of only part openable windows is preference for the City's two Universities, with regards to purpose built student accommodation, for reasons of safety and amenity. As previously

stated the application is not supported by either University or other existing educational establishment and therefore the preferences of a particular institution cannot be assessed and is a further issue of student accommodation management that is not clarified in the submission.

Sunlight/Daylight/Over-shadowing

- 8.52 As previously stated the proposal would result in a development with excessive bulk and massing, especially with regards to Building 1.
- 8.53 Due to the proposed development being located to the north/north-west of properties on Richmond Road and D'Aubigny Road it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties located on these roads with regards to loss of sunlight/daylight or overshadowing.
- 8.54 Windows, including a bay window, are located within the northern elevation of no. 14 D'Aubigny Road however it is considered that any loss to levels of daylight to this neighbouring property and other southern/south-western neighbouring properties would not be so significant as to warrant refusal despite the slight increase in height of the buildings proposed.
- 8.55 Under application BH2010/00498 planning permission was granted for the redevelopment of the former Esso garage site, located between Hollingdean Road and the Sainsbury's Service Road, comprising of a part 2, 3, 4 and 5 storey building to provide 24 residential units. This development, which is nearing completion, comprises many windows in the southern elevations, some of which relate to flats with a single aspect. In addition this neighbouring development comprises external amenity spaces at ground floor/top floor levels and external balconies on the southern elevations. Due to the topography within the vicinity of the Sainsbury's Service Road the proposed 5 storey building would be higher than this northern neighbouring development. Given the siting of the proposed development in respect of this neighbouring development, the orientation of the sun and the proposed height, bulk, scale and massing of Building 1, it is considered that the proposal would have a significant adverse impact upon the amenities of his northern neighbouring property with regards to loss of sunlight/daylight and would create overshadowing to the outdoor amenity spaces and therefore would result in an unneighbourly form of development. No evidence to the contrary has been submitted as part of the application.
- 8.56 The other northern neighbouring properties and associated garden areas are located further away from the site, are set at a lower level than the wall located on the northern side of the Sainsbury's Service Road, which increases in height as it progresses west to east, and the built form of a garage located to the rear of nos. 1 to 6 May Cottages, Hollingdean Road. It is considered that the existing wall and built form of the garage would already affect the levels of daylight/sunlight received by the rear section of these neighbouring properties and therefore it is not considered that the proposal would have a significant adverse impact upon these neighbouring properties with regards to loss of sunlight/daylight.

Overlooking/Loss of Privacy

- 8.57 It is noted that the built form of Building 1 follows the curve of the Service Road. A minimum distance of approximately 14m would be located between the north/north-east facing elevation of Building 1 and the southern elevation of the new neighbouring property located to the north of the site. It is noted that the eastern section of the rear elevation of this property projects further to the south than the western side, the recessed elevation is located a minimum of approximately 18m from the proposed development. Windows relating to bedrooms/living rooms are located on the southern elevation of the flat development at all floor levels in addition to external balconies being present at first, second and third floor levels both on the projecting and recessed rear elevations. A private terrace is also located on the eastern side of this neighbouring building at fourth floor level in addition to private amenity spaces being located at ground floor level facing onto the Service Road, albeit slightly below the level of the Service Road.
- 8.58 Due to the limited distances that would be located between the southern elevations of the new development located to the north of the site and the north elevations of the proposed development, the presence of south facing windows, balconies and other amenity areas within the new flat development and the expanse of windows within the north facing elevations of the proposed development, it is considered that the proposal would result in actual and perceived over-looking and loss of privacy to the occupiers of the northern neighbouring flat development.
- 8.59 It is not however considered that the proposal would have a significant adverse impact upon the amenities of the occupiers of other properties on Hollingdean Road given the distances which would be located between the proposed development and these neighbouring properties.
- 8.60 No. 128 Richmond Road would be the nearest neighbouring property located to the south-western of the site. A distance of approximately 14m would be located between the western elevation of Building 2 and the nearest elevation of no. 128 Richmond Road, which contains a window at ground and first floor level. Although it is likely that these windows relate to habitable rooms it is not considered that the proposed development would result in increased overlooking or loss of privacy to this neighbouring property given the existing relationship with Richmond House and existing windows.
- 8.61 The southern elevation of Building 2 would be located approximately 6m from the northern elevation of no. 14 D'Aubigny Road. A window relating to the main corridor at all three floor levels would be located within the southern elevation of Building 2, facing onto 14 D'Aubigny Road. The plans submitted show these windows to be obscurely glazed, an issue which could be ensured via a condition in order to protect the amenities of the southern neighbouring property.
- 8.62 The chamfered elevation of Building 2 would contain 2 windows at each floor level, relating to the proposed common rooms. It is noted that these window would provide oblique views to the rear of no. 14 D'Aubigny Road and the

garden area of this neighbouring property. However Richmond House, which is located perpendicular to no. 14 and has a built form which extends along all but the western most part of the shared boundary between the two neighbouring properties, contains windows at ground and first floor levels which provide direct views towards this neighbouring property and therefore it is not considered that Building 2 would have a significant adverse impact upon the amenities of no. 14 D'Aubigny Road with regards to loss of privacy or overlooking.

- 8.63 A minimum distance of approximately 19.5m would be located between the rear elevation of no. 14 D'Aubigny Road and the south-west facing elevation of building. As a result of this distance and the oblique views which would be achievable it is not considered that Building 1 would have a significant adverse impact upon the amenities of no. 14 D'Aubigny Road with regards to loss of privacy or overlooking.

#### Management Plan

- 8.64 Although it is stated that security and/or management staff would be available 24 hours a day as a neighbourhood contact point no form of Management Plan has been submitted as part of the application. It is expected that such a plan would set out measures to be implemented to ensure that neighbouring occupiers would not suffer nuisance and harm. It would be necessary to ensure that the education provider/s of the students residing at the facilities are involved in the management of the premises, and take an element of responsibility for the students' behaviour and potential reprimands should behavioural problems/nuisance occur.
- 8.65 It is considered that the lack of any form of a Management Plan relating specifically to the proposal results in the applicant failing to demonstrate that the proposed development complies with policies of the Brighton & Hove Local Plan and policies of the Brighton & Hove City Plan Part One, for reasons discussed elsewhere in this report.

#### Future Occupiers

- 8.66 Building 1 would provide 129 studio/self-contained units (each with their own en-suite, dining and kitchenette areas), a lift providing access to each floor level, reception area, office/security room, laundry room, plant room, guest WC, common room and area for the storage of 186 cycles whilst Building 2 would provide 3 cluster flats, each containing 5 en-suite bedrooms with shared kitchen/dining/siting room facilities (it is noted on the plans submitted that no physical access is provided into the proposed kitchen/dining/siting room facilities).
- 8.67 Although the proposal would result in the provision of 129 self-contained units, all with double beds, as previously stated the occupancy of the building solely by students could be controlled.
- 8.68 Building 1 would contain 5 rooms which are stated to be 'accessible rooms', 2 on the first floor level and one at second, third and third floors. These rooms would be located closest to the lift area. Within the Design and Access



Statement it is stated how the Building and 'accessible rooms' would comply with Part M of the Building Regulations.

- 8.69 Based on the type of development as purpose built student accommodation, shared amenity space is considered acceptable rather than seeking private space for each unit. As part of the application a common room would be provided at ground floor level within Building 1 whilst a shared living/dining room would be provided on each cluster flat in Building 2. It is disappointing that a common room is not provided on each floor level of Building 1.
- 8.70 In addition a paved courtyard/parking area would be provide between the two buildings, level with Richmond/D'Aubigny Road however it is not clear from the information provided whether the applicant intends this area to be used as a formal amenity area by the students.
- 8.71 The quality of amenity spaces is important. If it is the intention of the applicant that the paved area between the buildings would provide external amenity space for the occupants it is considered that this area is of poor quality and unusable. The proposed courtyard area would also provide parking for 3 vehicles, possibly for disable parking, an issue discussed in further detail below. If all three parking spaces are occupied by vehicles then the courtyard area is divided into two.
- 8.72 A potential issue with the use of the paved courtyard area as an external amenity area is the impact from noise disturbance to neighbouring properties and future occupiers of the development and overlooking of future occupiers, particularly those occupying bedrooms/units adjacent to this area. it is acknowledged that measures such as restricting the hours of use of the courtyard area could mitigate the impacts of is use as an amenity space of the occupiers of neighbouring properties, including the development itself however due to the limited detail provided the Local Planning Authority is unable to assess the impacts in full or recommend mitigation measures.
- 8.73 Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. Such provision is not proposed as part of the application. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off-site improvements is therefore recommended to address the requirements of policy HO6. In this case the contribution required towards sport, recreation and open space is £173,309.21. Such a contribution could be secured by legal agreement were approval to be recommended.
- 8.74 As the application is not supported by one of the City's existing educational establishments and is speculative, the proposed accommodation cannot be assessed with regard to the accommodation standards adopted by the various establishments. However the Local Planning Authority is able to assess some aspects of the standard of accommodation proposed.

- 8.75 Due to parts of Building 1 being excavated into the existing embankment the accommodation on the southern side of the building, at first floor level, would face onto a lightwell area (no accommodation is proposed on the southern side of the ground floor level as this area provides the cycle storage facilities). This accommodation would be entirely below the Richmond/D'Aubigny Road street level. A glass balustrade of approximately 1.1m high would be located along the southern edge of the light well (the northern side of the proposed courtyard area). It is considered that the first floor south-west facing accommodation would have an oppressive outlook, resulting in a sense of enclosure and would receive poor levels of sunlight/daylight as a result of their positioning and proximity in respect of the retained part of the embankment, and in some cases the presence of the proposed adjacent 3 storey building (Building 2) which would further block light/sunlight, and the provision of the proposed glass balustrade. As a result it is considered that the south-west facing ground floor accommodation would provide substandard accommodation and an unpleasant living environment.
- 8.76 The north-east facing elevation of Building 1 would face onto the Service Road related to the adjacent supermarket, Sainsbury's. Comments regarding the impacts on the amenities of the future occupiers of the development from delivery lorries utilising this road are noted. Deliveries to Sainsbury's are current restricted to between 7am and 9pm Monday to Friday and only 2 deliveries are allowed between 10am and 4pm on Sundays' and Bank Holidays. As a result of the current restrictions on the delivery hours to the adjacent supermarket, it is not deemed that the amenities of the students would be significantly affected by the proximity of the rooms within the northern section of Building 1 with the existing Service Road.

Plant Room/Lift

- 8.77 A plant room would be provided at ground floor level within Building 1 in addition to a lift providing access between all floor levels within this building.
- 8.78 If the application was to be recommended for approval the Council's Environmental Health Officer has requested that conditions be imposed to ensure suitable levels of sound insulation are provided between the plant and the accommodation, in order to protect the amenities of future occupiers.

**Sustainable Transport**

- 8.79 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

Car parking:

- 8.80 Policy HO7 will grant permission for car free housing in locations with good access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the development will remain genuinely car-free over the long term.

- 8.81 3 off-street parking spaces are proposed as part of the development, accessed from Richmond/D'Aubigny Road. It is stated on the relevant plan that these spaces would provide 'Changeover Parking'. No other general off-street parking is proposed in connection with the development. In regard to general parking provision policy TR19 and SPGBH4 specify maximum standards rather than minimum and therefore the level of off-street parking proposed is acceptable provided that no displacement occurs and acceptable provision is made for sustainable methods.
- 8.82 On the 30<sup>th</sup> April 2013 the Council's Transport Committee approved an extension Zone J of the Cities Controlled Parking Zone (CPZ) in order to include the Round Hill Area. With the implementation of such parking controls the Council can ensure that future residents of the proposed student accommodation are ineligible to buy resident parking permits. The extension to zone J would however not cover Hughes Road/Service Road, although it is noted that these roads are subject to Double Yellow Line Restrictions.
- 8.83 In addition, within the submitted Transport Statement it is stated that a clause would be included within the Student Tenancy Agreement which 'prohibits students ... from bringing cars to the site, bringing cars to the surrounding area and bringing cars into the City Centre in general'.
- 8.84 In order to ensure that the development remained car free it would be recommended that any consent, if overall the proposal was deemed acceptable, be accompanied by a legal agreement requiring the applicants to seek to amend the relevant TRO to remove the eligibility of residents for residents parking permits and that appropriate prohibition for cards is also secured.

Cycle Parking:

- 8.85 186 cycle parking spaces would be provided at ground floor level within Building 1. The level of provision is considered acceptable however as the facilities are proposed to be double stacked, which are not always deemed acceptable or useable, it would be recommended that a condition requiring further details of the proposed facilities, insurance that the system installed would spring loaded or of a similar mechanism and that a notice is erected with the instructions of use to assist usability and encourage full uptake of the stands, be attached were approval to be recommended.

Disabled parking:

- 8.86 As set out above Building 1 includes the provision of 5 rooms referred to as accessible rooms, however no dedicated disabled parking provision is indicated on the plans provided. There is no specific requirement within SPG4 for disabled parking in relation to student accommodation however some provision would be required. The measures identified in policy TR18 as alternatives to on site provision are not applicable in this case. It is noted that the 3 parking spaces proposed off Richmond/D'Aubigny Road could be widened in order to provide disabled parking provision. Should the application overall be deemed acceptable it is recommended that the provision of disabled parking and its implementation are identified in the management plan, which would be requested via S106 Agreement.

Traffic Impact

- 8.87 In order to address the trip generation associated with the proposed development it is recommended that a financial contribution (£51,345) towards sustainable transport infrastructure in the vicinity of the site, namely in and around Vogue Gyrotory, is required. Such a contribution could be secured by legal agreement were approval to be recommended.

Transport Management/Travel Plan

- 8.88 Within the submitted Transport Statement an extract of a Traffic/Parking Management Plan for student accommodation elsewhere in the country has been provided. This extract relates to the arrangement for the arrival and departure strategy for such accommodation. The Council's Transport Officer has stated that the submitted extract indicates that the applicant have a thorough and professional approach to arrangements at other similar facilities and that a specific plan for the Richmond Road site would be requested via a condition, as part of a comprehensive management plan for the development.
- 8.89 It is acknowledged that the implementation of the recently approved CPZ within the area would reduce the scope for vehicles to park within Richmond Road/D'Aubigny Road at the start/end of term. With regards to Hushes Road/Service Road the Council's Transport Officer states that there is adequate space on these roads to allow for deliveries as it is legal to actively load and unload from double yellow lines provided that there is no loading ban and no obstruction is created. The Transport Officer states that these would apply to a majority of Hughes Road as it is an industrial estate.
- 8.90 No management strategy, which includes details of start and end of term arrangements, have been provided for the Richmond House site setting out the exact arrangements for the proposal including arrangements for the start and end of term. As set out previously the plans submitted indicate the provision of 3 parking spaces, accessed via D'Aubigny Road/Richmond Road as 'Changeover Bays'. The Local Planning Authority is concerned that the use of D'Aubigny Road/Richmond Road by all occupants of the building at the beginning/end of term, could have a significant adverse impact upon the amenities of neighbouring properties, with regards to noise disturbance, even if managed so that arrival/departure times are staggered, given the existing tranquil nature of the area.
- 8.91 A Travel Plan, which could be submitted as part of an overall Management Plan should be submitted in respect of the proposal. Subsequent reviews of such Travel Plan could be incorporated into the Travel Plan of the appropriate university/college travel plan.

Servicing/Deliveries

- 8.92 The applicant states that all deliveries would take place via the Hughes Road access either via use of the existing double yellow lines, which can be used for unloading/loading where there is no loading ban, or via a dedicated loading bay, if such a bay is required.

- 8.93 As set out below the proposed refuse store would be located on the southern side of Building 1 and therefore would be accessed from the D'Aubigny Road/Richmond Road. The Council's City Clean officer has concerns regarding parking restrictions at the site with regards to the collection of refuse and recycling and vehicles being able to pull into the site and not block the road for long periods of time. Further details of parking restrictions along the kerbside of the site would be required.
- 8.94 Further details of delivery arrangements should form part of an overall Management Plan for the site, a document which can be required if overall the proposal is deemed acceptable.
- 8.95 The plans submitted show the provision of retractable bollards along part of the Richmond Road frontage, the positioning of which would need to be amended in order to address concerns raised by the Council's Transport Officer with regards to preventing vehicles causing an obstruction on the footway.

### **Sustainability**

- 8.96 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. 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.
- 8.97 As a major scheme, the development is expected to meet standards set out in the Council's SPD08 on Sustainable Building Design, of BREEAM 'excellent', to a minimum of 60% score in energy and water sections and a feasibility study on rainwater harvesting and grey water recycling systems.
- 8.98 A Sustainability Checklist has been submitted in which it is stated that the proposal would achieve BREEAM 'very good' which is below the expected standard. No justification for this lower level has been submitted as part of the application. It is noted that with regards to the energy and water sections, the applicant is intending to achieve 60%.
- 8.99 It is acknowledged that the Council's Sustainability Officer has stated that although a BREEAM assessment for the whole scheme is acceptable, the applicant should check that the BREEAM Multi-residential is the appropriate assessment tool with regards to Building 2, which would provide 3 floors of 5 cluster flats. If it is considered that Building 2 should be assessed under the Code for Sustainable Homes than this element of the proposal should meet Code Level 4 in order to comply with SPD08.

### **Waste Management:**

- 8.100 Under legislation introduced on the 6<sup>th</sup> April 2008, in the form of Site Waste Management Plans Regulations 2008, the proposed development is of a scale which would require a Site Waste Management Plan; therefore it is not deemed necessary to secure any details of waste minimisation measures under this application for planning permission.

Refuse Storage

- 8.101 Externally accessed refuse storage would be provided on the Richmond Road frontage of Building 1, at second floor level.
- 8.102 The proposed store would measure approximately 10m<sup>2</sup>. The Council's City Clean Officer has stated that such storage facilities are not large enough to accommodate refuse storage for a development of the size and scale proposed. Based on calculations using data from Sussex University, each student would require 0.7 litres of an 1100 litre bin. As the Council cannot offer a collection more frequently than once a week, based on the aforementioned calculation, the proposal would require 25 1100 litre bins.
- 8.103 For 25 bins with a footprint of 1.28m<sup>2</sup> per bin, an initial floor space of 32m<sup>2</sup> would be required however to allow manoeuvrability this needs to be multiplied by 2.5 as required by PAN05. Therefore to meet requirements based on a weekly collection the proposed bin store, for 144 residents, would need to be 80m<sup>2</sup>.
- 8.104 It is acknowledged that the applicant could arrange for private refuse and recycling collections but no details of such arrangements have been provided as part of the application.
- 8.105 The failure to provide adequate refuse and recycling facilities would have a harmful impact upon the amenities of future occupiers of the development and surrounding properties, contrary to policies SU9 and QD27 of the Brighton & Hove Local Plan and PAN 05.

**Landscaping and Ecology**

- 8.106 As part of the application a Tree Survey has been submitted. 15 trees would be removed as part of the proposed development, including 13 trees which are covered by a Tree Preservation Order (TPO), located on a linear formation at the top of the bank, on the eastern side of the site. The root system of the trees covered by the TPO have been severely undermined on the downward slope and above them is a concrete hardstanding area, which is a harsh environment and is unlikely to contain many roots.
- 8.107 Seven of the cluster of 13 trees are categorised in the report as "R" trees, trees which are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years (e.g. trees that have serious irremediable, structural defects, trees that are in decline and trees infected with pathogens). The other 6 trees covered by the TPO have been categorised as "C" trees, trees of low quality with an estimated remaining life expectancy of at least 10 years, unremarkable trees of very limited merit or impaired condition.
- 8.108 The Council's Arboriculturist's has reviewed the submitted document and agrees fully with its contents namely that the 13 trees within the site covered by the current TPO are now in such a condition that they do not warrant such a status and as a result there are no objections raised to their removal.

- 8.109 One of the trees not covered by the TPO is categorised as category “C” tree and therefore no objection to the loss of this tree is raised.
- 8.110 The other tree within the site not covered by the TPO has been given a “B” tree category, which is for trees of a moderate quality with a life expectancy of at least 20 years, trees of some significance with remedial defects or lacking that special quality. The Council’s Arboriculturist’s states that this Sycamore is of fine form but it has grown in a brick planter of some 2m diameter, meaning its root system is likely to be inadequate and is not sitting in the planter symmetrically, it is within 50cms of the brickwork on two sides. While this tree could be retained post-development, it is questioned whether its position in the planter is viable long-term and for this reason no objection is raised to its proposed removal.
- 8.111 The loss of 15 tree on one site is not normally something that the Council’s Arboriculturist would countenance, however given that all but one of the trees within the site are diseased, rotten or have large areas of exposed heartwood, it is agreed that that they can be removed, subject to an exceptional and robust landscaping scheme for replacement trees a part of any development, an issue which can be ensured via a condition if overall the proposal is deemed acceptable.
- 8.112 The comments received by the Council’s Heritage Officer regarding the impact on the Conservation Area of the removal of the existing trees are noted however given the condition of the trees it is not considered that their retention could be justified.
- 8.113 In addition to the loss of the Sycamore trees mentioned above the proposal would also result in the loss of dense stands of Bramble covering approximately 400m<sup>2</sup>, chiefly in the area of the existing steep bank facing Hughes Road. However this is a habitat of relatively recent origin and it is of low species diversity. The Council’s Ecologist has stated that this existing habitat may be of some value at the site level for feeding and nesting birds but its loss would not justify refusal of the application on nature conservation grounds. It is however recommended that, if overall the application is deemed acceptable, a condition is attached prohibiting the removal of the existing habitat during the bird nesting season (1<sup>st</sup> March to 31<sup>st</sup> July).
- 8.114 Policy QD17 of the Brighton & Hove Local Plan requires compensating and equivalent nature conservation features to be provided for any that are lost or damaged as part of a development. In this application wall-mounted bird nest boxes should be included in the development proposals to help compensate for the loss of potential bird nesting habitat, an issue which could be resolved via a condition.
- 8.115 In addition to protecting existing nature conservation features, policy QD27 also requires development to incorporate new nature conservation features to enhance the nature conservation value of the site, a requirement supported by the NPPF (paragraph 118).

- 8.116 Annex 6 of the Council's SPD on Nature Conservation and Development quantifies the mount of new nature conservation features developments are expected to provide, based on the area of the development. In this case 1,662 'nature points' would be required (equivalent to a site area of 1,662m<sup>2</sup>). A Sedum green roof (approximately 780m<sup>2</sup>) is proposed as part of the application. This equates to 5,460 'nature points' which is substantially more than required to address policy with regards to nature conservation enhancement. Further information regarding the proposed Sedum green roof is required, information which can be requested by a condition if overall the proposal was deemed acceptable.

**Other Considerations:**

Local Employment/Training

- 8.117 Should the application be approved, the Developer Contributions Interim Technical Guidance, Local Employment and Training provides the supporting information to request a contribution through a S106 agreement to the Local Employment Scheme. In this instance a financial contribution of £7,840 would be sought.
- 8.118 An Employment and Training Strategy would also be required, with the developer committing to using an agreed percentage of local labour. It is requested that in respect of the proposed development 20% local employment it utilised during the construction phase.

Public Art

- 8.119 Local Plan policy QD6 states that the provision of public art will be sought from major development schemes although the type of public art and level of contribution will vary depending on the nature of the development proposal, the characteristics of the site and its surroundings.
- 8.120 No acknowledgment of policy QD6 has been made within the application however an 'artistic component schedule' can be included as part of a S106 agreement, including a contribution of £30,000 towards the provision of public art, if overall the proposal is deemed acceptable, in order to ensure that the proposal complies with policy QD6.

Land Contamination

- 8.121 The site has had a long history of development including as Lewes Road Station, a Goods Station and a manufacturing chemist, such uses may have resulted in localised land contamination. In addition the site is located close to other potentially contaminated land sites. As a result it recommended that an approval be subject to a full contaminated land condition.

Infrastructure

- 8.122 Southern Water has stated that currently there is inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewage system and existing properties and land may be subject to a greater risk of flooding as a result.



- 8.123 The public sewer is a combined system, receiving both foul and surface water flows and no flows greater than currently received can be accommodated in this system. However, it is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows. As an alternative, additional off-site sewers, or improvements to existing sewers can be provided to service the development.
- 8.124 Should the application receive planning approval it is requested that a condition is attached requiring details of the proposed means of foul and surface water sewerage disposal to be submitted to and approved in writing.

### **Planning Obligations**

- 8.125 As detailed above, to deliver compliance with Local Plan Policies, financial contributions would be required towards Local Employment Scheme (£7,840) sustainable transport infrastructure (£51,345), sports recreation and open space (£173,309.21), and public art (£30,000), and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase would be sought. Were approval to be recommended, such measures could be secured as part of a planning legal agreement. Were agreement not to be reached in regard to these issues, the proposal would be considered contrary to policies QD6, QD28 and HO6 of the Brighton & Hove Local Plan.

## **9 CONCLUSION**

- 9.1 The applicant has failed to demonstrate that the existing office building is longer viable and genuinely redundant.
- 9.2 The proposal for purpose built student accommodation on a site which is identified as having potential for housing provision in the Council's Strategic Housing Land Availability Assessment, would compromise the Council's ability to meet its housing targets, and would set an unwelcome precedent for the approval of student accommodation on other comparable sites across the city in the future. For this reason the proposed development is considered to be unacceptable in principle.
- 9.3 It is considered that the proposed development would be an over-development of the site and by virtue of its design, scale, bulk and massing would have a harmful impact upon the visual amenities of the D'Aubigny Road and Richmond Road streetscenes and the wider area including the Round Hill Conservation Area and longer views into the Conservation Area.
- 9.4 The applicant has failed to demonstrate that the development would adequately address issues of sustainability, refuse/recycling storage and protect the amenities of the neighbouring properties with regards to increased noise and disturbance, levels of daylight/sunlight received and overshadowing created. The proposal would result in actual and perceived overlooking and loss of privacy to the northern neighbouring property and would not provide an acceptable standard of accommodation to all future occupiers.

- 9.5 Overall it is considered that the scheme is unacceptable and contrary to policy. Refusal of planning permission for the reasons identified in Section 11 below is therefore recommended.

## **10 EQUALITIES**

- 10.1 The development should be designed to be fully accessible for residents and visitors alike.

## **11 REASONS FOR REFUSAL / INFORMATIVES**

### **11.1 Reasons for Refusal:**

1. The proposed purpose built student accommodation is not supported by one of the City's two Universities or other existing educational establishments within Brighton & Hove. The proposal would have an unacceptable impact upon residential amenity in the surrounding area, especially with regards to increased noise and disturbance as a result of the applicant failing to submit a management plan specific to the site. In addition part of the proposed development would occupy a site which is identified as having potential for housing provision in the Council's Strategic Housing Land Availability Assessment, and would therefore compromise the Council's ability to meet its housing need and set an unwelcome precedent for the approval of student accommodation on other housing sites across the City in the future. For these reasons the proposed development is contrary to the National Planning Policy Framework, policy QD27 of the Brighton & Hove Local Plan and policies CP1 and CP21 of the Brighton & Hove City Plan Part One.
2. The proposed development, by virtue of its design, finish materials, excessive bulk, scale and massing would be an over-development of the site, which would relate poorly to the terraced properties in D'Aubigny Road and Richmond Road, causing a harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road streetscenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood. The mass, scale and bulk of the development is substantially larger than the existing office building and would appear out of scale and overly prominent in views out of the Round Hill Conservation Area. The height of Building 1 fails to reflect the change in ground level across the site and fails to have a direct relationship with D'Aubigny Road/Richmond Road, a characteristic of the Conservation Area. In addition the actual/visual loss of the existing embankment would result in the erosion of the distinct barrier between the Conservation Area and the less cohesive streetscape located to the north of the site, which would have a harmful impact upon the distinctive layout and predominance of green space of the area seen in longer views. The proposal is therefore contrary to development plan policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that the existing B1 office use is no longer viable and genuinely redundant by failing to market the ground floor/entire building on competitive terms for a period of at least twelve months. In the absence of such evidence, the proposal would involve the

unacceptable loss of employment generating floorspace. As such the proposal is contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and policy CP3 of the Brighton & Hove City Plan Part One.

4. The applicant has failed to demonstrate that the proposed development would not have a significant impact upon the amenities of the new development located to the north of the site, between Hollingdean Road and Sainsbury's Service Road, with regards to received levels of daylight/sunlight and over-shadowing. The proposed massing, scale and bulk of Building 1 is considered to result in an unneighbourly form of development which is considered likely to have an adverse effect on the amenities of the neighbouring northern development by way of loss of daylight/sunlight, especially in respect of the single aspect flats. The proposal is also considered to give rise to adverse actual and perceived loss of privacy and overlooking to windows, balconies and terraced area on the southern elevation of this neighbouring property. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.
5. Insufficient information has been provided with regards to the use of secondary entrance of Building 1 onto Richmond Road and the use of the Courtyard area and as such the applicant has failed to demonstrate that the proposed development would not have a significant adverse upon the amenities of occupiers of the neighbouring properties and future occupiers of the development, with regards to noise and disturbance. As such the proposal is contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan and policy CP21 of the Brighton & Hove City Plan Part One.
6. The south facing accommodation within Building 1, at first floor level, would be provided with poor levels of daylight/sunlight and oppressive outlook resulting in a sense of enclosure. As such the proposal would provide a poor standard of accommodation harmful to the amenity of future occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
7. The proposed development would not provide a level of sustainability which would adequately address the requirements of policy SU2 of the Brighton & Hove Local Plan and the guidance set out in SPD08 'Sustainable Building Design'. Furthermore sufficient justification has not been provided to demonstrate that the level of sustainability recommended in SPD08 could not reasonably be met. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPD08 on 'Sustainable Building Design'.
8. The applicant has failed to demonstrate that adequate refuse and recycling provision would be provided. The proposed refuse store is not large enough for a development of the size proposed based on a weekly collection by the Council. No details of private refuse and recycling collections have been submitted as part of the application. Failure to provide adequate refuse and recycling facilities would have a harmful impact upon the amenities of future occupiers of the development and neighbouring properties As such the proposal is contrary to policies SU9 and QD27 of the Brighton & Hove Local Plan and PAN 05 on Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

PLANS LIST – 15 MAY 2013

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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site and Block Plan	0565 F0-001	P2	8 <sup>th</sup> February 2013
Proposed Site and Block Plan	0565 D0-001	P1	23 <sup>rd</sup> January 2013
Existing Floor Plans	0565-F0-100	P1	23 <sup>rd</sup> January 2013
Existing Elevations	0565-F0-101	P1	23 <sup>rd</sup> January 2013
Topographical Survey	0565-F0-102	P1	23 <sup>rd</sup> January 2013
Proposed Level 00 – Hughes Road Level	0565 D0-100	P1	23 <sup>rd</sup> January 2013
Proposed Level 01	0565 D0-101	P1	23 <sup>rd</sup> January 2013
Proposed Level 02 – Richmond Road Level	0565 D0-102	P1	23 <sup>rd</sup> January 2013
Proposed Level 03	0565 D0-103	P1	23 <sup>rd</sup> January 2013
Proposed Level 04	0565 D0-104	P1	23 <sup>rd</sup> January 2013
Proposed Roof Plan	0565 D0-105	P1	23 <sup>rd</sup> January 2013
Proposed Elevations	0565 D0-200	P1	23 <sup>rd</sup> January 2013
Proposed Elevations and Sections	0565 D0-201	P1	23 <sup>rd</sup> January 2013
Proposed Elevations and Sections	0565 D0-202	P1	23 <sup>rd</sup> January 2013
Proposed Elevations (Building 2)	0565 D0-203	P1	23 <sup>rd</sup> January 2013
Proposed Bay Detail	0565 D0-204	P2	8 <sup>th</sup> February 2013

**Appendix A - Letters of Objection**

<b>Property Name</b>	<b>Street</b>	<b>Town</b>	<b>Postcode</b>
Flat 3, 2	Ashdown Road	Brighton	BN2 3FN
3	Ashdown Road	Brighton	BN2 3FS
4	Ashdown Road	Brighton	BN2 3FS
7	Ashdown Road	Brighton	BN2 3FS
9	Ashdown Road	Brighton	BN2 3FS
10	Ashdown Road	Brighton	BN2 3FS
11	Ashdown Road	Brighton	BN2 3FS
13	Ashdown Road	Brighton	BN2 3FS
2	Belton Road	Brighton	BN2 3RE
48	Benett Drive	Hove	BN3 6UT
2	Brock End	Cuckfield	RH17 5BU
Unit 11	Centenary Industrial Estate	Brighton	BN2 4AW
6	Champions Row, Wilbury Avenue	Hove	BN3 6AZ
12	Church Lane	Southwick	BN42 4GD
31	Crescent Road	Brighton	BN2 3RP
37C	Crescent Road	Brighton	BN2 3RP
68	Crescent Road	Brighton	BN2 3RA
1	D'Aubigny Road	Brighton	BN2 3FT
3 (x2)	D'Aubigny Road	Brighton	BN2 3FT
4	D'Aubigny Road	Brighton	BN2 3FT
5 (x2)	D'Aubigny Road	Brighton	BN2 3FT
6A	D'Aubigny Road	Brighton	BN2 3FT
Flat 6, 6	D'Aubigny Road	Brighton	BN2 3FT
Flat 8, 6	D'Aubigny Road	Brighton	BN2 3FT
7	D'Aubigny Road	Brighton	BN2 3FT
8 (x2)	D'Aubigny Road	Brighton	BN2 3FT
9 (x2)	D'Aubigny Road	Brighton	BN2 3FT
12	D'Aubigny Road	Brighton	BN2 3FT
13	D'Aubigny Road	Brighton	BN2 3FT
15	D'Aubigny Road	Brighton	BN2 3FT
72	Ditchling Road	Brighton	BN1 4SG
313	Kingsway	Hove	BN3 4LT
3	Mayo Road	Brighton	BN2 3RJ
14	Mayo Road	Brighton	BN2 3RJ
29 (x2)	Prince's Crescent	Brighton	BN2 3RA
33	Prince's Crescent	Brighton	BN2 3RA
61 (x2)	Prince's Crescent	Brighton	BN2 3RA
77	Prince's Crescent	Brighton	BN2 3RA
91	Prince's Crescent	Brighton	BN2 3RA
93	Prince's Crescent	Brighton	BN2 3RA
24	Prince's Road	Brighton	BN2 3RH
36	Prince's Road	Brighton	BN2 3RH

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36B	Prince's Road	Brighton	BN2 3RH
43 (x2)	Prince's Road	Brighton	BN2 3RH
49	Prince's Road	Brighton	BN2 3RH
50	Prince's Road	Brighton	BN2 3RH
55 (x2 incl. committee member of The Round Hill Society)	Prince's Road	Brighton	BN2 3RH
68	Prince's Road	Brighton	BN2 3RH
4 (x2)	Richmond Road	Brighton	BN2 3RN
6	Richmond Road	Brighton	BN2 3RN
7	Richmond Road	Brighton	BN2 3RL
11A	Richmond Road	Brighton	BN2 3RL
25	Richmond Road	Brighton	BN2 3RL
26 (x2)	Richmond Road	Brighton	BN2 3RN
27	Richmond Road	Brighton	BN2 3RL
32	Richmond Road	Brighton	BN2 3RN
35	Richmond Road	Brighton	BN2 3RL
37	Richmond Road	Brighton	BN2 3RL
39	Richmond Road	Brighton	BN2 3RL
45	Richmond Road	Brighton	BN2 3RL
46	Richmond Road	Brighton	BN2 3RN
47 (x2)	Richmond Road	Brighton	BN2 3RL
49 (x2)	Richmond Road	Brighton	BN2 3RL
51	Richmond Road	Brighton	BN2 3RL
52	Richmond Road	Brighton	BN2 3RN
53	Richmond Road	Brighton	BN2 3RL
55	Richmond Road	Brighton	BN2 3RL
58	Richmond Road	Brighton	BN2 3RN
59	Richmond Road	Brighton	BN2 3RL
62	Richmond Road	Brighton	BN2 3RN
66	Richmond Road	Brighton	BN2 3RN
80 (x2)	Richmond Road	Brighton	BN2 3RN
82B	Richmond Road	Brighton	BN2 3RN
84 (x3)	Richmond Road	Brighton	BN2 3RN
94	Richmond Road	Brighton	BN2 3RN
100	Richmond Road	Brighton	BN2 3RN
102 (x2)	Richmond Road	Brighton	
106 (x2)	Richmond Road	Brighton	BN2 3RN
108 (x2)	Richmond Road	Brighton	BN2 3RN
110	Richmond Road	Brighton	BN2 3RN
112 - 114	Richmond Road	Brighton	Bn2 3RN
122	Richmond Road	Brighton	BN2 3RN
126	Richmond Road	Brighton	BN2 3RN
18	Roundhill Crescent	Brighton	BN2 3FR
30	Roundhill Crescent	Brighton	BN2 3FR
34	Roundhill Crescent	Brighton	BN2 3FR
45	Roundhill Crescent	Brighton	BN2 3FR

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47	Roundhill Crescent	Brighton	BN2 3FQ
53	Roundhill Crescent	Brighton	BN2 3FQ
54	Roundhill Crescent	Brighton	BN2 3FR
61	Roundhill Crescent	Brighton	BN2 3GP
71	Roundhill Crescent	Brighton	BN2 3GP
78a (x2)	Roundhill Crescent	Brighton	BN2 3FR
79	Roundhill Crescent	Brighton	BN2 3GP
81	Roundhill Crescent	Brighton	BN2 3GP
82A	Roundhill Crescent	Brighton	BN2 3FR
85	Roundhill Crescent	Brighton	BN2 3GP
97	Roundhill Crescent	Brighton	BN2 3GP
101 (x2)	Roundhill Crescent	Brighton	BN2 3GP
101C	Roundhill Crescent	Brighton	BN2 3GP
103A	Roundhill Crescent	Brighton	BN2 3GP
105	Roundhill Crescent	Brighton	BN2 3GP
Flat 3, 105	Roundhill Crescent	Brighton	BN2 3GP
Flat 4, 105	Roundhill Crescent	Brighton	BN2 3GP
Flat 1, 107	Roundhill Crescent	Brighton	BN2 3GP
Flat 3, 107	Roundhill Crescent	Brighton	BN2 3GP
111	Roundhill Crescent	Brighton	BN2 3GP
113	Roundhill Crescent	Brighton	BN2 3GP
Basement Flat, 113	Roundhill Crescent	Brighton	BN2 3GP
Unknown	Roundhill Crescent	Brighton	
8	Round Hill Street	Brighton	BN2 3RG
51	Upper Lewes Road	Brighton	BN2 3FH
62	Warleigh Road	Brighton	BN1 4NS
6 (x2)	Wakefield Road	Brighton	BN2 3FP
10	Wakefield Road	Brighton	BN2 3FP
13	Wakefield Road	Brighton	BN2 3FP
28	Wakefield Road	Brighton	BN2 3FP
Unknown	Unknown	Brighton	BN2 3FT
Unknown	Unknown	Brighton	BN2 3GP
Unknown	Unknown	Unknown	Unknown





**PLANS LIST  
ITEM B**

**1 Manor Road, Brighton**

**BH2012/03364  
Full planning consent**

**15 MAY 2013**



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2012/03364</b>	<b><u>Ward:</u></b>	<b>EAST BRIGHTON</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1 Manor Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing chapel, garages and extensions to Villa Maria and St Augustine's buildings. Change of use from convent boarding house (Sui generis) and refurbishment of existing buildings Villa Maria and St Augustine's to provide 16no. flats. Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats. A total of 46no. dwellings to be created with associated car and cycle parking, landscaping and other works including ecological enhancements.</b>		
<b><u>Officer:</u></b>	<b>Anthony Foster Tel 294495</b>	<b><u>Valid Date:</u></b>	<b>05/11/2012</b>
<b><u>Con Area:</u></b>	<b>Adj Kemp Town</b>	<b><u>Expiry Date:</u></b>	<b>04/02/2013</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Pollard Thomas Edwards Architects, Diespeker Wharf, 38 Graham Street, London</b>		
<b><u>Applicant:</u></b>	<b>Guinness Developments Ltd, Mr Michael Gray, Second Floor, Beulah Court, Albert Road, Horley</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves it is **MINDED TO GRANT** planning permission subject to the completion of a s106 Agreement and to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is at the corner of Manor Rd, to the west, and Bristol Gardens to the south. The site itself was formerly the St Benedict's Convent site which is an inverted 'L' shaped site that covers an area of approximately 0.492 hectares.
- 2.2 The existing site comprises a number of buildings including two large villas which stand 3-4 storey's in height both of which are identified as locally listed buildings, St Augustine's and Villa Maria. Both building have had unsympathetic modern extensions to provide additional accommodation at the ground floor level. The site has not been in use since 2008 whereby the dwindling convent population moved to premises located on Preston Park Avenue. The site is bounded by circa 4m high brick built wall to the southern, eastern and western boundaries.
- 2.3 Also contained within the site is a chapel which was built in the 1950s and was solely used by the Sisters for private prayer. To the west of the site is Kemp Court, which is a large modern apartment block arranged over four storeys. To the north of the site is Robin Dene, a residential cul-de-sac comprising a terrace of fairly modern properties backing onto the site.

- 2.4 To the south west of the site are a number of single storey mews properties with accommodation within the roof. These properties back directly onto the existing high boundary wall between the two sites. Further to the west of the site are two storey terraced residential properties accessed from Bristol Gardens and Prince Regent's Close.
- 2.5 To the south the site fronting onto Bristol Gardens is a terrace of three storey residential properties.
- 2.6 The site is not located within but adjoins the Kemp Town Conservation Area and also could be seen against the backdrop of Grade I listed properties fronting onto Sussex Square.

### 3 RELEVANT HISTORY

**BH20012/00861:** Demolition of existing chapel, garages and extensions to Villa Maria and St Augustine's buildings. Change of use from convent boarding house (Sui generis) and refurbishment of existing buildings Villa Maria and St Augustine's to provide 16no. flats. Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats. A total of 46no. dwellings to be created with associated car and cycle parking, and landscaping works. Withdrawn

**BH1998/00271/FP:** Erection of 1<sup>st</sup> Floor Extension at rear to form dining room. Approved 02/06/1998

**96/0923/FP:** Erection of single storey store building adjoining existing garage at north end of site. Approved 26/11/1996

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing chapel, garages and extensions to Villa Maria and St Augustine's buildings and the change of use of the convent to provide 16no. flats. Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats with associated car and cycle parking, landscaping and other works including ecological enhancements.
- 4.2 The scheme would provide for a total of 46 residential units (40%) would be affordable units, including an overall mix of 9 1no bed units, 15no. two bed flats, 11no 2bed dwellings and 11no 3 bed dwellings.
- 4.3 The application proposal can be split into a number of distinct blocks A-E:  
Block A to the north east of the site provides 8no affordable flats (4no 1bed & 4no 2bed, one of which is wheelchair accessible) in the form of a two storey block with accommodation contained within the roof. Block A would sit immediately behind the boundary wall along Manor Road, the block of flats would have an eaves line which would appear to be a maximum of 2.5m in height above the existing boundary wall. The block would be positioned circa 3.5m to the north of St Augustines. The visible street elevation of this block would be finished in facing brick to complement the existing boundary wall and have modern but simply designed dormer windows within the roofspace to help

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to breakup the overall massing of that area of roofspace. The dormers would be metal clad dormers whilst the roof would be finished in grey tiles. The proposed courtyard elevation would also be finished in facing brick and powdercoated aluminium windows. Photovoltaic panels are also proposed to the roof within this elevation.

- 4.4 Block B adjacent to Villa Maria provides 2no 3bed affordable wheelchair accessible units, in the form of a part single part two storey dwellings. Block B comprising units B1-B2, would sit adjacent to Villa Maria and would appear as a single storey side extension to the villa. This block would be of a simple design and finished in facing brick to contrast with the pebble dash appearance of Villa Maria. Block B would appear as a two storey structure to the rear given the change in levels which takes place across the site. The building would be built directly adjacent to the boundary wall with Robin Dene, and would appear 2.5m above the existing boundary wall, with the resultant flank wall elevation being located circa 8m from the rear elevations of the properties on Robin Dene.
- 4.5 Block C the conversion of Villa Maria, provides 3no 1bed units and 5no 2bed units. All of which are affordable units.
- 4.6 Block D the conversion of St Augustine's, provides 2no 1 bed units and 6no 2 bed units
- 4.7 Block E to the south of St Augustine's provides 4no 2 bed units and 6no 3 bed units in the form of two rows of two storey with rooms in the roof terrace dwellings. To the east of St Augustines 3no 2bed and 3no 3 bed in the form of two storey dwellings, and to the east of Villa Maria 4no 2 bed dwellings which are single storey in height with rooms in the roof.
- 4.8 Block E comprising units E1-E10, located to the south of the site would form two rows of 5 terrace properties facing into the central courtyard. The larger properties within the site would be finished in render whilst the two end of terrace properties located adjacent to Bristol Gardens would be finished in facing brick.
- 4.9 Block E comprising units E11-E16, located to the east of St Augustine's, would form a row of a terrace of 6 dwellings finished in facing brick with an asymmetric roof form which slopes away from the properties on Bristol Mews. Given the shallow pitch of this roof the roof is proposed to be finished in a standing seam metal roof. The boundary wall in this location is between 4m – 5.5m in height. The properties would be set off the boundary with Bristol Mews by circa 3.5m. Due to the height of the existing boundary wall only the roof and a maximum of 0.8m would be visible above.
- 4.10 Block E comprising units E17-E20, located within the northeast corner of the site would form a row of a terrace of 4 dwellings be finished in facing brick with an asymmetric roof form which slopes away from the properties on Robin Dene. Given the shallow pitch of this roof the roof is proposed to be finished in a standing seam metal roof. The proposed projecting bay windows to the rear elevation are to be obscurely glazed and finished in render.

- 4.11 Also included as part of the application are 36 car parking spaces and a total of 62 cycle parking spaces are also provided, along with landscaping within communal areas, greenwalls where appropriate and additional ecological enhancements including a pond, hedgerows and bird and bat boxes.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Forty-nine (49)** letters of representation have been received from **Flat 2 Bristol Mansions, 7, 10, 11 (x2) Robin Dene, 8 Maresfield Road, 23, 24 Church Place, 2a (x3), 4, 4a, 5, 6a, 7 (x2), 9, 30 Bristol Gardens, 53 Ely Road, 4, 8, 11, 21, 22, 25, 36 Prince Regents Close, 7 Rugby Court, Bristol Ward Residents Group, 3, 17, 30, 36, 38, 51, 64 Bennett Road, 1, 2 Bristol Mews, Flat 2 13, Flat 3 13, Flat 5 13 (x2), Flat 1 16, Flat 5 16, 23a, Basement Flat 49A Sussex Square, 12, 14, 19, 23, 49, 49A Princes Terrace, 19 Lewes Crescent, Bristol Nurseries Residents Association** and 2 undisclosed objecting to the application for the following reasons:

- The history of the site should be retained and not lost as part of a development
- Increased risk of flooding poor level of drainage within the area
- Reduction in daylight and sunlight
- Loss of the chapel
- Too dense a development
- Overlooking into habitable rooms
- Increase in traffic will have a detrimental impact upon highway and pedestrian safety which is already quite poor in this location
- Poor quality of design not in keeping with the area
- Parking within the area is under considerable pressure
- The boundary wall should be retained
- Loss of Trees within the site
- Noise and disturbance resulting from the additional residents
- Impact upon the listed buildings within the area
- The design is bulky and unsympathetic
- Overdevelopment of the site
- The development would result in a poor level of amenity for future and existing occupiers
- Concerns over the level of existing infrastructure within the area
- Cumulatively there are too many development within this area
- The existing wall would probably be damaged as part of the works

- 5.2 **Cllr Mitchell** has objected to the scheme the letter is attached as an appendix to this report.

- 5.3 **One (1)** letter of representation have been received from **23 Rugby Place** supporting the application for the following reasons:

- The development is a balance of preserving the old whilst providing much need affordable housing

- 5.4 **Kempton Society:** Object to the scheme on the following grounds

- The number of dwellings is too high and inappropriate for the area
  - The design of the dwellings is not in keeping with the adjoining conservation area or locally listed buildings
  - The historic wall should be fully retained
  - The loss of a significant number of trees on the site
- 5.5 **County Archaeologist: Comment.** In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a *programme of archaeological works*, to be secured via a condition.
- 5.6 **Environment Agency: Comment.** Due to the level of risk posed by this development we are unable to provide a detailed response to this consultation and therefore have no comments to make.
- 5.7 **Sussex Police: Comment.** I was very pleased to see that my previous concerns and recommendation within my correspondence in response to BH2012/00861 have been addressed.
- 5.8 **Southern Water: Comment.** Should the application be approved an informative should be added to seek that the applicant contact Southern Water to ensure that the necessary sewerage infrastructure is in place to service the development. Also a condition requiring full details of foul and surface water disposal should be included.
- Internal:**
- 5.9 **Heritage: Support.** The proposed development is generally considered to be a good quality scheme which retains the historic Edwardian villas in an appropriate setting that enables the visual primacy and architectural design of the villas to dominate, whilst making effective and efficient use of the site. The scheme also wholly retains the historic boundary walls. In design terms the new dwellings would be clearly contemporary but would make use of building forms and materials traditional to the area so that they would appear appropriate in their context. The design is restrained in detailing and materials, in order to defer to the Edwardian villas, but with sufficient variety and subtlety of detailing across the blocks so as avoid monotony. A street frontage would be recreated on Bristol Road. The development would preserve the setting of the adjacent Kemp Town conservation area and the setting of the nearby listed buildings.
- 5.10 **Ecology: Comment.** This application includes a Bat Survey Report dated August 2012 which summarises the findings of a specialist bat survey. The report concludes that whilst there are unlikely to be any bats using the site for roosting, there is an established foraging route along the northern site boundary and that a sympathetic lighting scheme should be incorporated into the design in order to minimise disruption to it.
- 5.11 Policy QD17 requires developments to include measures to enhance biodiversity, irrespective of the current nature conservation value of the development site. Annex 6 of SPD 11 includes a method for calculating the

amount of new biodiversity developments are expected to provide. This is supported by paragraph 117 of the NPPF, which states:

- 5.12 117. To minimise impacts on biodiversity and geodiversity, planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations... ‘
- 5.13 Some attempt has been made to tabulate the points scored by the scheme however a condition requiring full details of the proposed measures should be added
- 5.14 **Environmental Health:** Comment. A full contaminated land condition is recommended for this development. Additionally, due to the size of the development and that it is in a residential area, it is recommended that a suitable and sufficient CEMP is provided as part of this application.
- 5.15 **Education:** Comment. If this application were to proceed I would be seeking a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate. In this instance I would be seeking a contribution in respect of primary and secondary education
- 5.16 **Arboriculturist:** No objection. There are 21 trees on this site, the majority of which will be lost to facilitate the development. They are mostly structurally defective, diseased, or of poor form and therefore are unworthy of Preservation Order.
- 5.17 The Arboricultural Section has no objection to the proposals in this application, however, suitable conditions should be attached to any consent granted to protect any trees that are to remain on site, those that are off site but in close proximity to the development, and a replacement planting scheme for replacements for those that are to be lost.
- 5.18 **Housing:** Support. The proposal is for change of use from a convent boarding house and refurbishment of the existing buildings Villa Maria and St Augustines to provide 16 flats and 30 new build houses and flats. 18 homes will be affordable (39% of the total).
- 5.19 We currently have over 12,000 people on the Housing Register waiting for affordable rented housing and 676 people waiting for low cost home ownership and therefore we have a pressing need for affordable housing in the city.
- 5.20 **Planning Policy:** Support. This revised proposal is similar in policy terms to the withdrawn application BH2012/00861. It is considered that in principle a change of use to residential is suitable for this site, and that the application is acceptable in terms of policy HO2, HO3 and HO4.
- 5.21 **Sustainable Transport:** Comment. From a transport planning point of view the site is effectively split into 3 sections, the southern section has shared access off Bristol Gardens, the centre section has pedestrian and cyclist access



off Manor Road at approximately the middle of the site along Manor Road and the northern section has shared access off Manor Road at the northern end of the site.

- 5.22 Pedestrians and cyclists can move between all three sections and access points but vehicles are restricted to the southern and northern sections and access points.
- 5.23 Vehicular movement around the site is based on shared surfaces similar to a super store-car park with similar 'tight' dimensions that will have a natural traffic calming effect.
- 5.24 Emergency fire and rescue vehicles can enter, turn around and exit the northern section of the site or supply fire fighting materials to the southern section of the site by dry risers with the middle section of the site being dealt with from the northern and southern sections and Manor Road.
- 5.25 The applicant proposes that the servicing of waste management will be carried out solely from Manor Road and this is acceptable to the Highway Authority. Small and medium sized delivery and servicing vehicles should be able to slowly negotiate the sites access roads and large delivery and servicing vehicles will probably not be able to negotiate the sites access roads and will have to load and unload from Manor Road. However, the applicant will need to re-examine the layout and design of the southern access road to ensure that vehicles that enter the site can safely turn around and exit the site. This might be possible by removing some of the proposed planters and trees and relocating some of the proposed bin storage along the southern access road or by removing two of the proposed car parking spaces.
- 5.26 Sufficient resident and visitor cycle parking is provided on-site but in the northern section some of it is located at the furthest part of the site from the access points and in back gardens which is not ideal.

#### Vehicle parking provision

- 5.27 Proposed vehicle parking provision is below SPGBH04 maximums and at least at SPGBH04 minimums where appropriate (for cycle and disabled parking) and is therefore deemed acceptable to the Highway Authority.

#### Accesses onto the Public Highway

- 5.28 The applicant has requested to reconfigure on-street public highway car parking to allow accesses to be built and the applicant should also be asked to pay for car club bay on Manor Road located immediately north of the Bristol Gardens bus stop outside the pedestrian entrance into the site to help reduce the need for parking on-site and in the surrounding neighbourhood. In principle, there is not an objection to reconfiguring on-street public highway parking arrangements to accommodate this development however the applicant will still have to agree the details and funding with the Council's Parking Infrastructure Team.

Trip Generation and Impacts on the Highway Network

- 5.29 The applicant's forecasted trip generation is not expected to overwhelm this relatively low trafficked part of the highway network and being on a 'T' shaped priority junction and having accesses on two arms of the 'T' is quickly expected to dissipate across the network so the proposed trip generation and highway impact is deemed acceptable to the Highway Authority.

Travel Plan

- 5.30 A travel plan has been submitted by the applicant and Rob Dickin, the Council's Travel Plan Officer has deemed the travel plan acceptable in principle and has provided the planning case officer with comments that the applicant needs to apply to his travel plan to make it acceptable to the Highway Authority.

Level of Contribution

- 5.31 The applicant has calculated the level of contribution to be about £56,000 using a formula similar to the council's formula that for the purposes of this application the Highway Authority deems acceptable. If the applicant's level of contribution proves to be acceptable to Committee then please see attached suggested list of footway and public transport improvements with cost estimates not exceeding £56,000 in total for the purpose of negotiating a S106 Agreement with the applicant, the public transport element of which was requested by the applicant.

- 5.32 **Economic Development:** Comment. Request a contribution through a S106 agreement for the payment of £23,000 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

- 5.33 **Public Art:** To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement.

**6 MATERIAL CONSIDERATIONS**

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

- 6.2 The development plan is:

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

- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR15	Cycle Network
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 sewerage disposal infrastructure
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste Management
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
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
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
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

HE10 Buildings of local interest

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

CP20 Affordable Housing

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations relating to the determination of this application are as follow:

- i) Principle of development
- ii) Housing type, size, mix and quality
- iii) Design, Character and appearance
- iv) Amenity for adjoining residents
- v) Trees and biodiversity
- vi) Transport
- vii) Sustainability

### **Principle of development**

- 8.2 The application proposes the demolition of the existing chapel, garages and extensions to Villa Maria and St Augustine's buildings and the change of use of Villa Maria and St Augustine's to provide 16no. flats. The Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats with associated car and cycle parking, landscaping and other works including ecological enhancements.
- 8.3 The original convent building was built around 1900 to serve the Sisters of St Augustine's Lady. Prior to this the site was a garden nursery, and the high boundary walls which surrounded it still remain. The site was then occupied by Grace and Compassion Benedictine Sisters who have since relocated to a convent based in Preston Park Avenue. There are no policies within the Local Plan which seek to protect convents within the city, and as such the principle of the change of use is considered to be acceptable.
- 8.4 Local Plan policy HO20 seeks the retention of community facilities, and confirms that planning permission will not be granted for development proposals, including changes of use that involve the loss of community facilities. The existing chapel on the site, located adjacent to the corner of Manor Road and Bristol Gardens, was for the sole use of the Sisters and its use was ancillary to the main use of the site as a convent. As such in this instance it is considered that policy HO20 is not relevant.

**Housing type, size, mix and quality**

Affordable Housing

- 8.5 The application proposes a total of 46 residential units on the site. Policy HO3 of the Local Plan seeks to ensure that proposals for new residential development incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove’s housing needs. Local Plan Policy HO2 and policy CP20 of the emerging City Plan, seek 40% affordable housing provision. The table below provides details of the mix of dwelling types and sizes proposed:

	<b>1-Bed</b>	<b>2-Bed</b>	<b>3-Bed</b>	<b>Total</b>
Market	2	17	9	28 (60.8%)
Affordable	4	4	2	10 (21.8%)
Shared Ownership	3	5	0	8 (17.4%)
<b>Total</b>	9 (19.5%)	26 (56.5%)	11 (23.9%)	

- 8.6 Of the 18 affordable units proposed, 8 would be available for shared ownership and 10 as social rented accommodation. The mix of affordable dwelling types breaks down to a ratio split of 39/50/11 1-bed, 2-bed and 3-bed units whilst for the market housing the ratio is 7/61/32 1-bed, 2-bed and 3-bed units.
- 8.7 The application proposes 3 wheelchair accessible units, all of which are allocated as affordable housing. On this basis the proposal is considered to comply with the overall aims of policy HO3. Both the proportion of affordable housing proposed, the mix of tenure types and the mix of dwelling sizes, are considered acceptable and both reflect and respond to the city’s housing needs. In these respects the proposal is welcomed by the council’s Housing Commissioning team and the application meets the requirements of policies HO2 and HO3 of the Local Plan.

Lifetime Homes

- 8.8 Policy HO13 requires new residential dwellings be built to lifetime home standards. The Design and Access Statement advises that all units have been designed to meet lifetime home standards. The Councils Accessibility Officer has reviewed the information and whilst the majority of the scheme is in accordance with Lifetime Homes Standards there are some minor details which could be altered to ensure full compliance. This can be controlled by a suitably worded condition, which has been suggested.

Private Amenity Space

- 8.9 Policy HO5 requires the provision of private amenity space where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies would be taken into account. Each of the terraced properties would benefit from an area of private amenity space to the rear of the dwellings which equates to circa 13.5sqm – 32sqm (including roof terraces).

This level of private amenity space is considered acceptable within the context and character of the surrounding dwellings.

- 8.10 No private amenity space has been identified for the occupiers of the two converted villas. There is however areas of shared space which the future occupants would have use of. These areas have been identified as being located around the main entrances of the properties and adjacent to the proposed location of cycle stores. Given that the proposed conversion is of two large villas whereby the provision of private amenity space could not easily be formalised, in this instance and the presence of a large area of public amenity space within circa 75m to the north of the site, the proposed shared amenity space is considered acceptable.

#### Outdoor Recreation Space

- 8.11 Policy HO6 requires the provision of suitable outdoor recreation space split between children's equipped play space, casual / informal play space and adult / youth outdoor sports facilities. The policy also states that where it is not practicable or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site may be acceptable.
- 8.12 The application does not propose equipped play space, casual / informal play space and youth outdoor sports facilities and it is not feasible for this to be addressed on-site. The applicant proposes to address this shortfall through a contribution towards the improvement and enhancement of existing facilities in the locality of the site. A contribution of £144,500 would be secured through a s106 agreement.
- 8.13 The development would provide a satisfactory standard of accommodation for future occupants and complies with policies HO5 and HO6, and QD27 which seeks to protect residential amenity. The size and mix of housing responds to local housing needs and complies with the aims of policies HO3 and HO4.

#### **Design, Character and Appearance**

- 8.14 The site, is currently quite distinctive within the local neighbourhood given its high boundary walls and distinctive Edwardian villas. The site is adjacent to, and forms part of the setting of, the Kemp Town conservation area. It also forms part of the setting of the grade I listed buildings of Sussex Square.
- 8.15 The two Edwardian villa buildings on the site are locally listed and again have considerable townscape and historic interest. St Augustine's was originally known as The Lees and was built in 1906 to the designs of Edward Goldie of the Goldie family practice, which specialised in Catholic church buildings and who has listed buildings to his name.
- 8.16 The Villa Maria was built some time shortly afterwards as a private house and is believed to have become part of the convent in the 1930s. They are now linked by a two storey flat roofed structure dating from the 1970s and of no interest. Stylistically the two are similar and are typical of the period but St Augustine's has greater architectural detailing.

- 8.17 The chapel building on the south west of the site dates from the late 1950s, when the 19<sup>th</sup> century buildings on this corner were demolished, and whilst it sits comfortably in its context it is architecturally modest and not considered to contribute to the significance of the site.
- 8.18 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.
- 8.19 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.20 As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will be expected to incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.
- 8.21 Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area.
- 8.22 Policy HE10 states that, whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these buildings should be of a high standard compatible with the character of the building.
- 8.23 In terms of the impact of the proposals upon the locally listed buildings the demolition of what are considered to be unattractive extensions is welcomed as this enables the original elevations of the villas to be restored. Alterations are proposed at roof level in the form of additional dormer windows, in this instance it is acknowledged that the viable retention of the Villas requires flexibility and that the potential harm resulting from the roof additions must be balanced against the wider restoration of the building.
- 8.24 In design terms the new dwellings would be clearly contemporary but make use of building forms, traditional pitched roofs and materials, such as facing brick and render which are traditional to the area. The overall design is simple in its detailing, in order not to detract or overwhelm the Edwardian villas, but with sufficient variety and subtlety of detailing across the blocks so as avoid monotony.
- 8.25 The layout, form and scale of the new residential dwellings is considered appropriate in preserving the open setting and visual primacy of the Edwardian villas, whilst making full and effective use of the site. The application seeks the retention of the historic boundary walls which is welcomed, as this is characteristic of the site. The proposed Bristol Gardens frontage seeks to

extend the hard boundary treatment, as with the historic wall, with two modest two storey buildings, whilst retaining the original section of brick boundary wall adjacent to Bristol Mews.

- 8.26 The gap which is created by these two buildings allows views through to the southern elevation of St Augustine's and the layout of these twin terraces, creates the form of a mews development that is entirely appropriate to the historic character of the area. It is therefore considered that the proposed form and scale in relation to the of Bristol Gardens frontage and would preserve the setting of the conservation area and the setting of the listed buildings of Sussex Square.
- 8.27 Given the above it is therefore considered that the overall design approach taken for the site including the scale, massing and form of the proposals is considered to be in accordance with local plan policies QD1, QD2, QD3 HE6 and HE10

**Amenity for adjoining residents**

- 8.28 Policy QD27 seeks to ensure that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to existing and adjacent residents or where it is liable to be detrimental to human health. Neighbours can be affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook.
- 8.29 The main issues in relation to impact on amenity for the adjoining occupiers are likely to be loss of light, overshadowing, loss of privacy and additional noise and disturbance. A number of objections have been received in relation to the impact that the proposed development would have upon the amenities of the neighbouring occupiers.
- 8.30 In relation to the potential loss of privacy the properties that are most likely to be impacted are the properties which are located in Robin Dene, the properties in Bristol Mews and Bristol Gardens. The proposed Block E to the north of the site is located adjacent to the properties in Robin Dene, the dwellings are proposed to be two storeys in height, a contemporary bay window feature is proposed at first floor level, which are to be obscurely glazed. Rooflights are proposed above the bay features.
- 8.31 The properties fronting onto Robin Dene are three stories in height with living rooms located on the first floor. At this point the boundary wall is circa 2m in height, and the properties in this location have clearly been designed with the adjoining occupiers in mind. It is considered that in terms of overlooking from the proposed occupiers given the existing boundary wall and the measure in place such as obscurely glazed windows that there would be limited impact on the occupiers of Robin Dene in terms of overlooking and loss of privacy.
- 8.32 There is the potential for an increase in perceived overlooking and interlooking into the properties located within Bristol Mews, from the proposed units which are directly adjacent to Bristol Mews. The properties located in Bristol Mews are Dormer Bungalows with rooflights within the front and rear roofslopes. These



properties are positioned directly behind the existing 4m high boundary wall. The proposed windows at first floor level to the eastern (rear) elevation of block E unit 1-6 serve a bedroom and a bathroom, these windows are located 4m from the wall. The proposed bedroom windows are full height Juliette balconies which would provide views across the roofs of the properties in Bristol Mews, this has the potential for interlocking into the velux windows of the Bristol mews properties albeit at an oblique angle. No. 5 Bristol Gardens benefits from a first floor roof terrace, which provides similar views across the fronts of the properties in Bristol Mews.

- 8.33 Due to the 4m high wall adjacent to Bristol Mews, the location of the proposed windows and the existing relationship with neighbouring properties it is considered that the proposed development would not result in undue overlooking issues arising over and above those which are currently experienced on the site.
- 8.34 The scheme also has the potential to result in loss of light, resulting from the additional built form along the boundaries which are adjacent to Bristol Mews, Robin Dene and Regents Close. The scheme has been designed to take advantage of the existing boundary treatment which is to be retained. The eaves levels of the proposed Block E (units 11-16) located to the north of Bristol Mews would not protrude above the existing height of the wall, and only the sloping roof form would be visible. To the North the eaves height of the proposed block E (units 17-20) would appear circa 2m above the height of the existing boundary wall, the building itself is set between 4.5 - 5m from the boundary wall. This additional built form in this location is not considered to have a detrimental impact upon the occupiers of Robin Dene in terms of increased sense of enclosure or loss of light.
- 8.35 The proposed Block B extension to Villa Marina would appear as a single storey extension when viewed from the west and north, however due to the change in levels across the site the rear elevation would appear as a two storey extension. As existing there are a number of single storey garages located within this part of the site, however these are set off the boundary by circa 3m. The proposed extension would directly abut the boundary wall and appear circa 2.5m above the existing boundary wall. At this point the properties on to Robin Dene are located circa 7.5m from the boundary. As detailed previously the properties onto Robin Dene have their living accommodation at first floor level.
- 8.36 It is considered that there is the potential for the additional built form to have a slight impact upon the neighbouring occupiers in-terms of sense of enclosure however it is not considered sufficient to warrant refusal in this case as similar flank to rear elevation relationships can be found within the local area.
- 8.37 To the rear of Block B a raised terrace area is proposed, with steps down to the garden level below. Unit B2 faces onto a blank flank elevation whilst B1 has the potential for views across the rear of proposed units E17 – E20 and the rear of the properties on Robin Dene. A screen is proposed between the two units and also to the northern end of the terrace to unit B1 to limit the potential for

overlooking. It is considered necessary to secure the screens by condition to ensure that the potential for overlooking is greatly reduced.

- 8.38 Overall subject to appropriate conditioning it is considered that the proposed development would not result in a demonstrable impact upon the amenity of the adjoining occupiers and s in general accordance with local plan policy QD27.

**Sustainable Transport:**

- 8.39 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

Car parking:

- 8.40 The application proposes 36 spaces which equates to 78% provision. 4 disabled parking spaces have been provided. The submitted Transport Assessment (TA) indicates that some residents would not be expected to own cars. The level of provision is considered acceptable by the Councils Highways officer and is in accordance with SPG04.

- 8.41 The application site is well served by sustainable transport modes and through the use of a green travel plan use of such sustainable modes would be expected to rise. The site is located in a controlled parking zone, and on this basis the proposed provision of on-site parking is not expected to cause problems of displaced parking for existing residents.

Cycle Parking:

- 8.42 Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. The application proposes a total of 62 cycle spaces for the development. The number of spaces is in accordance with the requirements as detailed within SPG04 and subject to the submission of full details is considered to be acceptable.

Traffic impact:

- 8.43 The submitted TA demonstrates that there are no local design related accident problems which may be worsened by the additional traffic which would result from the development. Analysis of the proposed junction suggests that the proposed new access on Bristol Gardnes would work without causing undue congestion or increasing issues of highways/pedestrian safety.

As noted by the Sustainable Transport Officer, the application site is in close proximity to sustainable modes of transport. The required contribution towards improving the existing sustainable modes of transport within the vicinity of the development equates to £56,000. In addition the implementation of a travel plan is recommended and can be secured by condition.

## **Trees/Biodiversity**

### Trees

- 8.44 The application has been accompanied by a comprehensive Arboricultural Report which identifies a total of 21 trees on this site, 16 of which would be lost to facilitate the development. The trees which are to be lost are mainly fruit trees, 7 of the identified trees require removal on health and safety grounds. The remainder of the trees have been indicated as category 'C' trees which are of low value and quality.
- 8.45 The Councils Arboriculturalist agrees with the findings of the report and raises no object to the loss of these trees to facilitate development. As indicated the indicative landscape scheme proposes a total of 19 replacement trees. The Councils Arboriculturalist would require full details of these replacement trees to be provided as part of a comprehensive landscape plan, to ensure that they are appropriate. A condition has been suggested to this regard and a further condition has been suggested to ensure that the remaining trees on the site are afforded sufficient protection during construction.
- 8.46 The Arboricultural Section has no objection to the proposals in this application, however, suitable conditions should be attached to any consent granted to protect any trees that are to remain on site, those that are off site but in close proximity to the development, and a replacement planting scheme for replacements for those that are to be lost.

### Biodiversity

- 8.47 Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection, features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated. The Ecologist has considered the ecological report ('Extended Phase 1 Ecological Assessment') submitted in support of the application and agrees with the overall assessment.
- 8.48 The reports conclude that the potential impact on protected species and risks of adverse impacts are generally assessed to be negligible. Nevertheless an informative is recommended to remind the applicant of their obligations to protect of reptiles and bats during demolition / building works, and specifically that if these species are found then works should stop immediately and advice sought from Natural England.
- 8.49 The application also proposes a number of ecological enhancements to the site including the provision of a pond, green walls where appropriate, hedgerows, bat and bird boxes. The applicant has also considered other enhancements such as green roofs however as the new dwelling would be privately owned management and maintenance of these roofs could not be guaranteed, and as such have been discounted. As such the application is considered to be acceptable in terms of its impact on ecology and biodiversity. However, further information is required as to the full detail of the enhancements proposed to ensure that they are satisfactory.

**Sustainability:**

- 8.50 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. 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.
- 8.51 The application is accompanied by a Code for sustainable Homes pre-assessment which demonstrates that the scheme would achieve Code Level 4. As a major scheme, on a mix of previously developed land and part greenfield land it is considered that the scheme should achieve Code Level 4 as set out in SPD08. The submitted pre-assessment confirms that these will be achieved, through a mixture of high quality building materials and solar panels to appropriate roof slopes.

**Other Considerations:**

Environmental Health

- 8.52 A preliminary contamination risk assessment was undertaken which concluded that there was a very low risk of there being a significant contaminant linkage at this site. The Councils Environmental Health team are in broad agreement with the finding of the report, however it is recommended that a full contaminated land condition is applied to this application.

Public Art

- 8.53 The applicant states that there is significant potential for the inclusion of public art in the proposals as the exact detail of the features in the public realm are yet to be identified and it is envisaged that during the detailed design process an element of public art can be incorporated to comply with the requirements of Policy QD6. A contribution of £17,400 would be sought in this case towards the provision of public art. The applicant considers that this may be intrinsic to the overall design of the development. It is therefore considered appropriate to secure public art to the equivalent of the required contribution to be incorporated into the scheme.

Education

- 8.54 A contribution towards the provision of education infrastructure in the City has been requested. This is in recognition that there is no capacity for additional pupils at existing primary and secondary facilities both in the vicinity of the site and within a 2km radius. A development of this scale has potential to increase the demand for school places and it is therefore considered necessary and appropriate to request a contribution towards primary and secondary education.

**9 CONCLUSION**

- 9.1 The application proposes a total of 46 residential units and provides 18 affordable units, the design seeks to respect the existing locally listed buildings and is of a scale and form which is in keeping with the site context yet featuring modern design details, and with siting that follows the pattern and layout of adjoining residential development, is considered acceptable and would not have a detrimental impact on visual amenity. The orientation and design of the

property is such that the impact on neighbours in terms of amenity would not be significant.

- 9.2 The proposal seeks to achieve a high level of sustainability, achieving Level 4 of the Code for Sustainable Homes, and the development would not have an adverse impact on the highway.

## 10 EQUALITIES

- 10.1 A condition is recommended requiring the new dwellings to be constructed to Lifetime Homes standards

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Section 106 Agreement - Heads of Terms

- 40% affordable housing
- £144,500 Sport, Recreation and open space contribution for off site improvement works.
- £23,000 - contribution towards Local Employment scheme.
- Training and Employment Strategy using 20% local labour during the construction phase.
- £107,743 towards improvements to education infrastructure in the City.
- Requirement for details in relation to the provision of an artistic component within the site with an equivalent value of £17,400
- Contribution of £56,000 for improvements for sustainable transport
- S278 Agreement to secure the highway works to Bristol Gardens
- Construction Environmental Management Plan (CEMP)

### 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
Location Plan	EX_001		26/10/2012
Existing Site Plan	EX_002		26/10/2012
Existing Floor Plans Basement Floor Plan	EX_003	A	26/10/2012
Existing Floor Plans Ground Floor Plan	EX_004	A	26/10/2012
Existing Floor Plans First Floor Plan	EX_005	A	26/10/2012
Existing Floor Plans Second Floor Plan	EX_006	A	26/10/2012

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Existing Floor Plans Third Floor Plan	EX_007	A	26/10/2012
Existing Floor Plans Roof Plan	EX_008	A	26/10/2012
Existing Elevations St Augustines – Block D	EX_009	A	26/10/2012
Existing Elevations Villa Maria – Block C	EX_010	A	26/10/2012
Existing Elevation Site Elevations	EX_011		26/10/2012
Geotech Survey	1 of 1		26/10/2012
Site Plan Roof Plan	PL_001	A	26/10/2012
Site Plan Ground Floor Layout	PL_002	C	26/10/2012
Block A Floor Plans	PL_003	A	26/10/2012
Blocks B & C Floor Plans	PL_004	B	26/10/2012
Blocks D & E1-10 Floor Plans	PL_005	B	26/10/2012
Blocks D & E1-10 Floor Plans	PL_006	A	26/10/2012
Blocks D & E1-10 Floor Plans	PL_007		26/10/2012
Block E Units E11-E20 Floor Plans	PL_008	A	26/10/2012
Block E Units E11-E20 Floor Plans	PL_009	A	26/10/2012
Block A Elevations	PL_010	A	26/10/2012
Blocks B & C Elevations	PL_011	A	26/10/2012
Block D Elevations	PL_012	A	26/10/2012
Block E Elevations (E1-E5)	PL_013	A	26/10/2012
Block E Elevations (E6-E10)	PL_014	A	26/10/2012
Block E Elevations (E11-E16)	PL_015	A	26/10/2012
Block E Elevations (E17-E20)	PL_016	A	26/10/2012
Site Elevations	PL_017	A	26/10/2012
Site Sections	PL_018	B	26/10/2012

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no alteration or replacement of any window, door or roof on any elevation, nor the addition of a front porch, nor any change to front boundaries, nor the demolition or alteration of any chimney other than that expressly authorised by this permission shall be carried out.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.
- 4) The new dwellings shall be constructed to Lifetime Homes standards.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 5) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in

the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

- 6) No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway.

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

- 7) All replacement windows to Villa Maria and St Augustines shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

**Reason:** In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

#### 11.3 Pre-Commencement Conditions:

- 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, including windows and sills, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

- 10) No development shall commence until details of a mitigation strategy to ensure nesting birds and roosting bats are not disturbed during the demolition and construction phases of the development hereby approved, has 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.

- 11) Unless otherwise agreed in writing by the Local Planning Authority, the development shall not commence until:

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- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 12) No development shall commence until full details of external lighting 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.

- 13) No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

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

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

- 15) Unless otherwise agreed in writing by the Local Planning Authority, a scheme detailing the measures to improve ecological biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include green wall details, the number and type of bat boxes, and bird boxes. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

**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.



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- 16) No development shall take place until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in strict accordance with the approved details and timetable agreed.  
**Reason:** To prevent the increased risk of flooding and to prevent the 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 City Plan.
- 17) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the intended boundary wall and doors and gates (none should open out across the public highway).  
**Reason:** In the interest of highway safety and to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies TR7, QD2 and QD15 of the Brighton & Hove Local Plan.
- 18) Prior to the commencement of development on site, detailed drawings, including levels, sections, clearances, gradients, radius's, vehicle swept-path analysis and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting are to be provided to the Planning Authority and be subject to its approval. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption are constructed to standards at, or at least close to, adoptable standards.  
**Reason:** In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policy TR7 of the Brighton & Hove Local Plan.
- 19) A Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The plan shall also include measures to minimise the impact deliveries and servicing have on the transport network. All deliveries and servicing shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the vehicles that service and deliver to the development are of a suitable size and to ensure the safe operation of the highway network, and thus the protection of the amenity of nearby residents, in accordance with policies QD27, SU10, and TR7 of the Brighton & Hove Local Plan.
- 20) No works shall take place until a Method Statement and Specification of Works for the retention, protection and repair of all boundary walls during construction works (except those hereby approved to be demolished) have been submitted to and agreed in writing by the Local Planning Authority  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area in accordance with policies QD14 and HE6 of the Brighton & Hove Local Plan.
- 21) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

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

- 23) No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

- 24) Notwithstanding the submitted drawings, the development hereby approved shall not be occupied until full details of the terraces to the first floor roof level, and ground floor balconies have been submitted to and approved in writing by the Local Planning Authority, these details are to include screening, extent of usable area, and balustrade. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

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

11.4 Pre-Occupation Conditions:

- 25) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 26) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) A commitment to reduce carbon emissions associated with business and commuter travel:
- (iii) Increase awareness of and improve road safety and personal security:
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (v) Identify targets focussed on reductions in the level car use:
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
- (vii) Following the annual survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (viii) Identify someone to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

11.5 Informatives:

1. In accordance with the National Planning Policy Framework 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 application proposes a total of 46 residential units and provides 18 affordable units, the design seeks to respect the existing locally listed buildings and is of a scale and form which is in keeping with the site context yet featuring modern design details, and with siting that follows the pattern and layout of adjoining residential development, is considered acceptable and would not have a detrimental impact on visual amenity. The orientation and design of the property is such that neighbours would not be overshadowed or overlooked.

The proposal seeks to achieve a high level of sustainability, achieving Level 4 of the Code for Sustainable Homes, and the development would not have an adverse impact on the highway.
3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
5. 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 Network Co-ordination team.

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The applicant should contact the Network Co-ordination Team (01273 293366).

6. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
7. The applicant is advised that the above condition on land contamination has been imposed because 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. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).



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**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

Anthony Foster  
Planning Department  
Brighton & Hove City Council

9<sup>th</sup> January 2013

Dear Anthony,

**Re: Planning Application BH2012/03364. Benedictine Convent site, 1, Manor Road.**

I would request that this letter be placed on the agenda of the relevant Planning Committee meeting.

On behalf of local residents living in the vicinity of this site I am writing to object to the proposed development for the following reasons;

**Adverse effect on the residential amenity of neighbours** by reason of overlooking, significant loss of privacy and overshadowing. This will cause particular detriment to 1 – 3 Bristol Mews where overlooking will occur directly into the bedrooms and bathrooms of these Mews bungalows via their Velux type roof windows from the large windows in the proposed new 3 storey buildings built alongside. Overlooking will also significantly impact on the adjacent properties in Robin Dene, Prince Regent's Close and Bristol Gardens. The proposed new development will have an overbearing impact on the surrounding homes and gardens.

**Unacceptably high density.** In order to accommodate the planned 46 new dwellings, the proposal pushes the new homes right up to the perimeter of the site with a very small amount of open space provided in the centre of the development. This design increases the loss of amenity to neighbours bordering the site.

**Highway Safety.** This proposal should be considered in conjunction with other recently developed sites, including one with planning approval awaiting development, all in Bristol Gardens. If this proposal were to go ahead this would mean a total of 68 new dwellings in this small area where there are already concerns about the dangerous junction of Church Road / Bristol Gardens. The proposed entrance / exit onto Bristol Gardens is sited very near to this junction and will add to road safety concerns.

**The visual impact** of the site is poor, particularly in respect of the 3 storey buildings on the corner of Church Place and Bristol Gardens. The design of these buildings is not in keeping with the heritage aspects of the area or the nearby listed buildings and has a detrimental impact on the character of the area.

**Loss of trees on site.** This is to be regretted, particularly the mature Cyprus trees planted possibly as early as the 1830s. It is proposed to remove trees that currently provide valuable screening for the Prince Regent's Close properties thus rendering them exposed to overlooking from the new buildings.



**Brighton & Hove  
City Council**

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COUNCILLOR REPRESENTATION

Concerns also relate to potential damage and future maintenance of the **historic walls** around the site.

Having taken the above points into consideration I hope that the Committee will refuse this application.

Yours sincerely,

Councillor Gill Mitchell





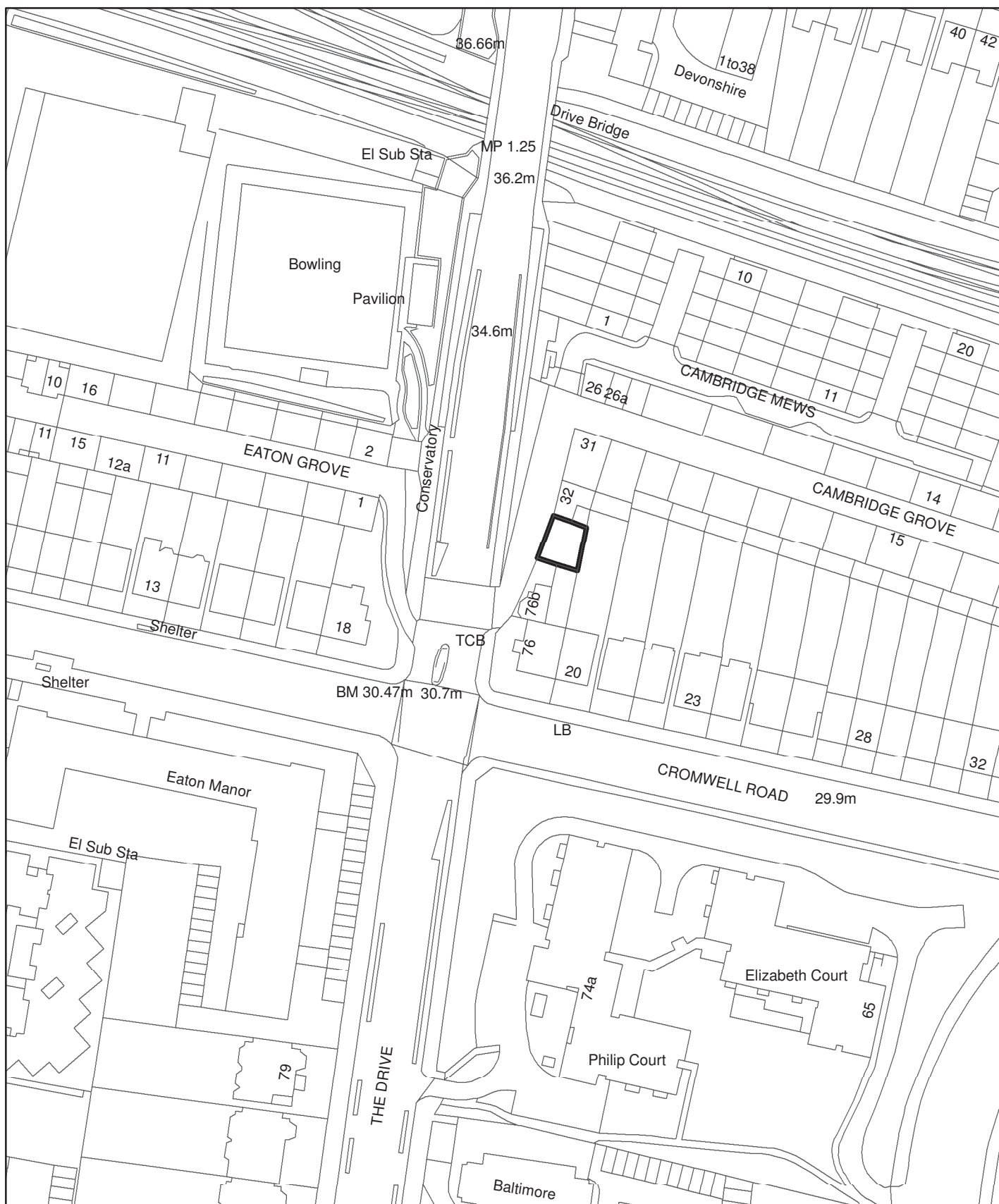
**PLANS LIST  
ITEM C**

**Land to South of 32 Cambridge Grove, Hove**

**BH2013/00254  
Full planning consent**

**15 MAY 2013**

# BH2013/00254 Land to South of 32 Cambridge Grove, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/00254</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land to the South of 32 Cambridge Grove, Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no 3 bedroom dwelling.</b>		
<b><u>Officer:</u></b>	Helen Hobbs Tel 293335	<b><u>Valid Date:</u></b>	31/01/2013
<b><u>Con Area:</u></b>	Willett Estate Conservation Area	<b><u>Expiry Date:</u></b>	28/03/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Alan Phillips Architects, 31 Montefiore Road, Hove		
<b><u>Applicant:</u></b>	Mr John Cramer, 31 Montefiore Road, Hove		

This application was deferred at the last meeting on 24/04/13 for a Planning Committee site visit.

## 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 reasons set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is a plot of land to the north of 76 The Drive and originally formed part of the garden area of that house. The site is within the Willett Estate Conservation Area. Nos. 20-36 Cromwell Road and 76 The Drive form part of a group of grade II listed properties. Cambridge Grove is located to the rear of the listed properties on Cromwell Road and was originally the mews serving those properties. Properties in Cambridge Grove are generally two storeys in height and contain a mix of residential and commercial uses. No. 32 Cambridge Grove is a two storey dwelling located on the western corner and is at right angles to the rest of the terrace. Both the plot of 32 and the application plot would have originally formed part of the garden of 76 The Drive. The remaining properties in the Cromwell Road properties all retain their rear gardens. A temporary timber hoarding has recently been erected along the frontage of the plot.

## 3 RELEVANT HISTORY

- BH2012/02186:** Erection of detached dwelling house. Refused 17/10/2012.  
**BH2000/02207/FP** Construction of 1 no. mews house. (Further revised proposals). Refused 07/03/2003. Appeal dismissed 29/12/2003.  
**3/88/1158** Outline application for a detached dwelling (on land adjoining) Refused 3/2/89. Appeal dismissed 15/01/1990.  
**3/88/0777** Outline Application. Demolition of existing dwelling and erection of three town houses. Refused 17/10/88.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of 1no. 3 bedroom dwelling. The dwelling would be two storey, although would only appear single storey from Cambridge Grove as it is to be constructed on excavated ground. The layout of the dwelling would include 3 bedrooms and a bathroom at lower ground level and an open plan kitchen/dining and living room and WC at ground floor level.

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

##### **External**

- 5.1 **Neighbours: Ten (10)** letters of representation have been received from **Flat 4 – 4 Norfolk Terrace, 49 Elm Drive, 38 Marlborough Court – 46/48 The Drive, Medina Place, Flat 12 – 65 The Drive, 1 Wilbury Mansions – 39-41 Wilbury Villas, Flat 22 Girton House – 193 Kinsway, 104 Eaton Road, Flat 1 – 78A Lansdowne Place, 1 Parham House – Chatsworth Square** supporting the application for the following reasons:

- Enhanced and improved appearance of the land
- Sympathetic design and example of good architecture
- Sustainable approach to the development
- Help in combating the housing shortage

- 5.2 **Three (3)** letters of representation have been received from **76A The Drive, Flat 1 – 20 Cromwell Road and Flat 2 – 20 Cromwell Road** objecting to the application for the following reasons:

- Noise pollution
- Loss of privacy and overlooking
- Negative visual impact
- Pressure on the existing waste services
- Loss of light
- Out of character with the area
- Concerns over excavation works

##### **Internal:**

- 5.3 **Environmental Health: Comment.** The site is situated approximately 15m away from The Drive where noise due to traffic may have an impact on future residents.
- 5.4 It is noted that the proposed dwelling only has a ground floor level facing this road and that in contrast to the previous application, this is not directly facing The Drive. Additionally, I note that on this level is a toilet, kitchen and living room area and that there are not any windows facing the road.
- 5.5 Therefore, it is considered that in this instance an acoustic report will not be required especially as any potential purchasers/users of the property will be aware that it is situated near to a busy main road.
- 5.6 The proposed site is located close to several motor car garages along Cambridge Grove. Such uses may have resulted in localised land contamination both on site and adjacent to it. Additionally, there is a derelict

tank in Cambridge Grove. Therefore, whilst this site is not on potentially contaminated land, due to its close proximity to such sites a Contaminated Land Discovery condition would be suitable for this development simply for the unexpected situation that potential land contamination is discovered during works.

**5.7 Heritage: Object**

*Statement of Significance*

The site is located in the Willett Estate Conservation Area and adjoins a Listed Building (Nos. 76 & 76A The Drive). The site is currently vacant but originally appears to have been the rear garden of 76 Cromwell Road. It presently has a tall temporary timber site hoarding along its frontage.

5.8 The Willett Estate conservation area is characterised by large villas and villa style terraces, wide avenues and large gardens which allow for tall trees. To the south in Cromwell Road are rows of Listed semi-detached late Victorian villas and terraces in the buff gault brick “Willett style” with slate roofs.

5.9 Cambridge Grove is a late 19<sup>th</sup> C gault brick and slate tiled mews. Its former mews stables which have been converted to a mixture of residential and commercial uses whilst retaining its essential character. No 32 Cambridge Grove is an odd looking building. It incorporates some historic elements which are still visible including a brick boundary wall at ground floor level. It has part rendered and part painted facades and a flat roof with prominent overhanging eaves. The windows and door are unsympathetic plastic casements with fake glazing bars. It appears to be the result of alterations and extensions to an earlier structure. The building detracts from the character of this part of the conservation area. The roof of No. 31 also has been radically altered.

**5.10 Relevant Design and Conservation Policies and Documents**

- The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on LPAs to “have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest it possess” (section 16).
- The National Planning Policy Framework; The Historic Environment Planning Practice Guide (DCLG & EH);
- Local Plan policies QD1, QD2, QD3, QD4, HE1, HE3, & HE6.

**5.11 The Proposal and Potential Impacts**

The previously refused scheme was for a two storey dwelling above ground, to match the existing one to the north. This scheme is for a modern brick and glass two-storey dwelling but constructed on excavated ground so that only the top storey rises above the level of Cambridge Grove.

5.12 The Cambridge Grove façade wall is not aligned with the adjacent side garden wall of Nos. 76 & 76A The Drive and would be significantly taller than it. It would be significantly taller than typical side and rear garden walls in the Willett Estate generally. It would have three modern horizontal boarded doors in it. These doors would not be in keeping either with traditional doors or garden gates in

the vicinity. In view of this, it would not read as a garden wall but as a single storey building fronting onto Cambridge Grove.

- 5.13 The south elevation presents largely a blank brick wall with full height windows on its eastern corner to the rear windows of the Nos. 76 & 76A The Drive. It would be fully visible from the rear of the corner building and the other nearby listed villas in Cromwell Road.
- 5.14 The east elevation is virtually fully glazed. The design is modern and minimalist. It does not reflect either the Victorian mews architecture of Cambridge Grove or the surviving vinery / orangery glasshouses on their raised arcaded platforms in the rear gardens of the Cromwell Road villas. Whilst of itself the design is attractive, it would appear discordant in this locality which has a very strong and distinctive character and is almost entirely late Victorian.
- 5.15 The bricks are described as buff brick to match the facing brickwork on Cambridge Grove. This is gault clay, which is distinctive of the Willett Estate and is appropriate.
- 5.16 However, the wall fronting onto Cambridge Grove is shown as a “green” wall planted with ivy. It is not clear what material the wall is constructed of. As it will take some considerable time for the “green” wall to establish, its material would be visible for quite a time. “Green” walls are difficult to establish and there are a number of examples of failed or only partially successful ones around the city. It is considered that an additional dwelling on this site would detract from the character of this part of the conservation area by reason of the loss of the open space between the listed Cromwell Road frontage and the mews at the rear and thus a loss of character of this part of the conservation area and harm the setting of the listed buildings. This is further aggravated by the discordant nature of its design which would be out of character with the area.
- 5.17 **CAG:** Support. This development would tidy up this site and would be an improvement.
- 5.18 **Sustainable Transport:** Recommended approval as the Highway Authority has no objections to this application.
- 5.19 **Access Officer:** Comment. These comments are made without prejudice to any requirements that may be made under the Building Regulations.
- 5.20 All entrances should have level thresholds. Section A-A appears to show a step at the rear glazed doors.
- 5.21 300mm clear space is required at the leading edge of the door to the entrance level WC/shower.
- 5.22 **Arboriculture (comments from previous application BH2012/02186):** Comment. There is one small, juvenile Elm on site.

5.23 The Arboricultural Section would recommend that this tree is felled, and a suitable species planted on site to replace it, perhaps one or two fruit trees on dwarf root stock may be suitable for this location.

5.24 Overall, the Arboricultural Section has no objection to this application.

## **6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

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

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

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

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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste

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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
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

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

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

SS1	Presumption in the Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban Design
CP13	Public streets and spaces
CP14	Housing Density
CP15	Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations material to this application are the principle of development on the site, the impacts of the proposed dwelling on the character and appearance of the street, surrounding Willett Estate Conservation Area and the adjacent listed properties, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability, traffic and lifetimes homes issues.

### **Principle of Development and its impact on the character of the area**

- 8.2 The thrust of policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan is to require a high standard of design that emphasises and enhances the positive qualities of the neighbourhood and avoid town cramming. Local Plan Policies HE3 and HE6 seek to ensure that development does not have an adverse



impact on the setting of listed buildings or the character and appearance of conservation areas.

- 8.3 The properties to the south are large semi detached properties which are Grade II listed. These properties have long gardens, which abut the mews buildings fronting Cambridge Grove. No. 76 The Drive has been subdivided into flats and the original long garden has been divided into the garden space of 76A and 76B, as well as the application site. This subdivision appears to have been in place for over 10 years.
- 8.4 The properties fronting Cambridge Grove are two storey mews properties with small rear gardens. No. 32 Cambridge Grove is an anomaly within the area, in terms of design, appearance and siting. It is sited at right angles to Cambridge Mews, with an 'L' shaped footprint, flat roof and plain elevations, and appears to have been built later than the original mews buildings.
- 8.5 The site has had two previous refusals for the erection of a new dwelling house (refs: BH2000/02207/FP & BH2012/02186). The older application was subsequently dismissed at appeal on the grounds that the proposal would significantly affect the Willett Estate Conservation Area. The inspector stated that the proposed dwelling would 'fill a good proportion of the remaining gap between the Cromwell Road properties and the mews, fronting Cambridge Grove and harm the open relationship. As such the proposal would have an adverse effect on the openness of the garden area, interrupting the general view and outlook when seen from The Drive'.
- 8.6 The more recent application differed in size and design to that of the previously refused scheme in 2000, as it proposed a two storey property that would closely match the design and scale of No. 32 Cambridge Mews and in fact from the front would have been a mirror image of this property. This application was refused on similar grounds to the first application, due to the harmful loss of openness between the grade II listed properties and the mews buildings, the design of the dwelling appearing incongruous in this historic mews setting, as well as the dwelling having a overly dominant and overbearing impact upon the neighbouring gardens.
- 8.7 It is acknowledged that the proposed dwelling would appear single storey when viewed from the road, however the grounds for refusal still stand and the proposed dwelling would result in the loss of openness. The proposed modern design of the dwelling would also be out of keeping and the proposal is therefore considered to have a significantly harmful impact upon the Willett Estate Conservation Area and open setting to the rear of the listed buildings.
- 8.8 The dwelling would result in the loss of this plot which has historically formed garden land and this 3 bedroom property would result in an overdevelopment of the land. It would appear incongruous within this locality due to the loss of the important spacing around and between properties which currently exists, therefore resulting in town cramming, out of keeping with the surrounding conservation area.

- 8.9 Whilst the Inspector in 2000 stated that the site is far enough away from the listed buildings not to harm their setting, the Heritage Officer disagrees and states that the dwelling would have a harmful impact. The open rear gardens are clearly a key element in the character and setting of the listed properties and its important relationship to the mews properties to the rear. This spacing and visual break between the Cromwell Road properties and their mews remains largely intact.

### **Design**

- 8.10 This site is to be excavated down approximately 3m, to accommodate a lower ground floor in the dwelling. It would appear as single storey from the front and would be built up to the front boundary of the plot, with the front wall of the building spanning the full width of the plot. It would have a height of 2.7m and it is proposed that this elevation would be a living green wall, planted with ivy, in attempt to appear as a hedgerow. Three timber slatted modern style doors would be positioned in the wall, providing an entrance into the property and a side entrance to the garden and the bin and cycle store to the south side of the property.
- 8.11 The applicant has stated that the design of this frontage would appear as a boundary hedgerow, however it would be significantly taller than typical side and rear garden walls in the Willett Estate, and bears no resemblance to the character of the surrounding buildings. The three doors are also incongruous features that relate poorly to the character of the adjoining properties, and would result in the frontage looking less like a wall and more as a single storey building. The Heritage Officer also raises concerns about the effectiveness of the green wall and how long it would take to establish as well as how it is proposed to maintain the planting. Insufficient information has been submitted with the application and it is not clear from the submitted plans where there is sufficient space for the green wall would be planted. The appearance of this frontage would appear out of keeping and overly dominant within the Cambridge Grove streetscene and would not be sympathetic to its surroundings. It would also result in the loss of the current open views across the gardens.
- 8.12 The applicant has stated within the Design and Access statement that there is currently a timber hoarding across the front boundary of the site, which would have a similar presence as the proposed frontage of the dwelling. This has recently been installed and has a height of 2.4m. This development is unauthorised and would require the submission of a planning application, however it is considered to be a significantly harmful and incongruous addition. The works have been referred to the Planning Enforcement Team for further investigation.
- 8.13 The green wall would be continued onto part of the rear elevation, although the rear elevation would be mainly glazing. The ground floor windows would also have a glazed balustrade to create a Juliette Balcony. A balcony would be created on the north east corner of the property where the elevation at ground floor would be angled, revealing a flat roofed area of the lower ground level. The

side elevations and a small part of the rear elevation would be buff brick. The dwelling would have a sedum roof.

- 8.14 The Heritage Officer states that the south elevation presents largely a blank brick wall. It would be fully visible from the rear of the corner building and the other nearby listed villas in Cromwell Road. Both storeys of the proposed dwelling would also be visible from views within Cambridge Grove and The Drive, and therefore given this large expanse of brick, the proposed dwelling would appear overly bulky, due to its depth and height, further exacerbating the loss of the openness. The design is modern and minimalist. It does not reflect either the Victorian mews architecture of Cambridge Grove or the surviving vinery / orangery glasshouses on their raised arcaded platforms in the rear gardens of the Cromwell Road villas. Whilst of itself the design is attractive, it would appear discordant in this locality which has a very strong and distinctive character and is almost entirely late Victorian.

#### **Standard of Accommodation**

- 8.15 The proposed dwelling would accommodate 3 bedrooms with the amenity space being provided at the rear lower ground level. The 3 bedroom house as proposed forms a good sized standard of accommodation. It is acknowledged that there would be no provision of natural light from the west elevation, however given the amount of glazing on the rear elevation, this would provide adequate light, ventilation and outlook. The amenity space has been slightly increased from the previously refused application (BH2012/02186) and given this central location, it is now considered acceptable.

#### **Lifetime Homes**

- 8.16 Local plan policy HO13 Accessible housing and lifetime homes, states that proposals for new residential homes will only be permitted if they are built to Lifetime Home Standards, whereby they can meet the needs of people with disabilities without major structural alterations.
- 8.17 The applicant has stated within the Design and Access Statement that it will be built to lifetime home standards. The Access Officer has commented on the application and advises that all entrances should be level and currently the plans show a step from the rear doors into the garden. The entrance level WC/shower is also too small. If the proposal were acceptable, these issues could be addressed by condition.

#### **Impacts on the Amenity of Adjacent Occupiers**

- 8.18 Policy QD27 seeks to protect proposed, existing and/or adjacent users, residents and occupiers from harmful development or changes of use and development.
- 8.19 The gardens of the properties on Cromwell Road are set at a lower level than the application site. The proposed dwelling itself, given that it would only be single storey above the existing ground level coupled with the distance from the boundary is unlikely to result in a loss of light or overshadowing to the neighbouring residential properties.

- 8.20 However there are serious concerns regarding the impact of the proposed increase to the rear boundary fence. There appear to be some inaccuracies on the plans in terms of the height of the existing rear boundary fence and the ground level of the garden and outbuilding of No. 20 Cromwell Road. However the degree to which the fence would be increased, which has been amended during the life of this application in an attempt to address concerns of overlooking from the neighbouring properties, would result in an unacceptable impact in terms of overbearing and sense of enclosure to the garden of No. 20 Cromwell Road. It is also unclear what boundary would be put in place between the application site and 32 Cambridge Grove. Currently the boundary is in the form of 2m high trellising which allows light through and does not have the same impact as a solid fence panel would. Therefore any changes to this boundary could have a harmful impact upon this neighbouring garden space.
- 8.21 The rear glazing at ground floor level despite the increase in the height of the rear boundary fence, is still considered to result in an unacceptable loss of privacy and overlooking to the adjoining gardens in Cambridge Grove and Cromwell Road. There is only 3m from the eastern boundary and the section demonstrates clear potential for overlooking. These windows, along with the proposed balcony would also provide direct views into the garden and side windows of No. 32 Cambridge Grove.

### **Sustainability**

- 8.22 Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within supplementary planning document 08, sustainable building design, recommends that a development of this scale incorporates a sustainability checklist and meets Level 5 of the Code for Sustainable Homes (CSH).
- 8.23 The application is accompanied by a sustainability checklist which indicates an aim to achieve at least Level 4 of the CSH. This is below the level required by policy. It is not considered appropriate to require the attainment of Level 5 through condition as there is no evidence to suggest that this could be achieved within the constraints of the proposed design. The sustainability measures to achieve Code Level 5 should instead have been taken into account in the initial design stage, with information submitted to demonstrate how the building would meet the required standards at this planning application stage. For this reason the refusal of permission is recommended.
- 8.24 Policy SU2 requires all new developments to make provision for adequate refuse and recycling storage facilities. The applicant has identified a location for bin storage at the front of the dwelling, and so further details for this could be conditioned, if the proposal were considered acceptable.

### **Transport**

- 8.25 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 and secured cycle parking facilities for residents. The development does not provide any off-street parking and the site is located within a controlled parking zone.

- 8.26 The Transport Officer states that the proposal is in compliance with the standards set out in SPG04, and therefore has no objections in principle. The site is within close proximity to a range of public transport including Hove railway station and local facilities; therefore if the application were acceptable, a standard condition requiring the development to be car free would be attached to any approval.
- 8.27 The plans show two cycle parking spaces that would be covered and secure, positioned on the south side of the dwelling, which are deemed to be policy compliant. If the application were to be acceptable, a condition would be attached to any approval ensuring to secure this.

#### **Arboriculture**

- 8.28 The Council's Arboriculturalist has raised concerns regarding a small, juvenile Elm on site. It is recommended that if the development were to go ahead, the tree is felled and a suitable species planted on site to replace it. Therefore a condition would need to be attached to any approval, requiring further details of a landscaping scheme.

#### **Environmental Health**

- 8.29 The Environmental Health Officer has commented on the application and advises that as the site is situated approximately 15m away from The Drive where noise due to traffic may have an impact on future residents.
- 8.30 It is noted that the proposed dwelling only has a ground floor level facing this road and that in contrast to the previous application, this is not directly facing The Drive. The only proposed accommodation on this level is a toilet, kitchen and living room area. There would be no windows facing the road.
- 8.31 An acoustic report will not be required especially as any potential purchasers/users of the property will be aware that it is situated near to a busy main road.
- 8.32 The proposed site is located close to several motor car garages along Cambridge Grove. Such uses may have resulted in localised land contamination both on site and adjacent to it. Additionally, there is a derelict tank in Cambridge Grove. Therefore, whilst this site is not on potentially contaminated land, due to its close proximity to such sites a Contaminated Land Discovery condition would be suitable for this development simply for the unexpected situation that potential land contamination is discovered during works. This could be addressed by condition if the scheme were otherwise acceptable.

### **9 CONCLUSION**

- 9.1 The development would result in a harmful loss of openness between the listed buildings fronting Cromwell Road and the mews buildings at the rear, to the detriment of the prevailing character and appearance of the Willett Estate conservation area. Furthermore the proposal would fail to respect or enhance the local context and the positive qualities of the local neighbourhood. The

development would be detrimental to the amenity of adjoining properties and fail to achieve a suitable level of sustainability.

## **10 EQUALITIES**

- 10.1 The building would have to meet Part M of the Building Regulations, and could reasonably be controlled by condition, if the principle of the proposal were acceptable.

## **11 REASON FOR REFUSAL / INFORMATIVES**

### **11.1 Reasons for Refusal:**

1. The development would result in a harmful loss of openness between the Grade II Listed properties on The Drive/Cromwell Road and the mews buildings in Cambridge Grove, to the detriment of the prevailing character and appearance of the Willett Estate Conservation Area, contrary to policies QD2, HE3 and HE6 of the Brighton and Hove Local Plan.
2. The development, by reason of its siting and scale as well as the increased height to the boundaries, would appear overly dominant and overbearing, particularly from the neighbouring gardens of Cromwell Road and constitutes a cramped form of development. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the local neighbourhood and would have a negative impact upon the amenity of the adjoining properties, contrary to policies QD1, QD2, QD3 and QD27 of the Brighton and Hove Local Plan.
3. The proposed dwelling, by reason of its design, materials and detailing would appear incongruous within the historic mews setting, to the detriment of the Willett Estate Conservation Area, contrary to policies QD1, QD2, QD3, QD5 and HE6 of the Brighton and Hove Local Plan.
4. The rear windows would result in an unacceptable loss of privacy and overlooking to the adjoining gardens in Cambridge Grove and Cromwell Road. These windows would also provide unacceptable views into the side windows of No. 32 Cambridge Grove. The proposal would therefore have a harmful impact upon the amenity of these adjoining properties, contrary to QD27 of the Brighton and Hove Local Plan.
5. The applicant is reliant on the 'green wall' to screen the front of the proposed dwelling. Insufficient information has been submitted with the application regarding the space required for the planting of the ivy as well as how long it would take to establish and how it is proposed to maintain the planting, and therefore would not demonstrate that the proposal would not have harmful impact upon the streetscene and surrounding Willett Estate Conservation Area, contrary to policies QD15 and HE6 of the Brighton and Hove Local Plan.
6. The applicant has failed to demonstrate that Level 5 of the Code for Sustainable Homes can reasonably be achieved without significant alterations to the design and appearance of the dwelling. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08, Sustainable Building Design.

PLANS LIST – 15 MAY 2013

11.2 Informatives:

1. In accordance with the National Planning Policy Framework 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	CG.01		28/01/2013
Block Plan and aerial views	CG.02		28/01/2013
Context images	CG.03		28/01/2013
Site plan	CG.04		28/01/2013
Existing plans	CG.05		28/01/2013
Existing street/ rear elevations	CG.06		28/01/2013
Existing north elevation	CG.07		28/01/2013
Existing south elevation	CG.08		28/01/2013
Proposed ground floor site plan	CG.09	A	11/03/2013
Proposed ground floor plans	CG.10	A	11/03/2013
Proposed lower ground floor plan	CG.11		28/01/2013
Proposed roof plans	CG.12		28/01/2013
Proposed section A-A	CG.13	A	11/03/2013
Proposed street/ rear elevations	CG.14	A	11/03/2013
Proposed north elevation	CG.15		28/01/2013
Proposed south elevation	CG.16	A	11/03/2013
Site plan and sun path	CG.17		11/03/2013





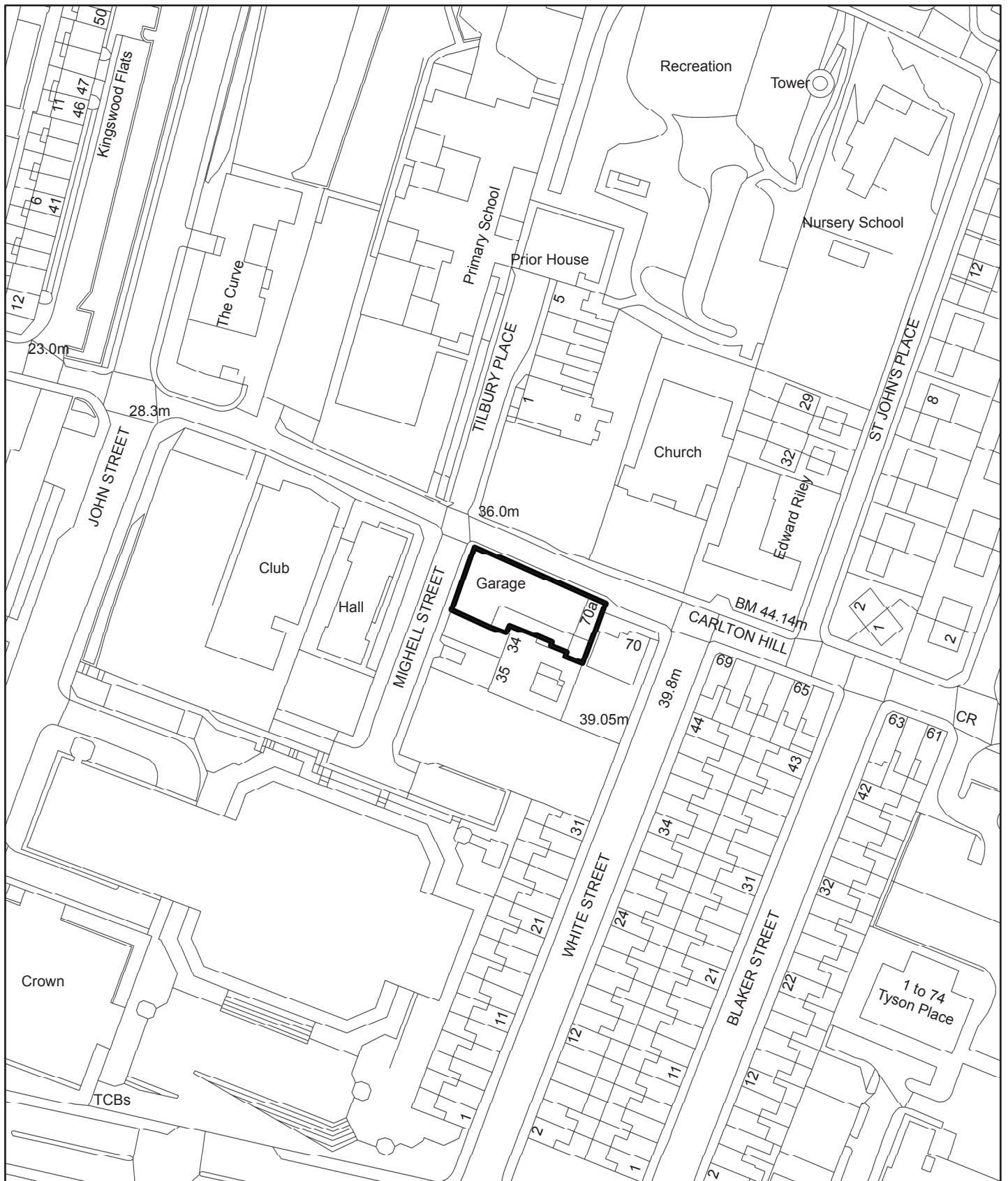
**PLANS LIST  
ITEM D**

**33 Mighell Street & 70a Carlton Hill, Brighton**

**BH2012/04086  
Full planning consent**

**15 MAY 2013**

# BH2012/04086 33 Mighell Street & 70a Carlton Hill, Brighton.



Scale: 1:1,250

<b>No:</b>	<b>BH2012/04086</b>	<b>Ward:</b>	<b>QUEEN'S PARK</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>33 Mighell Street and 70a Carlton Hill, Brighton</b>		
<b>Proposal:</b>	<b>Demolition of existing garage and flint wall. Rebuilding of flint wall and construction of new part five and part four storey building comprising of office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works.</b>		
<b>Officer:</b>	<b>Sue Dubberley Tel 293817</b>	Valid Date:	24/12/2012
<b>Con Area:</b>	<b>Carlton Hill</b>	Expiry Date:	18/02/2013
Listed Building Grade:	N/A		
Agent:	Malcolm Lewis, Brgy Narra, San Manuel, Pangasinan, 2438		
Applicant:	Seinwood Investments Ltd, 51-53 Church Road, Hove		

## 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 it is **MINDED TO GRANT** planning subject to the completion of a S106 Agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the corner of Mighell Street and Carlton Hill. Carlton Hill is narrow and considerably steep and runs parallel with Edward Street. A high flint wall, in poor condition, partly bounds the site along the Carlton Hill elevation, although the wall extends below pavement level as ground levels of the site are considerably lower than the street. The site currently contains a vacant single storey building formerly in use as garage, car parking and a car wash. The site lies within the Carlton Hill Conservation Area in which high flint walls are noted as an important characteristic of the conservation area and the flint wall to this site forms a key grouping with the listed flint walls to number 1 Tilbury Place.
- 2.2 The area is characterised by a number of listed buildings of varying styles. Adjacent to the site and to the south is a Grade II listed flint faced building known as the Farmhouse which is subdivided into 2 dwellings; numbers 34 and 35 Mighell Street. No. 34 Mighell Street, closest to the proposal, is further subdivided into 2 flats and has windows to non-habitable rooms that face towards the site. To the west, on the other side of Mighell Street and just outside the conservation area, is the recently completed office block for American Express. To the immediate east at 70 Carlton Hill is a 2 storey late Victorian building, now in use as offices, which was originally the vicarage to the listed church opposite and whilst not a listed building, is considered to positively contribute to the conservation area and wider street scene.

- 2.3 On the north side of Carlton Hill opposite the site is Carlton Hill Primary School and Tilbury Place containing a Grade II listed terrace. The Grade II listed Greek Orthodox church is also located immediately to the north east of the site which is also in a prominent position.

### 3 RELEVANT HISTORY

**BH2212/04087:** Demolition of existing garage and front wall (undetermined – a report on this application is also on this agenda).

**BH2012/01812:** Demolition of existing garage and flint wall and construction of new part five and part four storey building comprising office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works. Withdrawn.

**BH2012/01811:** Demolition of existing garage and front wall. Withdrawn.

**BH2011/03221:** Demolition of garage and flint wall and erection of part 5 storey and part 6 storey block of 5no. 1 bedroom flats and 18no 2 bedroom flats and associated works. Withdrawn.

**BH2011/03222:** Demolition of existing garage and front wall. Withdrawn.

**BH2009/03077:** Demolition of existing garage and flint wall. Construction of a flint facing building between 4 and 7 storeys to accommodate 87 student units and reinstatement of flint wall. Refused 22/3/10.

**BH2009/03078:** Demolition of existing garage and front wall. Refused 22/3/10.

**BH2007/01443:** Demolition of garage and erection of part 5, and part 6 storey building comprising 13 flats and new office space (withdrawn).

**BH2006/03567:** Demolition of garage and erection of flats and offices (withdrawn).

**BH2005/01606:** Change of use of garage to car park (withdrawn).

**BH2003/00109:** Demolition of existing building. Construction of 9 flats and 200sqm of B1 office space (withdrawn).

**BH2000/00603:** Demolition of existing garage and construction of 3 – 4 storey block of 15 flats with vehicular access to rear via front garden of 34 Mighell Street (refused). Reasons for refusal related to loss of employment floor space, overdevelopment of the site, out of character with adjacent listed building and parking spaces on 34 Mighell Street being detrimental to amenity of occupiers.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing garage and flint wall, rebuilding of flint wall and construction of new part five and part four storey building comprising of office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works.

- 4.2 The proposed development comprises of:

- Lower ground and part ground floor B1 office space (450sqm)
- Ground floor 1 x 3 bed unit
- First floor, 1 x 1 bed unit and 2 x 2 bed unit
- Second Floor 1 x 1 bed unit and 2 x 2 bed unit
- Third floor 2 x 2 bed unit

- 4.3 The development has a modern contemporary design with a flat roof and a mix of projecting and inset balconies the building which would steps up Carlton Hill respecting the steep gradient of the street. The new building would be set back from the street frontage behind the rebuilt flint boundary wall. The proposed materials are aluminium windows and brickwork with photovoltaic panels proposed on the flat roof. A lift would provide access to the upper floors

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Sixteen (16)** letters of representation have been received from **5 Stanley Street, 1, 10 St Johns Place, 21 The Curve, 64A, 67, Carlton Hill, 77, 105 Albion Hill, 8, 54 Toronto Terrace, Flat 1 (x2), flat 2, 34 Mighell Street, 31, 40 White Street, 62 Richmond Street, objecting** to the application for the following reasons:
- Not in keeping with the area, too tall and prominent and will overshadow the farmhouse in Mighell Street.
  - Poor design.
  - Lack of parking in the area and the building should remain as a public car park.
  - Already a substantial amount of residential development in the area.
  - Existing flint wall should not be demolished as it is a distinctive feature of the area.
  - Loss of the flint wall would be detrimental to the Carlton Hill Conservation Area.
  - Increase in traffic close to a primary school and centre for the deaf.
  - Increased parking pressure in the area.
  - Piecemeal development in the area should not be allowed.
  - Noise and disturbance during construction.
  - Residents have had to live with the construction of the Amex building for three years and the prospect of more building work is adding insult to injury.
  - City needs more affordable housing and not private flats.
  - Overdevelopment of a pleasant residential area.
  - Insufficient amenity space.
  - Loss of property value.
  - Concern that the flats maybe let out to students.
  - Overlooking overshadowing and loss of light to houses around it.
  - Not in keeping with the listed building next door.
  - Adding more flats to an area traditionally dominated by family housing.
  - Wall in front gives the appearance of a fortress should be an open landscaped frontage.
  - No parking provision and loss of a car park.
- 5.2 **CAG: Object:** Recommend refusal on the grounds that the massing of the building would have an unacceptable impact on the neighbouring historic farmhouse. Pitched roof is unsympathetic to the pitched roof of the historic farmhouse and roofscape should be improved and scaled down by a storey.

Stucco rather than brick would be more in keeping with the area. Concerned that the design of the wall would have a detrimental visual impact on the area, should be of the same quality as the original.

5.3 **The Environment Agency:** No comment.

5.4 **The Brighton Society:** Object: The proposed block of flats would completely dominate the adjacent listed Georgian farmhouse, making it look like toytown. The CAG have suggested a pitched roof which is a good idea providing the height is reduced by 2 storeys. The photograph of the proposed flint wall shows an appalling factory made blocks with flint set in concrete

5.5 **Head Teacher Carlton Hill Primary School:** Object:

- Would bring noise and general disruption from which the school suffered for nearly two years with the construction of the new AMEX building adjacent to the proposed development.
- Increase in primary age children and the school is currently full and likely to remain so in the future.
- Additional traffic adding to an already hazardous street.
- Would like confirmation that residents of the development will not be entitled to a parking permit.

5.6 **Cllr Bowden:** Object: (see attached email).

5.7 **Cllr Powell:** Object: (see attached email)

**Internal:**

5.8 **Environmental Health:** Support: Approval, subject to conditions for potential land contamination and hours of opening for the office development.

5.9 **Heritage:** Support: This application has been subject to lengthy pre-application discussions and is considered to have resolved the previous major issues of concern. In particular the setting back of the building from Carlton Hill, with the flint boundary wall rebuilt as a boundary wall, is considered to be a substantial improvement over previous applications.

5.10 **Planning Policy:** Support: The proposal increases the amount of employment floorspace, through the provision of B1 office space in line with the requirements of Policy EM2 of the Local Plan. It is a windfall site for housing, however the level of housing provision (9 units) falls before the threshold for affordable housing required by Policy HO2 and the proposal is therefore considered to comply with this policy. Regeneration of the existing dilapidated buildings on the site is in line with the aims of SPD04 and Policy DA5 of the emerging City Plan.

5.11 **Sustainable Transport:** Support: Recommended approval with conditions to protect the interests of the public using the roads and footways.

5.12 **Access Consultant:** The layouts are satisfactory.

## **6 MATERIAL CONSIDERATIONS**

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings

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SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of housing
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM2	Sites identified for high-tech and office uses
EM3	Retaining the best sites for industry
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD 08 Sustainable Building Design

SPD 04 Edward Street Quarter

SPD Nature Conservation and Development

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

CP3	Employment Land
CP7	Infrastructure and Developer contributions
CP8	Sustainable Buildings
CP12	Urban Design
CP14	Housing Density
CP10	Biodiversity
CP16	Open space

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to are principle of the use, design and conservation, transport, amenity and sustainability matters.

### **Principle**

8.2 In considering the principle of the proposal, the relevant Local Plan policies include EM2 and EM3 as well as Supplementary Planning Document 04 Edward Street Quarter (SPD04). The application site is part of the Edward



Street Quarter and is allocated for B1 office and high-tech employment use under policy EM2 of the Local Plan and is within the area covered by SPD04. However, the current permitted use of the site is use class B2 therefore policy EM3 is also applicable

- 8.3 The application site lies within the broader 'Amex House and adjacent land' site identified in Policy EM2 of the Local Plan. The policy states that planning permission will be granted for use classes B1 (a) and (b) on the site. The proposal includes 450m<sup>2</sup> of B1 office space, which represents an increase on the existing 407m<sup>2</sup> of employment floorspace, classified as B2 (garage for vehicle repairs). In addition the existing B2 use is not considered to be compatible with the residential properties which immediately adjoin the site and the proposal to replace the existing floorspace with B1 office space is considered to be more neighbourly than the existing use. The proposal therefore complies with policy and the application is acceptable in this respect.
- 8.4 SPD04 Edward Street Quarter seeks to 'facilitate employment-led redevelopment, which will retain the existing Amex House, residential properties on White Street and the listed building at 34/35 Mighell Street and improve what is presently considered to be an area of poor environmental quality.' SPD04 indicates that its primary purpose is to drive the economic regeneration of the site as a strategic employment site and that residential development on the site will be acceptable as part of a mixed-use employment-led scheme. The proposal is therefore in line with the aims of the SPD.
- 8.5 The use of the site for part residential use in this location is considered acceptable in principle where there are number of existing residential uses in the vicinity, for example 34 and 35 Mighell Street and the residential terraced housing in nearby White street.

**Design and impact on the Carlton Hill Conservation Area and adjoining listed building**

- 8.6 Previous proposals for this site which were either refused or withdrawn were considered unacceptable on design grounds for a number of reasons related to the scale and height of the development and its harmful impact on the setting of listed building and the appearance of the Carlton Hill conservation area. This application has been the subject of lengthy pre-application discussions and is considered to have resolved the previous major issues of concern. In particular the setting back of the building from Carlton Hill, with the flint wall rebuilt as a boundary wall, is considered to be a substantial improvement over previous applications. It is acknowledged that this is a difficult site to develop due to the change in ground levels, the existing flint wall and the potential impact on designated heritage assets.
- 8.7 The Heritage Officer now considers that subject to details the proposal as submitted would enhance the appearance of the conservation area. It is acknowledged that a result of its scale and height, the development would cause some harm to the setting of the listed farmhouse at 34/35 Mighell

Street. However, this harm would be outweighed by the public benefits of bringing a derelict site in the Carlton Hill Conservation Area site back into use.

- 8.8 It is now considered that the footprint, scale, height and massing of the building are acceptable in the street scene. From Carlton Hill the parapet of the proposed building would be just above the eaves level of 70 Carlton Hill and would step down the hill so that, at its western end, the parapet would be approximately 1m higher than the corner of the new Amex offices immediately opposite, which is appropriate given the sloping site. The new building would appear appropriate in scale in the key view looking west down Carlton Hill. It would be well below the height of the listed Greek Orthodox Church on the opposite side of Carlton Hill and so would preserve the setting of the church. From Mighell Street the new building would be set just over 1m further away from the listed farmhouse than the new Amex data building. The front parapet line would be about 3.5m higher than that of the Amex data building and the full height would be about 2.5m above the ridge of the Amex data building, but this largely reflects the change in ground level due to the sloping site and is therefore considered acceptable.
- 8.9 Initially there was some concern that while the Heritage Officer believed that the western line of the building was appropriate in relation to the site context, this could not be confirmed because the footprint of the Amex data building was not shown on plan. Amended floor plans now show the Amex Data Building, which confirms that the proposed development would be set back from that building line and the proposed building line on Mighell Street can now therefore confirmed as acceptable.
- 8.10 The horizontality of the Carlton Hill elevation is successfully broken down vertically by three recessed sections that provide recessed balconies and, in one, the residential entrance area. It will be important that the windows themselves are recessed into fairly deep reveals and a condition requiring larger scale details of the windows forms part of the recommendation. The entrance to the residential accommodation has been given greater prominence and legibility, addressing concerns with the previous applications and is now acceptable. Following negotiations the Carlton Hill elevation has been amended and the revised elevations show glazed balcony balustrades in place of brick which has added more detail and reduced the amount of brickwork on this elevation. The elevation is now considered satisfactory.
- 8.11 The materials, red brick and flint, appropriately reflect the local context however the choice of brick will be very important and a condition requiring samples of materials therefore forms part of the recommendation. It is acknowledged that the existing high flint wall is in poor condition and has been subject to many poor quality repairs and that it could not simply be retained and repaired. On this basis there is no objection to the demolition and rebuilding of the wall. However it is important that the existing flints should be re-used and the wall should have a sloping rendered coping. Consideration should also be given to the retention of the lower part of the flint wall where it forms the retaining wall to the footway or it could perhaps be restored to form

an internal feature within the office space. To ensure the quality of the replacement flint wall conditions are recommended requiring the submission of a method statement for demolition and rebuilding of the flint wall, including extent of demolition and the proposed mortar mix; that existing flints must be re-used; that the flint wall must have a rendered coping; and for the construction of a sample panel of new flint wall on site for approval.

- 8.12 The south elevation, facing the farmhouse, is the most problematic due to the additional storey height arising from the change in ground level and the need to avoid overlooking of the flats in the farmhouse. It is broken up into vertical divisions by shallow set-backs, which helps to relieve its stark bulk in relation to the listed farm house and give it some shadow lines. The office fenestration is considered acceptable.
- 8.13 Following the amendments made to the application the design is now considered to have overcome previous concerns related to the scale and height of the development and its previous impact on the setting of listed building and the appearance of the Carlton Hill conservation area and this aspect of the application is considered to be acceptable.

**Impact on Amenity:**

- 8.14 The applicant has submitted a detailed Daylight and Sunlight Analysis assessing the impact of the proposal on the nearest residential properties likely to be affected by the development, 12 Tilbury Place and 34 and 35 Mighell Street. The report uses the Building Research Establishment (BRE) Guide to Daylight and Sunlight to assess loss of light. The BRE guidelines are intended to be used for adjoining residential properties and any existing non-domestic uses where the occupants would have a reasonable expectation of daylight.
- 8.15 The assessment undertaken in respect of the impact on the development at 12 Tilbury Place, demonstrates in terms of loss of light, the proposal is considered to have a minimal impact on this property. The results show that the impact on sunlight will be small and is within the BRE guidelines.
- 8.16 The daylight and sunlight assessment asserts that the windows which serve habitable rooms in the ground floor flat of 34 Mighell Street face south therefore are largely unaffected by the development. The windows on the northern flank wall of 34 Mighell street which face onto the application site serve hallways of stairwells which are not habitable rooms and therefore have not been included in the assessment. The impact on principal windows on the front and rear of the building has been assessed and while there is a marginal impact on a window on the front elevation the averaged daylight factor is still over double the recommended minimum. The overall conclusion of the report is that there would be no material impact on the property and good levels of daylight will be retained.
- 8.17 The impact on the adjoining property 35 Mighell Street which lies further away from the development has been assessed as having no impact in relation to

sunlight and in regard to daylight the impacts are small and comply with BRE guidelines.

- 8.18 There is no evidence to suggest the findings of the report are incorrect and therefore this aspect of the scheme is considered acceptable.
- 8.19 In terms of potential overlooking the new building would be set 2.5m way from the flank wall of 34 Mighell Street which reflects the gap between the listed buildings and the existing American Express building on the southern side. The footprint of the new building is smaller than the existing garage on the site. As stated above there are no habitable windows on the side flank wall of 34 Mighell Street and while there maybe some oblique view towards the front of the 34 Mighell Street this would be considered acceptable in this high density city centre location and would not be so harmful as to warrant refusal of permission on these grounds.

Standard of accommodation

- 8.20 The proposed internal layout of the flats is considered to be acceptable and would provide satisfactory accommodation.
- 8.21 Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. It is acknowledged that the size and configuration of the site lends itself to limited opportunities for provision of private amenity space. However, the proposal is considered to comply with Policy HO5 as all dwellings have outdoor space, predominantly in the form of usable balconies, with the larger unit on the ground floor having a small private garden.
- 8.22 Policy HO13 requires all of the residential units to be Lifetime Home compliant and the plans indicate that all the residential units would all be built to Lifetime Homes standards. A condition to ensure Lifetime Homes standards are met are therefore recommended.

**Sustainable Transport:**

- 8.23 Due to site constraints the proposal offers no off-street parking. SPD04 encourages sustainable transport modes and advocates minimal parking provision whilst policy TR1 seeks to promote sustainable modes of transport.
- 8.24 The Traffic Engineer considers that the change of use from a car wash to office and residential use will significantly increase the number of pedestrians using the footway network; the increase in employees alone at the site due to the change in commercial use is likely to increase pedestrian movement to and from the site by ten fold from under 4 to 40. The Traffic Engineer therefore has recommended that a financial contribution of £10,500 is made to improve the pedestrian facilities , public transport links providing dropped kerbs and tactile paving at locations east and west of the site along the Kingswood Road to Carlton Hill corridor .

Cycle Parking

- 8.25 The Traffic Engineer has commented that while there are 24 cycle parking spaces detailed in the proposals they appear to be inadequately spaced and therefore a condition is recommended requesting further details of the cycle parking.
- 8.26 The proposal does not include any car parking space for blue badge holders. The City Council's Parking standards (SPG4) requires developers to provide 5 spaces for this proposal (when considering the 450m<sup>2</sup> B2 floorspace only). It is however acknowledged that there is existing disabled parking in the vicinity of the site in Tilbury Place, John Street and White Street. Blue badge holders can also access the site by parking on double yellow lines for up to 3 hours on Mighell Street and Carlton Hill (adjacent and east of the site). In view of this the Traffic Engineer considers that it would be unreasonable to object to this proposal on the absence of on-site disabled parking due to the existing provision available in the area.
- 8.27 The proposed development is close to local services and public transport and is within a controlled parking zone; therefore, to accord with the City Council's Local Plan policy HO7 conditions are recommended to prohibit residents from being eligible for parking permits and requiring the development to be genuinely car-free.

Approval In Principle (AIP)/Structural Issues

- 8.28 The Traffic Engineer has commented that it would appear that a retaining wall is required to support the highway along Carlton Hill. It is requested that a drawing with appropriate cross-sections is provided to confirm the height of the wall and condition 2 is attached. The wall could be over 5.0m high and therefore an Approval in Principle (AIP) could be required and an informative is therefore attached.
- 8.29 There are cellars that extend northwards under the highway along Carton Hill from No 70a. The cellars are not shown on the plans but are mentioned in the environmental review submitted with the application. There is no indication as to whether they are retained and whether access can be retained to inspect the supporting highway structures and if the cellars are to be abandoned they should be backfilled as part of the scheme. This is to ensure there is adequate support provided to the adopted highway. The applicant is however uncertain at this stage as to whether or not they would be retained or backfilled therefore for an appropriate condition requiring further details forms part of the recommendation.

**Sustainability:**

- 8.30 A sustainability check list has been submitted which states will be used to achieve CSH Code Level 4. A sedum roof is proposed. The checklist confirms that the commercial element will undergo a BREEAM assessment and BREEAM 'Very Good' rating will be sought. This aspect of the scheme can be secured by appropriate conditions.

- 8.31 Policy SU13 and Supplementary Planning Document 03 'Construction and Demolition Waste' both seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement (WMS) demonstrating how elements of sustainable waste management have been incorporated into the scheme. A WMS has been submitted demonstrating that there are no reasons why waste would not be minimised during demolition and construction.

**Other Considerations:**

- 8.32 There is likely to be some land contamination related to previous and historic uses. Environmental Health has considered the Environmental Review submitted with the application and has raised no objection subject to conditions for potential land contamination and restrictions on the hours of opening for the office development and deliveries.
- 8.33 It is noted that while the Environmental Health Officer has also commented that the application site has extremely close and occupied residential properties, known for the complaints received during the construction of the new American Express office and data building. For this reason it is recommend the use of a Construction Environment Management Plan (CEMP) to be achieved through the section 106 process. However while it is noted that the Amex development has caused issues for local residents it is considered that the application is not large enough to justify a CEMP.

**9 CONCLUSION**

- 9.1 The development will make efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area, the Clifton Hill Conservation Area or the setting of the adjoining listed buildings, subject to conditions and Section 106 obligations. The development will not have a significantly detrimental impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

**10 EQUALITIES**

- 10.1 The residential units would be built to Lifetime Homes standards. The Access Officer considers the layouts to be satisfactory.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Planning Obligation:**

**Section 106 to secure:**

- A contribution of £10,500 to improve the pedestrian facilities , public transport link providing dropped kerbs and tactile paving at locations east and west of the site along the Kingswood Road to Carlton Hill corridor

**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.

PLANS LIST – 15 MAY 2013

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

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

Plan Type	Reference	Version	Date Received
Location plan	No number		24/12/12
Block plan	1201/01		24/12/12
Existing site plan	1201/02		24/12/12
Existing elevations	1201/03		24/12/12
Existing elevations	1201/04		24/12/12
Lower ground floor	1201/05	A	10/02/13
Ground floor plan	1201/06	A	10/02/13
First floor plan	1201/07	A	10/02/13
Second floor plan	1201/08	A	10/02/13
Third floor plan	1201/09	A	10/02/13
Proposed elevations	1201/10	B	27/02/13
Proposed elevations	1201/11		24/12/12
Contextual elevations	1201/12	A	10/02/13
Contextual elevations	1201/13		24/12/12
Proposed elevations street view	1201/14	B	27/02/13
Entrance details	1201/05	A	27/02/13

3. The office uses (B1) located at the lower ground floor and ground floor shall not be in use for hours other than 07:00 to 19:00 hours Monday to Friday and 08:00 to 17:00 hours Saturdays.

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

4. Deliveries shall not be made to or from the office premises between the hours of 08:00 hours to 18:00 hours Monday to Friday and 09:00 hours to 17:00 hours Saturdays.

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

5. Unless otherwise agreed in writing, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

6. The existing flints from the flint wall to be demolished shall be re-used within the new flint wall which shall have a rendered coping.

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

7. No pipework, meter boxes, flues or aerials shall be fixed to any elevation fronting a highway.

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

11.3 Pre-Commencement Conditions:

8. No residential development shall commence until:
- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
  - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

9. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and
  - b) BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

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

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

11. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as



set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
  - a) as built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress; and
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

12. No development shall commence until full details of the retaining boundary wall structure, including cross section, depth of footings, retained height, thickness of wall and construction materials, have been submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To ensure the stability of the adjacent pavement and to comply with Policy TR7 of the Brighton & Hove Local Plan.

13. Prior to the commencement of the development, details of the treatment of the existing cellars in front of the development including any scheme of works to backfill the cellars shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the commencement of the development hereby permitted and shall thereafter be retained.

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

14. The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

**Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

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

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

16. No works shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority.
- 1:20 scale details of all boundary walls and gates.
  - 1:20 scale details of the refuse store doors and cycle store doors.
  - 1:20 scale details of the front entrance canopy.
  - 1:20 scale sample section through window openings to confirm depth of reveals.
  - Details of downpipes.

The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

17. No development shall take place until a method statement for demolition and rebuilding of the flint wall, including extent of demolition and the proposed mortar mix has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

18. No development shall take place until a sample panel of new flint wall has been constructed on site and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

#### 11.4 Pre-Occupation Conditions:

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

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

20. None of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

21. None of the non-residential development hereby approved 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.

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

#### 11.5 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 development will make efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area, the Clifton Hill Conservation Area or the setting of the adjoining listed buildings, subject to conditions and Section 106. The development will not have a significantly detrimental impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.
3. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

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.

## PLANS LIST – 15 MAY 2013

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 both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.

4. The applicant is advised that the scheme required to be submitted by Condition 14 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
5. The applicant is advised that this planning permission does not override the need to go through the Approval in Principle (AIP) process for the necessary works adjacent to the highway, prior to the commencement of any construction works. Please contact the Council's Highway Engineering & Projects Team for further information. Specifically Bo Furdas (Senior Project Engineer), Tel: 01273 292 237, Email: [bo.furdas@brighton-hove.gov.uk](mailto:bo.furdas@brighton-hove.gov.uk)



PLANS LIST – 15 MAY 2013

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

From: Stephanie Powell  
Sent: 19 February 2013 19:37  
To: Planning Applications; Geoffrey Bowden; Ben Duncan; Planning Comments  
Cc: Sue Dubberley  
Subject: BH2012/04086 QP

[http://www.brighton-hove.gov.uk/index.cfm?request=c1199915&action=showDetail&application\\_number=BH2012%2F04086](http://www.brighton-hove.gov.uk/index.cfm?request=c1199915&action=showDetail&application_number=BH2012%2F04086)

Dear Planning Team,

Please note my objection to the above Planning app, which has been presented in my ward.

I have just spoken with my two ward colleagues, who are equally against this. I expect you will need their separate objections in writing to you (in fact, I've just seen Cllr Bowden's email).

As a collective voice, we are against this app for a number of reasons:

1. This area geographically, has suffered much in the way of noise nuisance and disruption over the past couple of years, due to the erection of the new AMEX building right next door. It is unfair to put residents and those using the area for school, etc through the same misery and disruption all over again. Whilst such disruption may not a planning consideration when assessing the merits of a scheme, continual noise (as has been experienced in this area) should be.

2. The building of office space combined with housing is just not suitable in this tiny area. It is better suited to stay as is for now. If the Edward St plans go ahead, then office/housing space will be offered just around the corner from this spot.

3. Sue Dubberley, Senior Planning Officer has, I'm told, received 19 objections to this application from local residents. They are mainly concerned with the increased pressure on parking, which if allowed through, would present to this area. I totally agree with them.

4. Residents also object (as I do), to the design of the new building.

This very small vicinity of the city is busy. It has its share of residents, plus a primary school, the Sussex Deaf Association, the Greek Orthodox church (and local Greek community who visit this area regularly), and the well used (and very much needed in these economically harsh times) BUCFP - just over the road in Tilbury Place. This area already has/continues to experience, a disrupted/noisy time due to the AMEX build. Allowing this app through NOW will add to that misery.

In short, this Planning app is badly timed, and in my view, should not be considered.

Regards,

Cllr Stephanie Powell  
Green Councillor for Queens Park Ward



PLANS LIST – 15 MAY 2013

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**From:** geoffrey.bowden@brighton-hove.gov.uk  
**Sent:** 19 February 2013 18:41  
**To:** Planning Comments  
**Subject:** Planning Application BH2012/04086 - comment

## **Planning Application - BH2012/04086**

I object to the Planning Application

### **Sender's details**

Cllr Geoffrey Bowden  
King's House, Grand Avenue, Hove  
BN3 2LS  
01273 291988  
geoffrey.bowden@brighton-hove.gov.uk

### **Comment**

As a ward councillor I am concerned that this application constitutes over development of the site. I am particularly concerned that there is no travel plan accompanying the application and that the combination of workspace and residential units will add to local traffic and place further pressure for on street parking in the controlled parking zone area. For these reasons I am objecting to this application.

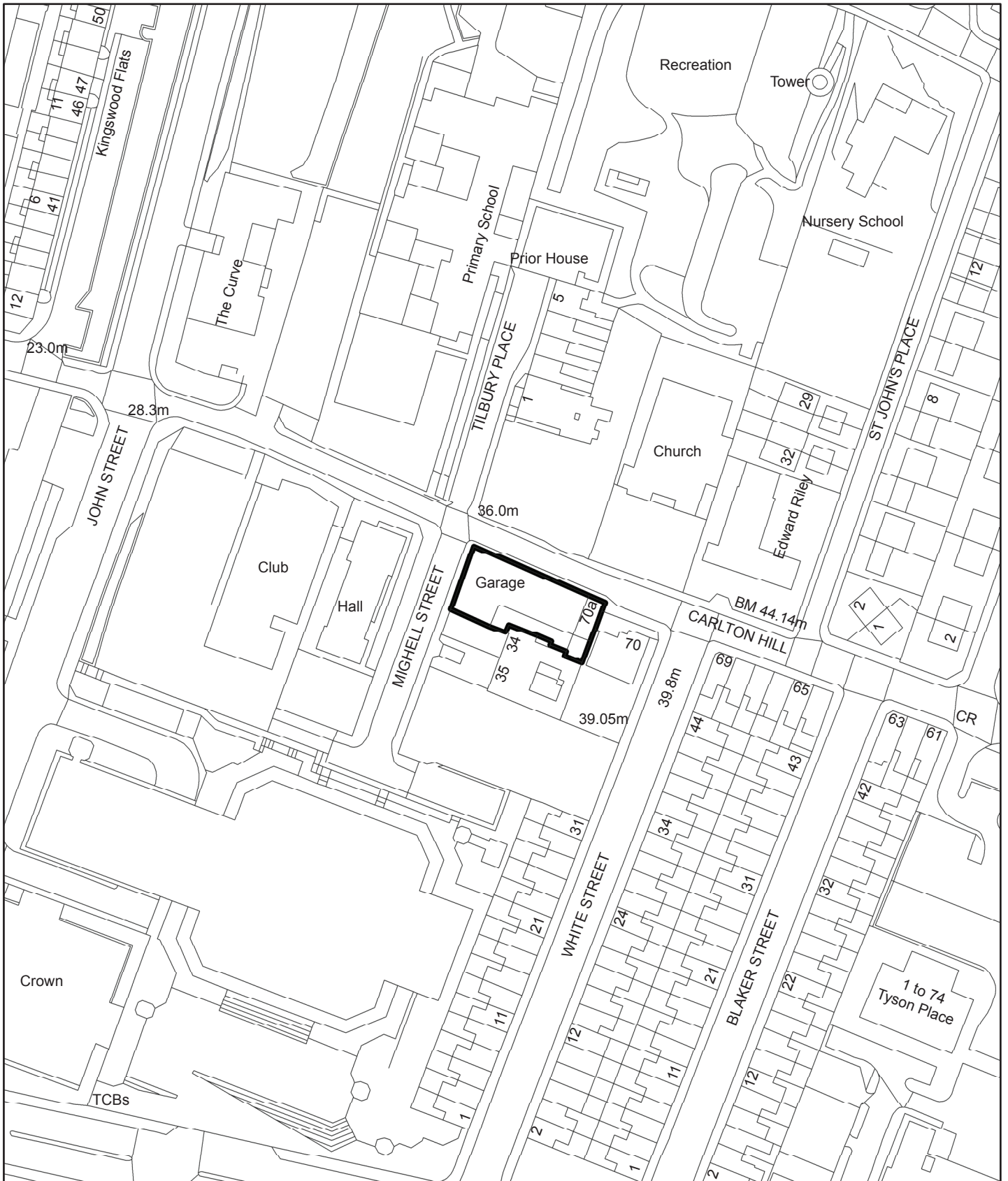
**PLANS LIST  
ITEM E**

**33 Mighell Street & 70a Carlton Hill, Brighton**

**BH2012/04087  
Conservation area consent**

**15 MAY 2013**

# BH2012/04087 33 Mighell Street & 70a Carlton Hill, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2012/04087</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Conservation Area Consent</b>		
<b><u>Address:</u></b>	<b>33 Mighell Street and 70a Carlton Hill, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and flint wall.</b>		
<b><u>Officer:</u></b>	Sue Dubberley Tel 293817	<b><u>Valid Date:</u></b>	24/12/2012
<b><u>Con Area:</u></b>	Carlton Hill	<b><u>Expiry Date:</u></b>	18/02/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Malcolm Lewis, Brgy Narra, San Manuel, Pangasinan, 2438		
<b><u>Applicant:</u></b>	Seinwood Investments Ltd, 51-53 Church Road, Hove		

## 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** conservation area consent subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the corner of Mighell Street and Carlton Hill. Carlton Hill is narrow and considerably steep and runs parallel with Edward Street. A high flint wall, in poor condition, partly bounds the site along the Carlton Hill elevation, although the wall extends below pavement level as ground levels of the site are considerably lower than the street. The site currently contains a vacant single storey building formerly in use as garage, car parking and a car wash. The site lies within the Carlton Hill Conservation Area in which high flint walls are noted as an important characteristic of the conservation area and the flint wall to this site forms a key grouping with the listed flint walls to number 1 Tilbury Place.
- 2.2 The area characterised by a number of listed buildings of varying styles. Adjacent to the site and to the south is a Grade II listed flint faced building known as the Farmhouse which is subdivided into 2 dwellings; numbers 34 and 35 Mighell Street. No. 34 Mighell Street, closest to the proposal, is further subdivided into 2 flats. To the west, on the other side of Mighell Street and just outside the conservation area, is the recently completed office block for American Express. To the immediate east at 70 Carlton Hill is a 2 storey late Victorian building, now in use as offices, which was originally the vicarage to the listed church opposite and whilst not a listed building, is considered to positively contribute to the conservation area and wider street scene.
- 2.3 On the north side of Carlton Hill opposite the site is Carlton Hill Primary School and Tilbury Place containing a Grade II listed terrace. The Grade II listed Greek Orthodox church is also located immediately to the north east of the site which is also in a prominent position.

### 3 RELEVANT HISTORY

**BH2212/04086:** Demolition of existing garage and flint wall. Rebuilding of flint wall and construction of new part five and part four storey building comprising of office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works. (undetermined – a report on this application is also on this agenda).

**BH2012/01812:** Demolition of existing garage and flint wall and construction of new part five and part four storey building comprising office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works. Withdrawn.

**BH2012/01811:** Demolition of existing garage and front wall. Withdrawn.

**BH2011/03221:** Demolition of garage and flint wall and erection of part 5 storey and part 6 storey block of 5no. 1 bedroom flats and 18no 2 bedroom flats and associated works. Withdrawn.

**BH2011/03222:** Demolition of existing garage and front wall. Withdrawn.

**BH2009/03077:** Demolition of existing garage and flint wall. Construction of a flint facing building between 4 and 7 storeys to accommodate 87 student units and reinstatement of flint wall. Refused 22/3/10.

**BH2009/03078:** Demolition of existing garage and front wall. Refused 22/3/10.

**BH2007/01443:** Demolition of garage and erection of part 5, and part 6 storey building comprising 13 flats and new office space (withdrawn).

**BH2006/03567:** Demolition of garage and erection of flats and offices (withdrawn).

**BH2005/01606:** Change of use of garage to car park (withdrawn).

**BH2003/00109:** Demolition of existing building. Construction of 9 flats and 200sqm of B1 office space (withdrawn).

**BH2000/00603:** Demolition of existing garage and construction of 3 – 4 storey block of 15 flats with vehicular access to rear via front garden of 34 Mighell Street (refused). Reasons for refusal related to loss of employment floor space, overdevelopment of the site, out of character with adjacent listed building and parking spaces on 34 Mighell Street being detrimental to amenity of occupiers.

### 4 THE APPLICATION

- 4.1 Conservation Area consent is sought for the demolition of existing building and flint wall.

### 5 PUBLICITY & CONSULTATIONS

#### External

- 5.1 **Neighbours: Sixteen (16)** letters of representation have been received from **5 Stanley Street, 1, 10 St Johns Place, 21 The Curve, 64A, 67, Carlton Hill, 77, 105 Albion Hill, 8, 54 Toronto Terrace, Flat 1 (x2), flat 2, 34 Mighell Street, 31, 40 White Street, 62 Richmond Street, objecting** to the application for the following reasons:

- Not in keeping with the area, too tall and prominent and will overshadow the farmhouse in Mighell Street.
- Poor design.
- Lack of parking in the area and the building should remain as a public car park.

- Already a substantial amount of residential development in the area.
  - Existing flint wall should not be demolished as it is a distinctive feature of the area.
  - Loss of the flint wall would be detrimental to the Carlton Hill Conservation Area.
  - Increase in traffic close to a primary school and centre for the deaf.
  - Increased parking pressure in the area.
  - Piecemeal development in the area should not be allowed.
  - Noise and disturbance during construction.
  - Residents have had to live with the construction of the Amex building for three years and the prospect of more building work is adding insult to injury.
  - City needs more affordable housing and not private flats.
  - Overdevelopment of a pleasant residential area.
  - Insufficient amenity space.
  - Loss of property value.
  - Concern that the flats maybe let out to students.
  - Overlooking overshadowing and loss of light to houses around it.
  - Not in keeping with the listed building next door.
  - Adding more flats to an area traditionally dominated by family housing.
  - Wall in front gives the appearance of a fortress should be an open landscaped frontage.
  - No parking provision and loss of a car park.
- 5.2 **CAG: Object:** Recommend refusal on the grounds that the massing of the building would have an unacceptable impact on the neighbouring historic farmhouse. Pitched roof is unsympathetic to the pitched roof of the historic farmhouse and roofscape should be improved and scaled down by a storey. Stucco rather than brick would be more in keeping with the area. Concerned that the design of the wall would have a detrimental visual impact on the area, should be of the same quality as the original.
- 5.3 **The Environment Agency: No comment.**
- 5.4 **The Brighton Society: Object:** The proposed block of flats would completely dominate the adjacent listed Georgian farmhouse, making it look like toytown. The CAG have suggested a pitched roof which is a good idea providing the height is reduced by 2 storeys. The photograph of the proposed flint wall shows an appalling factory made blocks with flint set in concrete
- 5.5 **Head Teacher Carlton Hill Primary School: Object:**
- Would bring noise and general disruption from which the school suffered for nearly two years with the construction of the new AMEX building adjacent to the proposed development.
  - Increase in primary age children and the school is currently full and likely to remain so in the future.
  - Additional traffic adding to an already hazardous street.
  - Would like confirmation that residents of the development will not be entitled to a parking permit.

5.6 **Cllr Bowden:** Object: (see attached email).

5.7 **Cllr Powell:** Object: (see attached email).

**Internal:**

5.8 **Heritage:** Support: This application has been subject to lengthy pre-application discussions and is considered to have resolved the previous major issues of concern. In particular the setting back of the building from Carlton Hill, with the flint boundary wall rebuilt as a boundary wall, is considered to be a substantial improvement over previous applications.

**6 MATERIAL CONSIDERATIONS**

6.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

6.2 The development plan is:

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

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

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

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

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

**7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan

HE8 Demolition in Conservation Areas

Carlton Hill Conservation Area Character Statement.

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main issue for consideration is whether the loss of the existing building and flint wall on the site would adversely affect the character and appearance of the Carlton Hill Conservation Area.
- 8.2 Policy HE8 of the Brighton & Hove Local Plan states proposals should retain buildings, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:
- a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
  - b) viable alternative uses cannot be found; and
  - c) the redevelopment both preserves the areas character and would produce substantial benefits that would outweigh the building's loss.
- 8.3 Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition.
- 8.4 It is considered that the existing building on the site is not of any importance architecturally or historically, is in a neglected state and does not contribute to the Carlton Hill Conservation Area. It is acknowledged that the existing high flint wall is in poor condition and has been subject to many poor quality repairs and that it could not simply be retained and repaired. On this basis there is no objection to the demolition and rebuilding of the wall.
- 8.5 The demolition of the buildings and flint wall is therefore considered acceptable, subject to the implementation of the approved scheme.

**9 CONCLUSION**

- 9.1 It is considered that, subject to appropriate redevelopment of the site, the proposed demolition of the building and flint wall would not harm the character or appearance of the Carlton Hill Conservation Area and would be not be contrary to Policy HE8 of the Brighton & Hove Local Plan.

**10 EQUALITIES**

- 10.1 None identified.

## 11 CONDITIONS / INFORMATIVES

### 11.1 Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.  
**Reason:** To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 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
Location plan	No number		24/12/12
Block plan	1201/01		24/12/12
Existing site plan	1201/02		24/12/12
Existing elevations	1201/03		24/12/12
Existing elevations	1201/04		24/12/12
Lower ground floor	1201/05	A	24/12/12
Ground floor plan	1201/06	A	10/02/13
First floor plan	1201/07	A	10/02/13
Second floor plan	1201/08	A	10/02/13
Third floor plan	1201/09	A	10/02/13
Proposed elevations	1201/10	B	27/02/13
Proposed elevations	1201/11		24/12/12
Contextual elevation	1201/12	A	10/02/13
Contextual elevation	1201/13		24/12/12
Proposed elevations street view	1201/14	B	27/02/13
Entrance details	1201/05	A	27/02/13

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

PLANS LIST – 15 MAY 2013

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-  
It is considered that, subject to appropriate redevelopment of the site, the proposed demolition of the building and flint wall would not harm the character or appearance of the Carlton Hill Conservation Area and would be not be contrary to Policy HE8 of the Brighton & Hove Local Plan.



PLANS LIST – 15 MAY 2013

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

From: Stephanie Powell  
Sent: 19 February 2013 19:37  
To: Planning Applications; Geoffrey Bowden; Ben Duncan; Planning Comments  
Cc: Sue Dubberley  
Subject: BH2012/04086 QP

[http://www.brighton-hove.gov.uk/index.cfm?request=c1199915&action=showDetail&application\\_number=BH2012%2F04086](http://www.brighton-hove.gov.uk/index.cfm?request=c1199915&action=showDetail&application_number=BH2012%2F04086)

Dear Planning Team,

Please note my objection to the above Planning app, which has been presented in my ward.

I have just spoken with my two ward colleagues, who are equally against this. I expect you will need their separate objections in writing to you (in fact, I've just seen Cllr Bowden's email).

As a collective voice, we are against this app for a number of reasons:

1. This area geographically, has suffered much in the way of noise nuisance and disruption over the past couple of years, due to the erection of the new AMEX building right next door. It is unfair to put residents and those using the area for school, etc through the same misery and disruption all over again. Whilst such disruption may not a planning consideration when assessing the merits of a scheme, continual noise (as has been experienced in this area) should be.

2. The building of office space combined with housing is just not suitable in this tiny area. It is better suited to stay as is for now. If the Edward St plans go ahead, then office/housing space will be offered just around the corner from this spot.

3. Sue Dubberley, Senior Planning Officer has, I'm told, received 19 objections to this application from local residents. They are mainly concerned with the increased pressure on parking, which if allowed through, would present to this area. I totally agree with them.

4. Residents also object (as I do), to the design of the new building.

This very small vicinity of the city is busy. It has its share of residents, plus a primary school, the Sussex Deaf Association, the Greek Orthodox church (and local Greek community who visit this area regularly), and the well used (and very much needed in these economically harsh times) BUCFP - just over the road in Tilbury Place. This area already has/continues to experience, a disrupted/noisy time due to the AMEX build. Allowing this app through NOW will add to that misery.

In short, this Planning app is badly timed, and in my view, should not be considered.

Regards,

Cllr Stephanie Powell  
Green Councillor for Queens Park Ward





PLANS LIST – 15 MAY 2013

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**From:** geoffrey.bowden@brighton-hove.gov.uk  
**Sent:** 19 February 2013 18:41  
**To:** Planning Comments  
**Subject:** Planning Application BH2012/04086 - comment

## **Planning Application - BH2012/04086**

I object to the Planning Application

### **Sender's details**

Cllr Geoffrey Bowden  
King's House, Grand Avenue, Hove  
BN3 2LS  
01273 291988  
geoffrey.bowden@brighton-hove.gov.uk

### **Comment**

As a ward councillor I am concerned that this application constitutes over development of the site. I am particularly concerned that there is no travel plan accompanying the application and that the combination of workspace and residential units will add to local traffic and place further pressure for on street parking in the controlled parking zone area. For these reasons I am objecting to this application.



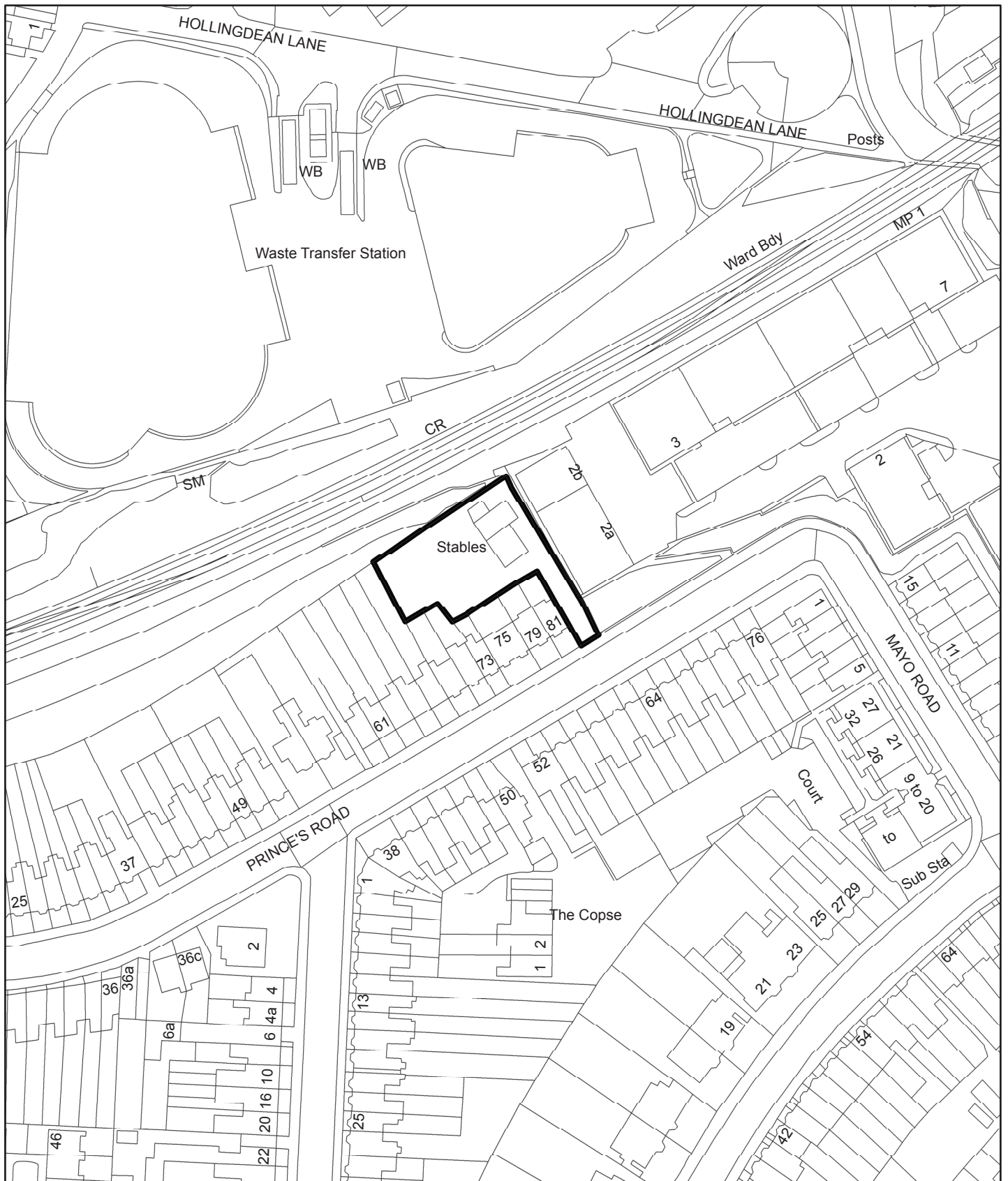
**PLANS LIST  
ITEM F**

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

**BH2013/00139  
Full planning consent**

**15 MAY 2013**

# BH2013/00139 Land to Rear of 67-81 Princes Road, Brighton.



<b><u>No:</u></b>	<b>BH2013/00139</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land to Rear of 67-81 Princes Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Construction of 6no. three storey, 2no bedroom terraced houses with pitched roofs &amp; solar panels. Provision of private and communal gardens, waste &amp; refuse facilities &amp; cycle store with associated on street car parking. Erection of a street level lift gate house.</b>		
<b><u>Officer:</u></b>	Jonathan Puplett Tel 292525	<b><u>Valid Date:</u></b>	21/01/2013
<b><u>Con Area:</u></b>	Round Hill	<b><u>Expiry Date:</u></b>	18/03/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton		
<b><u>Applicant:</u></b>	Carelet Ltd, C/O Morgan Carn Partnership		

## 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 that it is **MINDED TO GRANT** planning permission subject to the completion of a Section 106 Agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is a rectangular plot of land to the rear of Nos. 67-81 Princes Road, a row of terraced houses that step down the slope from west to east. There is a significant drop in land levels behind the houses of approximately 1 - 2 storeys.
- 2.2 Immediately to the north of the site, in a cutting, is the Brighton to Lewes railway line and to the east, also at a lower level, the Centenary Industrial Estate. To the west, the site boundary is formed by the garden of 65 Princes Road.
- 2.3 Access to the site is currently gained either through the rear garden of no.67 Princes Road or through land at the side of no.81, which has a very steep access down into the site.
- 2.4 The site is positioned on an overall hill slope running down from a ridge, with the site level below that of the Princes Road terraced houses, and approximately 11m above the railway corridor. Beyond the railway line to the north is the Hollingdean Waste Transfer site which partially obscures the site however due to its elevated position the site is quite visible, from the north in particular. There is also a level change increasing from east to west across the site.

- 2.5 The vegetation on site was cleared some time ago. There is a Tree Preservation Order on a Horse Chestnut tree located just inside the site and visible from Princes Road on the land adjacent to no.81 Princes Road.
- 2.6 The site is located within the Round Hill Conservation Area.

### 3 RELEVANT HISTORY

The planning history dates back to the 1950's and is as follows:

**BH2010/00083:** Construction of 6 no. three-storey, two bedroom terraced houses with pitched roofs and solar panels. Provision of private and communal gardens, waste and refuse facilities, and erection of a street level lift gate-house with cycle store. Refused on the 9<sup>th</sup> of July 2010, for the following reasons:

1. The proposed development does not provide for the travel demands it creates, contrary to policy TR1 of the Brighton & Hove Local Plan.
2. The proposal, by reason of it having six dwellings on site, would result in a cramped standard of accommodation for future residents, contrary to policies QD27 and HO4 of the Brighton & Hove Local Plan.
3. The proposed development, by reason of its close proximity to the Hollingdean Waste Facility, would lead to unacceptable noise exposure to residents of the scheme, both inside and outside their dwellings, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

An appeal was lodged against this decision, this appeal was dismissed on 26/10/2010. The Inspector did not uphold reasons for refusal nos. 2 and 3. Reason for refusal no. 1 was upheld, the Inspector concluding that:

*'I do not consider that it has been adequately demonstrated that the proposal provides for the future travel and parking demands which would be created as a result of the development in accordance with Local Plan policy TR1.*

*Although I have not found harm in respect of the living conditions for future occupiers, I am not persuaded that there would be sufficient capacity in the available on-street parking to meet the future parking demands of the development. For the reasons given above, I consider that the appeal should be dismissed.'*

**BH2009/00847:** Construction of 4 no. two-storey, two bedroom terraced houses with pitched roofs, solar panels and rooflights. Provision of private and communal gardens, waste and refuse facilities, and erection of a street level lift gate-house with cycle store. Approved on the 22<sup>nd</sup> July 2009.

**BH2007/04444:** Erection of 8 new two and three storey houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one car parking space. Appeal against non-determination lodged. On the 18 June 2008 Planning Committee resolved that they would have refused planning permission for 8 reasons which are summarised below:

## PLANS LIST – 15 MAY 2013

- Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings - overdevelopment of the site resulting in overlooking to and cramped living conditions for future occupiers.
- Excessive building height in relation to plot size, excessively deep and bulky proportions, bulky terraces, inappropriate materials, and lack of separation to site boundaries and failure of the ridge heights to appropriately step down following the gradient of Princes Road, resulting in a poor appearance that was incongruous with the existing Princes Road terrace, harmful to the setting of the terrace properties and views into the area and the character and appearance of the Round Hill Conservation Area.
- Failure to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking.
- The bulk, height and lack of separation to adjoining site boundaries would appear overbearing and result in overlooking and a loss of privacy to the rear of the Princes Road properties.
- The loss of a greenfield site which had significant ecological interest and failure to incorporate nature conservation mitigation and enhancement measures within the design of the proposal resulting in failure to address and mitigate the adverse impacts of the development on the nature conservation value of the site.
- The solar panels would result in a cluttered roofscape, and insufficient information has been submitted with regard to their appearance, and lack of information regarding their contribution to sustainability.
- Failure to demonstrate that the development would not adversely impact on the Horse Chestnut tree which is adjacent to the proposed access to the site.
- The off road parking space and cross over from Princes Road, would be detrimental to the character and appearance of the conservation area.

The appeal was dismissed on grounds of visual impact and impact on longer views into the conservations area; parking; and living conditions for future residents and poor levels of privacy due to overlooking from the rear of Princes Road properties.

**BH2006/03214:** Erection of 9 three storey terrace houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one parking space. Refused on the 11<sup>th</sup> of December 2006. The reasons for refusal are summarised below:

- Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings, considered to be an overdevelopment and resulting in cramped living conditions for future occupiers;
- Excessive building height of the terrace in relation to plot size, excessively deep and bulky proportions, bland front elevation and bulky terraces, inappropriate materials, lack of separation to site boundaries, resulting in an incongruous poor appearance to the Princes Road terrace properties and

views into the area and the character and appearance of the conservation area;

- Design of the lift house, by reason of its proportions, flat roof and material, would relate unsympathetically to the existing terrace and surrounding area and would be detrimental to the character and appearance of the Conservation Area;
- The car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing residents parking;
- Loss of an area of habitat that potentially could be supporting slowworm and other species and is within a designated Greenway;
- Development would be overbearing and would result in overlooking and a loss of privacy to properties at the rear on Princes Road;
- Inadequate information provided regarding the reduction of raw materials and construction waste minimisation measures.

An application was submitted during the course of the appeal ref: **BH2005/02279** for the erection of a 4/5 storey block of 21 flats at the rear (with 9 affordable units) and a gatehouse with two storeys onto Princes Road and 3 basement levels. Provision of communal gardens, refuse store, cycle storage and one car parking space.

The proposal was considered to be of excessive bulk and scale, a cramped development of the site with poor living conditions for future occupiers, and likely to cause detriment to the living conditions of adjoining properties and potential detriment to the protected horse chestnut tree. Accordingly this application was refused on 3<sup>rd</sup> February 2006.

**BH2004/03605/FP:** Erection of 30 flats in development comprising part five/part six storey building to rear of nos. 67-81 Princes Road and two storey building (with three basement floors) adjacent to 81 Princes Road. Provision of communal gardens, refuse store, cycle storage and one car club parking space. This application was refused as an excessive scale building that was an overdevelopment of the site resulting in a cramped environment that was out of character with the surrounding area and would cause a loss of privacy and an overbearing impact on neighbouring properties. The coach house was considered unsympathetic in relation to the surrounding area. The scheme was also considered to be detrimental to the protected tree and failed to demonstrate incorporation of sustainability measures.

This decision was appealed by the applicant, and this appeal was dismissed. In dismissing the appeal, the Inspector made specific observations about the proposed development and the site.

The Inspector identified three issues as forming the basis of the case;

- the inconsistency of the bulk and scale with the surrounding Conservation Area
- the excessive density of the proposal and resulting inadequate living conditions for future occupiers (including specific reference to amenity space)



- the impact of the proposal on adjoining residential properties.

The Inspector also considered that the proposed gate house building would sit awkwardly in relation to the adjoining property and that the proposed flat roof would be wholly out of context with the surroundings.

**65.2110:** O/A Erection of 24 garages. Refused.

**53/703:** O/A 22 lock-up garages. No decision.

**50/958:** Proposed use of land as poultry farm and erection of hen house. Approved.

**50/958:** Proposed Nissen Hut to keep hens. Refused.

#### **4 THE APPLICATION**

- 4.1 The application seeks planning permission for the erection of six three storey, two bedroom terraced dwellings. Each dwelling would have provision of private amenity space to the rear of each dwelling and shared amenity space to the front of the terrace. The proposal also includes provision of a street level lift contained within a 'gatehouse' extension which would also contain a refuse/recycling store and cycle parking at a lower level. The site would also be accessed via an external staircase to the east side of the gatehouse. The Horse Chestnut tree at the entrance to the site from Princes Road is to be retained. No off street vehicle parking is proposed.
- 4.2 The scheme proposed is effectively the same as that which was refused under application BH2010/00083 and dismissed on appeal.

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

##### **External**

- 5.1 **Neighbours: One hundred and fifty-one (151)** letters of representation have been received (the address details are annexed to this report (Appendix 1)) objecting to the application for the following reasons:
- The proposal does not comply with the council's planning policies. The proposal does not comply with policy TR1, the proposal would create additional demand for on-street parking. This was identified as a reason to refuse planning permission by the Planning Inspector in relation to application BH2010/00083. There is an identified parking problem in the vicinity of the site, the introduction of a CPZ is welcome but will also result in an overall reduction in available spaces.
  - The site location is not suitable for car-free development.
  - The proposed use is not suitable for the area. A noisy and polluted environment so close to a Waste Transfer Station and railway line is not the right site for residential development. Existing residents who are far further away are troubled by odour noise and light pollution seven days a week. The site is steeply sloping and narrow.
  - The area already has above average density of population and cannot cope with yet more development for profit. Additional housing would put a severe strain on local utilities and infrastructure.

- The development would not enhance the conservation area and would detract from residents' enjoyment of the area.
- The proposed development would cause increased overlooking of neighbouring properties.
- The proposed construction works will destroy the protected horse Chestnut tree alongside the access to the site.
- The proposed construction works will require vehicles to be parked on the road, causing an obstruction and blocking parking spaces.
- The proposed construction works will cause noise disturbance and disruption.
- Rather than being developed for housing, the site should be planted with trees / used as a green space / park / allotments for surrounding residents.
- The proposed development would have very limited accessibility through the planned access lift.
- The proposed development, on a Greenfield site, should meet a Code for Sustainable Homes rating of Level 5. A rating of Level 4 is proposed.
- The proposed buildings do not have satisfactory access for disabled people.
- If the proposed access lift breaks down, the site will be inaccessible for those who cannot use the stepped access to the site.
- The access lift is not large enough for cycles.
- Refuse collection will be problematic; refuse will have to be taken by future residents from the dwellings to the entrance of the site by the access lift and will then be left unattended. Fly tipping may result.
- The proposed construction works may cause damage to existing properties e.g. subsidence.
- The site will be difficult to access by emergency services.

5.2 **Network Rail:** No comment.

**Internal:**

- 5.3 **Access:** Comment. Due to the difficulty of gaining level access to this site it was accepted on previous applications that around half of the houses (5 out of 9 and then subsequently 2 out of 4) would be wheelchair accessible and the remainder would be accessed via easy going stairs. It seems reasonable to follow that principle with this application where 3 of the 6 proposed houses have sloping access.
- 5.4 **Environmental Health:** Comment. **Original comment (05/02/2013):** Insufficient information has been submitted to enable a full response. A revised noise report is requested.
- 5.5 **Additional comment (11/04/2013):** A revised noise report was submitted on the 10<sup>th</sup> of April 2013. The report concludes that in order to mitigate noise disturbance from sources such as the railway line alongside the site and the waste facility to the north of the site, the installation of a specific brand of thermal double glazing for the whole development is required to ensure compliance with BS 8233. It is recommended that these measures be secured by planning condition.

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- 5.6 Potential land contamination at the site has been identified at the site. Planning conditions are recommended to secure further investigation of this matter and appropriate mitigation measures.
- 5.7 Due to the proximity of neighbouring occupiers and the limited site access, it is recommended that a Construction Environmental Management Plan be secured by s106 legal agreement.
- 5.8 **Arboriculture: Comment.** The Horse Chestnut tree at the entrance to the site is protected by Tree Preservation Order (no. 17) and may be adversely affected as this is the only point of access on to the site. An Arboricultural Report has been submitted which sets out protection measures of this tree during construction works. It is recommended that implementation of the protection measures set out in the report be secured by planning condition, and that the Arboriculturalist inspect the protection measures in situ prior to any development commencing. Furthermore, all trees to be retained within the site must be protected to BS 5837 (2012).
- 5.9 Since the time of the last application submitted some trees have been felled along the boundary of the site. It is recommended that replacement tree planting within the site be secured by planning condition.
- 5.10 **Heritage: Comment.** The Heritage comments for the previous application (BH2010/00083) still apply. Based upon modifications which were made to the scheme and the planning history of the site, no objection is raised to the current proposal. It is considered of key importance that an appropriate landscaping scheme is secured, this could be secured by condition. Further conditions are recommended to secure appropriate materials and design details.
- 5.11 **Sustainable Transport: Comment. Original comment (13/02/2013):** The proposed development will result in increased trip generation; this matter is not considered to warrant the refusal of planning permission subject to the application of suitable planning conditions and s106 legal agreement requirements. In regard to parking, no on-site parking is proposed. A CPZ extension which would include Prince's Road was voted upon by Transport Committee on the 15<sup>th</sup> of January 2013 and the Traffic Regulation Order will be advertised from the 20<sup>th</sup> of February. In this context, to address the requirements of policies HO7 and TR1, and the concerns raised by the Inspector in regard to application BH2010/00083, it is recommended that the development be secured as car-free by condition.
- 5.12 In regard to cycle parking, the proposed cycle storage provision is not of a sufficient standard. The proposed access lift is not large enough to contain a standard size cycle in a horizontal position, and the proposed cycle storage is not considered to be of acceptable standard. The site provides adequate space for suitable cycle storage provision for each dwelling to be provided and it is recommended that revised details of an enlarged access lift and cycle storage provision be secured by planning condition.

- 5.13 In regard to more general transport issues, in order to ensure that the proposed development addresses the requirements of Policy TR1, a contribution of £9,000 towards sustainable transport infrastructure in the vicinity of the site is required.
- 5.14 **Additional comment (01/05/2013):** On the 30<sup>th</sup> April 2013 the Council's Transport Committee approved an extension Zone J of the Cities Controlled Parking Zone (CPZ) in order to include the Round Hill Area. It is again recommended that the development be secured as car-free by condition for the reasons stated in the previous response dated 13/02/2013.
- 5.15 **Ecology: Comment.** The submitted scheme does not include adequate nature conservation enhancement measures to address the requirements of policy QD17 and the guidance set out in SPD11. It is recommended that further details of nature conservation enhancement measures and their implementation be secured by planning 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) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Proposals in Conservation Areas

#### Supplementary Planning Guidance Documents: (SPD's/SPG's)

SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
SPD11:	Nature Conservation and Development

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

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations relating to the determination of this application are the principle of the proposed development, the impact on the character and

appearance of the Round Hill Conservation Area, impact on neighbouring residential amenity and the standard of accommodation, impacts on traffic, ecology and the protected tree, sustainability and contaminated land and noise issues.

- 8.2 It is noted that the Inspector, in relation to the scheme proposed under application BH2010/00083, deemed all matters to be acceptable other than transport impact and potential increased pressure upon on-street parking provision. The Local Planning Authority must give weight to this Inspector's decision. The remit of this report is therefore to consider all matters in light of the Inspector's decision and any changes in circumstance which have occurred since the determination of the appeal on 26<sup>th</sup> of October 2010.
- 8.3 Since this time the National Planning Policy Framework has been adopted (27/03/2012) which has replaced the vast majority of the national planning policies previously in force. The Brighton & Hove City Plan Part One (submission document) is in draft form up to the point of formal examination and adoption, the policies within do carry some weight.
- 8.4 Another key change in circumstance is the approval of a Controlled Parking Zone extension which includes the application site. On the 30<sup>th</sup> of April 2013 the Council's Transport Committee approved an extension Zone J of the Cities Controlled Parking Zone (CPZ) in order to include the Round Hill Area.

Principle of development

- 8.5 This backland site is located within a residential area adjoining the railway to the north and industrial uses to the east. The application site has not been in use as private or public recreational open space. It is noted that the planning history for the site records an historic use as a poultry farm. It appears that there have been a number of different uses on the site, including stables, and the keeping of poultry. The site has been used as an extended garden for No.67 Princes Road, however, this was never formalised. It is therefore considered that the site is a greenfield site.
- 8.6 When planning application BH2006/03214 was determined it was considered that the principle of residential development of the site has been accepted in the two previously refused applications and appeal decisions. In dismissing an appeal against non-determination of a scheme for 8 houses (BH2007/04444) the Inspector stated in paragraph 5 of his decision that, 'the principle of residential use has been accepted previously through consideration of earlier applications and an appeal decision.' The extant permission for 4 dwellings on the site (BH2009/00847) has also established the principle of residential dwellings on the site. Planning application BH2010/00083 was refused and dismissed on appeal. At appeal the issues which the Inspector deemed to warrant refusal related to transport and parking impact; the principle of a residential use was not deemed to be inappropriate.
- 8.7 The principle of residential use on the site is established. However, the scale, form and density of any residential use on the site is subject to a number of detailed other material considerations which are detailed in full below.

Impact on Open Space Provision

- 8.8 The NPPF states the following in regard to open space:  
*'73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.'*
- 8.9 74. *Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*
- 8.10 Policy QD20 will not permit the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance.
- 8.11 When planning applications BH2004/03605/FP, BH2005/02279, BH2006/03214 and BH2010/00083 were determined by the Council it was considered that as the site had difficult access problems, it would be difficult to argue the loss of the site as open space with regard to policy QD20 of the Local Plan.
- 8.12 The NPPF advises that open spaces should not be developed unless they have been proven to be surplus to requirements (paragraph 73). However, when considering previous applications for this site a view was taken on what the site offered in terms of open space and regard was given to the site constraints.
- 8.13 At the time of applications BH2009/00847 and BH2010/00083 it was considered that the site had limited potential for public open space provision. The site is private land and is proposed for development. Therefore a public use of the site would be reliant on the community or the council coming forward to purchase the land. Furthermore the land is not suited to public access due to its sloping nature and very steep and narrow access from Princes Road. It is unlikely that either the community or Council would be in a position to purchase the land and carry out works required to make it accessible in the short or medium term.
- 8.14 The site's value in visual terms only, i.e. without public access, is also considered to be limited due to the now limited views from the north since the development of the waste transfer site and the current state of the site. Without

purchasing the site the Local Planning Authority would have little control over nature conservation/enhancement and landscaping.

- 8.15 It is also noted that the proposed development would leave large parts of the site open in the form of garden areas and the curtilage / access to the south of the dwellings. As with the previous approval, this current scheme also provides for ecological and landscaping enhancements on the site which will be secured by condition in accordance with the Council's Ecologist's advice, and will still ensure the site is enhanced in this regard.
- 8.16 The existing site is considered to provide limited benefit to the City as designated open space provision for the reasons stated above. Overall, there has not been a significant change in the proposed area for planting/amenity space from that area approved under BH2009/00847 (4 dwellings). In this instance the benefit to the City of six family sized dwellings with private amenity space is considered to outweigh the limited benefit the site could make as an open space given the above considerations. The principle of residential development on this land is therefore considered acceptable in this instance, subject to other issues which are considered below.

Impact on the character and appearance of the area and Round Hill Conservation Area

- 8.17 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.
- 8.18 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.19 Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area and should show, amongst other things:
- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
  - the use of building materials and finishes which are sympathetic to the area;
  - no harmful impact on the townscape and roofspace of the conservation area; and
  - the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.
- 8.20 The site is an area of green space that, following the development of the waste transfer site, is only visible in some views from the north. The Round Hill Conservation Area is characterised by ribbons of green space that are not visible from the public highway within the conservation area, but are recognised by the adopted Round Hill Conservation Area character statement as being



important features of the conservation area, reflecting the planned Victorian layout of the area. Also highlighted within the character statement is the importance of the stepped terrace and building line along the north side of Princes Road which is softened by the line of trees which mark the junction with the former Kemp Town branch railway line.

- 8.21 Unfortunately the mature line of trees marking the junction of the former Kemp Town Branch railway line have been removed from the northern edge of the site, and the qualities of the plot as a green space and a wildlife habitat have been considerably diminished. The Waste Transfer Station has been granted permission and has been completed since the adoption of the character statement. However, the impact of the scheme on views into the conservation area from the north is still an important consideration.
- 8.22 The design impacts of the scheme and the impact on the conservation area are considered in more detail below, and comparison is made between the 2007 application for 8 dwellings which was dismissed on appeal, the 2009 application for 4 dwellings which was approved and this current application for 6 dwellings (as submitted and the design as amended).

*Design, scale and layout and longer views:*

- 8.23 The previous scheme BH2007/04444, (which was refused and a subsequent appeal dismissed), comprised of 6 three storey and 2 two storey terraced houses. One of the reasons for refusal of BH2007/04444 was related to the design of the scheme and its excessive building height in relation to plot size, excessively deep and bulky proportions, bulky terraces, inappropriate materials, and lack of separation to site boundaries and failure of the ridge heights to appropriately step down following the gradient of Princes Road. This all resulted in a poor appearance that was incongruous with the existing Princes Road terrace and harmful to the setting of the terrace properties and views into the area and the character and appearance of the Round Hill Conservation Area.
- 8.24 In dismissing this appeal, the Inspector stated that although the site was not easily visible from Princes Road it was clearly seen in views from outside the conservation area to the north and east. Therefore its location within the conservation area coupled with its prominence in the wider area demanded that new development should fit entirely naturally into the scene. He considered that a design that is appropriate would most likely sit comfortably and harmoniously alongside its neighbours. The Inspector stated that 'squeezing eight houses into the site and the consequent lack of space for significant planting would harm visual amenity in relation to the green spaces characteristics of the conservation area as well as views into the conservation area from the north'. The 8 dwellings were proposed to be sited 1.3 – 2 metres back from the boundary with the railway land.
- 8.25 Whilst the Inspector noted that a building of contrasting contemporary design would not necessarily harm the character and appearance of the Conservation Area, the stepping up and down, with two storey houses in the middle and at one end, would contrast sharply with existing houses on Princes Road which

step down with the natural gradient of the land. Consequently, the design in terms of bulk and form was considered by the Inspector to fall short of that which is necessary to preserve the prevailing character of the conservation area. The Inspector considered that it would create entirely the wrong effect by emphasising the inappropriate form that would be a clear breach of the distinctive character of the existing terraces as well as being disruptive in its setting when seen from the north. Consequently, the Inspector considered that it would fail to match the form of development to the quality of the historic setting.

- 8.26 In order to address the failings of the 2007 scheme, after pre-application discussions with the LPA, the applicant amended the scheme and submitted an application in 2009 for four dwellings (BH2009/00847). This application was approved at Planning Committee on the meeting of the 22<sup>nd</sup> July 2009.
- 8.27 This approved scheme addressed the previous concerns in respect of the size of the footprint by reducing site coverage, leaving more open space, and incorporating enhanced boundary planting. A gap of 5.1 – 6.3 metres was proposed to the boundary with the railway land which allowed for more planting. The height of the development was also significantly reduced and helped to lower the impact of the scheme as seen in views into the conservation area.
- 8.28 The 2009 approved scheme also ran parallel with the Princes Road properties and contained 4 dwellings of a width of approximately 9.1 metres which stepped down varying heights between each dwelling of between 0.8 and 2.1 metres. It was considered important that the dwellings stepped down at irregular heights, as this would mirror the properties on Princes Road which step down at irregular heights, and also at irregular widths.
- 8.29 The footprint of the current scheme is very slightly increased over the approved scheme. The footprint of the previously approved scheme for 4 dwellings (including patios at the lower ground) was 319.5 square metres. The footprint of this current application for 6 dwellings is 337.5 square metres. The footprint has increased by 0.5 metres along the depth of the terraced properties and by 0.4 metres along the length. This equates to an increase of 18 square metres in footprint. It is not considered that this slight increase in footprint size is significant in terms of the scheme's visual impact.
- 8.30 More significant is the increase in height. At the time of application BH2010/00083 the Heritage Officer commented that additional information had been submitted to allow comparison of the current scheme with the approved scheme in views from Davey Drive and Harrington Place, and that this information showed that at this distance the impact of the current scheme is not significantly more harmful to the conservation area than the approved scheme. Closer views of the site are not available due to the large buildings of the waste transfer site being in the way.
- 8.31 In regard to landscaping it is identified by the Heritage Officer that a full scheme will be required which will need to deliver sufficient screening of the waste transfer site and industrial units, to improve long views of the area, to re-

establish the tree belt along the north-west boundary of the site and the green ribbon effect which is important to the conservation area. It is considered that full details of an appropriate scheme and its implementation can be secured by planning condition.

- 8.32 It is considered that shorter views of the scheme from public places are restricted and in longer views the scheme will not appear as materially different to that which was approved under BH2009/00847. It is therefore considered that the scheme, in terms of design, scale and layout and impact on longer views into the conservation area, is appropriate and would not be detrimental to these longer views.

#### Gatehouse

- 8.33 The gatehouse has been designed to appear as an extension to the existing terrace with detailing to match that of number 81 to which it is adjoined which is considered acceptable. A number of changes were made to the gatehouse design following the refusal of BH2007/04444. The roof design was amended to provide a hip to the rear and the front boundary was redesigned to provide a traditionally proportioned brick boundary wall rather than a timber fence as originally proposed. The detail of the doorway opening within the 'gatehouse', which is to be timber, is recommended to be requested by condition. The off street parking space to the front of number 81 Princes Road was also removed. The gatehouse design is identical to that approved under BH2009/00847 and is considered to be acceptable in terms of the impact on the character and appearance of the street scene and conservation area.
- 8.34 It should be noted that the last application for six units on this site (BH2010/00083) was not refused on design grounds and the Appeal Inspector did not raise this as an issue for concern.

#### Impact on amenity of surrounding residents

- 8.35 Policy QD27 of the Local Plan requires new development to respect the existing amenity of neighbouring properties.
- 8.36 The proposed scheme would be dug into the site and set at a lower level than the properties adjacent on Princes Road. The living room windows at the lower ground floor would look out onto the sunken patios. At the upper ground there is a bedroom window and staircase window on each dwelling, which due to the levels would face towards the rear boundary fences of properties on Princes Road. At the first floor are bedroom windows which face towards the rear of properties on Princes Road. The interface distance between the first floor and upper ground windows and the rear of properties on Princes Road would be between 18.5 and 19.5 metres. The approved scheme for 4 dwellings (BH2009/00847) has a similar interface distance of between 19m and 19.5 metres between the upper ground floor windows and the rear elevations of Princes Road properties.
- 8.37 Due to the difference in levels on the site it is only the upper floors which would look towards the rear of Princes Road, with only the bedroom windows likely to have a slight view over the boundary treatment to the gardens. It is not

considered that these windows would cause significant overlooking which would warrant a refusal on loss of privacy grounds, especially given that the Inspector concluded that the scheme for 8 dwellings would not adversely impact on the living conditions of existing residents at Princes Road.

- 8.38 When the application for 8 dwellings (BH2007/04444) was refused the interface distance was a minimum of 20 metres.
- 8.39 This current scheme is 3.5 metres lower than the tallest section of the three storey scheme for 8 dwellings (BH2007/04444). As part of the 2007 scheme was two storeys in the middle, there is a small section of this current scheme that would be 0.65 metres higher. However, it is considered that the scheme would not be overbearing and would not result in adverse overlooking and loss of privacy to properties on Princes Road. Whilst it is noted that the interface distances were slightly more for the 2007 scheme (0.5 – 1.5 metres), the 2007 scheme was significantly taller than the scheme currently proposed for most of its length. In dismissing the previous appeal the Inspector did not consider that the scheme would adversely impact on the living conditions of Princes Road residents, and it is considered that this current scheme would also not have an adverse impact in terms of loss of light, outlook, overlooking and loss of privacy or by its over-bearing impact.

Standard of accommodation to be provided

- 8.40 Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. The proposed dwellings are considered to provide an acceptable layout in respect of natural light and ventilation and adequate outlook. It is considered that the patios would not be overlooked as they are sunken, and therefore the previous concerns of the LPA and the Inspector with regard to the overlooking and poor privacy levels for future occupiers of the scheme have been addressed.
- 8.41 Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development and QD2 relates to key principles of neighbourhoods. Each unit has provision of a sunken patio to the south east/front of the property and a private rear garden, in addition there are small shared spaces to the front of the terrace.
- 8.42 When the previous application for 4 dwellings was approved (BH2009/00847), the smallest of the rear gardens was approximately 50sqm. As an additional 2 units are now proposed, the garden areas have subsequently been made smaller. The smallest gardens are now approximately 27.5sqm. This is compared with approximately 30sqm at number 67 Princes Road and approximately 41sqm at number 79 Princes Road. Whilst the reduction in garden size is regrettable, it is noted that each dwelling also has a patio. On balance, it is considered that the provision of private amenity space is considered acceptable in this location for the form of development proposed.
- 8.43 Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should fully comply with the standards; the Council's Access Consultant has been consulted in this respect. A lift is to be installed

within the 'gatehouse' extension to facilitate access to the main site in addition to a long flight of external stairs.

- 8.44 Due to the significant variation in site levels and in consultation with the Access Consultant the applicant has resolved to provide ramped access and ambulant steps. Three of the six proposed houses have sloping access with the other three houses having access via ambulant steps. Due to the ambulant steps these three dwellings would not fully meet Lifetime Homes Standards.
- 8.45 The issue could be overcome by levelling the site or providing a second lift, both options would present an additional cost and the levelling of the site would also alter the stepping down of the terrace altering the character in conflict with advice from the Heritage Team. It is considered that due to the unique character of the site and subsequent access issues the use of ambulant stairs is an acceptable compromise.
- 8.46 This compromise was accepted when the application for 4 dwellings was approved where two units had sloped access and were fully Lifetime Home compliant. One unit was accessed via two short sets of ambulant steps and the fourth unit via another longer set of ambulant steps and therefore these two units were not fully compliant in this respect. In addition to this four out of the eight units proposed under BH2007/04444 were accessed via ambulant stairs and no objection was raised on these grounds. A condition is recommended requiring the submission of details of the ambulant stairs and handrails to ensure they are of an acceptable access standard.
- 8.47 With regard to the internal space, the reduction in size of the kitchen units makes the space tight, however, subject to the exact amount of furniture, turning circles could still be accommodated.
- 8.48 The Inspector considered the issue of standard of accommodation under refusal reason 2 of BH2010/00083 but did not feel that a reason for refusal on these grounds could be substantiated.

Noise and contaminated land issues

- 8.49 Policy SU10 of the Local Plan relates to noise nuisance and states that planning permission for noise-sensitive development, such as housing will not be granted if its users would be affected adversely by noise from existing uses that generate significant levels of noise.
- 8.50 The application site abuts the railway line to the north and beyond that is the Hollingdean Waste Transfer Site both of these uses could adversely impact on the living conditions of the residential dwellings and a noise survey has been submitted to demonstrate what impact they could have on the proposed development.
- 8.51 When the previous application was approved conditions were imposed to ensure an adequate level of protection to bedrooms against night time external noise, which could have included passive acoustic ventilation such as acoustic

airbricks or trickle ventilation incorporated into the glazing design or whole house ventilation systems, with a minimum acoustic specification.

- 8.52 As part of this current application, the Council's Environmental Health Officer has requested an additional Noise Assessment as concerns were raised regarding the master bedrooms at the upper floor.
- 8.53 An additional report has been submitted which assesses background noise levels and recommends mitigation measures. The mitigation measures proposed as part of the scheme consist of:
- Sunken rear garden levels which will screen the outdoor space from existing noise sources.
  - Provision of whole house ventilation systems so that windows can remain closed.
  - 'Velfac 200' Sound Reduction Windows are proposed for the whole development. The report recommends that those facing the railway line achieve an acoustic performance of at least 33 Rw.
- 8.54 The Environmental Health Team have considered the contents of the report and the mitigation measures proposed. Subject to securing the implementation of the recommended mitigation measures by planning condition, it is considered that future occupiers would not suffer harmful noise disturbance.
- 8.55 In regard to contaminated land, it has been previously identified that the site may potentially contain contaminants. It is recommended that further investigation and mitigation measures be secured by planning condition.
- 8.56 The Environmental Health Team have recommended that a Construction Environmental Management Plan (CEMP) be secured by s106 legal agreement. It is acknowledged that the application site is of an awkward nature; sloping with one small steep access and in close proximity to neighbouring residential properties. Construction Environmental Management Plans are however usually sought in relation to major / large scale schemes, which the application proposal is not considered to represent. Furthermore, the council did not raise the requirement for such a plan under any previous application relating to the site. Overall it is considered that it would not be reasonable to require a CEMP by legal agreement. Any construction works which take place on the site in the future would be subject to separate legislation relating to the carrying out of such works and noise disturbance.

**Sustainable Transport:**

- 8.57 Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

- 8.58 Policy HO7 of the Local Plan states that planning permission will be granted for car free housing (i.e. housing for which no allocated off-street parking is to be provided) in accessible locations where there are complementary on street parking controls and where it can be demonstrated that the development would remain genuinely car-free over the long term. Policy HO7 seeks to put into practice government guidance and policy aimed at reducing reliance on the car in the pursuit of sustainable development. Provision for the car can add significantly to the amount of land needed for a development which, in turn, can inflate the price of housing. Conversely, reducing the land needed for roads and parking can help in achieving higher densities and the provision of amenity space.
- 8.59 In regard to transport, the Inspector in considering the scheme proposed under application BH2010/00083 concluded that:  
*'I do not consider that it has been adequately demonstrated that the proposal provides for the future travel and parking demands which would be created as a result of the development in accordance with Local Plan policy TR1.*
- Although I have not found harm in respect of the living conditions for future occupiers, I am not persuaded that there would be sufficient capacity in the available on-street parking to meet the future parking demands of the development. For the reasons given above, I consider that the appeal should be dismissed.'*
- 8.60 Since this time, a Controlled Parking Zone extension which includes the application site has been agreed by the Transport Committee. This is a significant change in circumstance as this enables the Council to ensure that the proposed 'car free' development would accord with the requirements set out in policy HO7. A planning condition could be applied to ensure that future occupiers of the proposed development would not be eligible for residents parking permits. This would in turn ensure that the development remains genuinely car-free over the long term in compliance with policy HO7. Whilst it is not within the remit of planning controls to stop future residents owning private motor vehicles, the fact that such vehicles could not be parked in the vicinity of the site can discourage private motor vehicle ownership and use, and would encourage use of sustainable transport methods.
- 8.61 It has been established that there is an acute demand for on-street parking in the vicinity of the site. This was identified at the time of the Inspector's decision and has also been demonstrated through the adoption process of a CPZ extension which includes Princes Road within its boundaries. The introduction of the CPZ will regulate on-street parking to the benefit of surrounding residents, but the overall available parking provision available will reduce as spaces will be defined and areas around junctions etc. will be yellow lined and unavailable for parking.
- 8.62 The application of a 'car-free' condition would to some extent address the concerns raised by the Inspector in regard to transport impact and the increased parking pressure which the proposed development may cause. The condition would stop future occupiers parking private motor vehicles in the

vicinity of the site and would therefore not add to the demand for on-street parking in the immediate locality of the site.

- 8.63 It is considered that were such a condition to be applied, the application would not warrant refusal on grounds of transport impact and increased parking pressure.
- 8.64 The Planning Agent for the application has submitted a letter which sets out a case as to why the development should not, in their opinion, be secured as car-free. In short the case put forward is primarily based upon the following points:
1. That a permission has been granted (prior to the adoption of the CPZ extension) and remains extant for four dwellings, and at this time the transport impact of development was considered acceptable.
  2. That the introduction of a CPZ would, in itself regulate on-street parking in the vicinity of the site and ensure that the proposed development would create an undue additional pressure upon on-street parking provision.
  3. Securing a development as car-free would not comply with current CIL and s106 legal agreement regulations and guidance.
- 8.65 The letter submitted makes no reference to the key policy of the Brighton & Hove Local Plan relating to car-free housing, housing policy HO7, and does not acknowledge that the Local Planning Authority can secure car-free development by planning condition rather than s106 legal agreement.
- 8.66 In regard to point (1), there have been significant changes in circumstances since the time of this previous decision. Firstly, a proposal for 6 dwellings has been considered by a Planning Inspector, who identified the transport impact and parking pressures associated with such a development to be a concern of a magnitude which warranted the refusal of planning permission. The Council must give significant weight to this assessment. Secondly, a CPZ extension has been agreed by the Council since the time of the approval of a scheme for four dwellings on the site.
- 8.67 Where car-free housing (i.e. housing for which no allocated off-street parking is to be provided) is proposed within a Controlled Parking Zone in a sustainable location, to comply with policy HO7 it must be ensured that future occupiers of the proposed development would not be eligible for residents parking permits. This is the only way that the development can be secured as genuinely car free in the long term. Were this matter not to be secured, the development would be contrary to policy HO7. The approval of a scheme which would be contrary to policy HO7 is not warranted in this case.
- 8.68 Furthermore, the fact that there is a CPZ in place does not resolve issues of localised parking pressures. The issuing of resident parking permits is based upon a zone-wide approach. Therefore, should permits be (or in the future become) available in Zone J, this reflects upon the zone as a whole, and does not necessarily indicate that there are not localised areas of high pressure within the zone, which create difficulties for residents wishing to park in proximity to their place of residence. For example, were a number of future occupiers of the proposed development to obtain resident parking permits in the



future, this would create a localised additional pressure for on-street parking within the vicinity of the site, to the detriment of occupiers of existing properties in this area. The CPZ in itself cannot manage such localised issues.

- 8.69 For these reasons, to ensure compliance with policy HO7, and to ensure that the Inspector's concerns raised in relation to the previous application are overcome, it is considered essential that a planning condition be applied to secure the development as car-free in the long term.
- 8.70 In regard to more general transport issues, in order to ensure that the proposed development addresses the requirements of Policy TR1, the Sustainable Transport Team have advised that a contribution of £9,000 towards sustainable transport infrastructure in the vicinity of the site is required. Such a contribution can be secured by s106 planning legal agreement and the applicant has indicated their willingness to enter into such an agreement.
- 8.71 In regard to cycle parking, the Sustainable Transport Team have advised that the proposed cycle storage provision is not of a sufficient standard. The proposed access lift is not large enough to contain a standard size cycle in a horizontal position, and the proposed communal cycle storage involving vertical hanging of cycles is not considered to be of acceptable standard. It is considered that the site provides adequate space for suitable individual horizontal cycle storage provision for each dwelling to be provided and it is recommended that revised details of an enlarged access lift and cycle storage provision be secured by planning condition.

#### Sustainability

- 9.72 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. 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.
- 8.73 SPD08 – Sustainable Building Design recommends that development on Greenfield sites achieves a Level 5 rating of the Code for Sustainable Homes.
- 8.74 The extant permission for 4 dwellings contained a condition to require that unless otherwise agreed in writing with the LPA, the development is required to meet a Code Level 5 rating. Numerous correspondence was exchanged between the LPA and the developer in discharging this condition. SAP reports along with a Code for Sustainable Homes pre-assessment were submitted as assessed by the Council's Sustainability Officer. It was agreed between the LPA and the developer that a Code Level 4 was an acceptable rating, with a Code Level 5 achieved for the building insulation.
- 8.75 Greenfield sites generally have less development costs associated with them, for example less contamination and therefore do not have costly clean up costs. However, this site is contaminated and has high costs associated with the access provision. There are a number of sustainability features of the scheme including solar panels, sedum roofs, rainwater harvesting, permeable paving and ecological enhancements. It is considered that Code Level 4 is a realistic

and acceptable rating for this site and a condition to this effect is therefore recommended.

Landscaping and trees

- 8.76 Policy QD16 requires that all new developments incorporate a high standard of landscaping. Furthermore as noted above, the Heritage Officer has identified that appropriate landscaping would play a key role in ensuring an acceptable appearance to the development to preserve the character of the conservation area. Some details of landscaping have been shown in the submitted plans, it is considered that a full scheme of landscaping and its implementation can be secured by planning condition.
- 8.77 Adjacent to the entrance of the site is a mature Horse Chestnut tree which is protected under a Tree Preservation Order. Objections have been raised regarding the potentially harmful impact of developing this site on the health of the tree. In light of the historic decisions relating to the site (where it was considered that this matter could be resolved by planning condition), and the recommendations set out in the submitted Tree Report, the Council's Arboriculturalist considers that the recommended protection measures for this tree set out in the report be secured by condition in order to ensure the protection of the tree.
- 8.78 It is also recommended that all trees to be retained on site be protected to BS 5837 (2012).
- 8.79 Since the time of the last application submitted some trees have been felled along the boundary of the site. It is recommended that replacement tree planting within the site be secured by planning condition as part of a landscaping scheme.

Ecology

- 8.80 Policy QD17 requires that existing nature conservation features outside protected sites are protected, or the impact is minimised and compensating and equivalent features are provided for any which are lost or damaged. New nature conservation features will be required as part of development schemes, and these features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme. The policy states that suitable schemes where such features have not been incorporated will be refused.
- 8.81 SPD11 'Nature Conservation and Development' provides detailed advice as to how the requirements of policy QD17 can be addressed.
- 8.82 Owing to the site currently being a Greenfield site, it is of utmost importance that ecological enhancements are secured and contained within the intrinsic design of the scheme. The site previously boasted significant ecological interest prior to being cleared some time ago and has since been the victim of fly tipping.

8.83 Nature conservation measures are proposed in the form of small sedum roofs, green walls, two bird boxes and the formation of areas of chalk grassland. The Ecologist has commented upon these measures and considers that some further measures are required. It is recommended that further details of nature conservation enhancement measures and their implementation be secured by planning condition.

**Other Considerations:**

8.84 Objections have been raised in regard to the difficulties emergency services could encounter accessing the site. This matter was considered at the time of application BH2010/00083. The Fire Service was consulted at this time and advised that a sprinkler system would be required which would be secured at Building Regulations Stage, and that emergency services would access the site on foot.

**9 CONCLUSION**

9.1 The proposal would provide the City with six dwellings each with private amenity space. The scheme is of an acceptable design which would not harm the character or appearance of the conservation area and includes ecological and landscape enhancements. The development will not cause demonstrable harm to the residential amenity of neighbouring dwellings and with the imposition of conditions to control the scheme in detail, it accords with the Development Plan. Previous concerns relating to travel demands have been satisfactorily addressed. However, this issue is covered by an appropriately-worded condition (no.6).

**10 EQUALITIES**

10.1 The dwellings are not fully Lifetime Homes Standard compliant.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Section 106 Agreement

- Contribution of £9,000 for improvements for sustainable transport

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
Location Plan and Block Plan	101-P1		16/01/2013
Existing Elevations and Sections	102-P1		16/01/2013
Proposed Gatehouse Elevations	103-P1		16/01/2013

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Proposed Lower Ground Floor Plan	104-P1		16/01/2013
Proposed Ground Floor Plan	105-P1		16/01/2013
Proposed First Floor Plan	106-P1		16/01/2013
Proposed Roof Plan	107-P1		16/01/2013
Proposed Elevations	108-P1		16/01/2013
Proposed Sections	109-P1		16/01/2013
Proposed Elevations and Sections	110-P1		16/01/2013
Proposed Elevations	111-P1		16/01/2013
Tree Report			16/01/2013
Site Investigation Report			16/01/2013
Planning Noise Assessment			10/04/2013

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) 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, QD27 and HE6 of the Brighton & Hove Local Plan.
- 4) No development shall take place until measures to protect all trees which are to be retained within the site have been erected in accordance with BS 5837 (2012). The protection measures shall be retained in situ until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such protection measures.  
**Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 5) 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.
- 6) Three of the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. The remaining three dwellings shall, other than the access route to the dwellings which includes ambulant stairs, be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 7) The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.  
**Reason:** To ensure that the development is car-free and to comply with policies HO7 and TR1 of the Brighton & Hove Local Plan.
- 8) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 9) The iron gate within the front wall shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 10) Notwithstanding the approved drawings the window proportions in the 'gatehouse' extension shall be of similar proportions to those within the existing properties in Princes Road. All new windows in the 'gatehouse' extension shall be painted softwood and shall be retained as such. No works shall take place until full details of the windows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 11) No works shall take place until full details of the door within the south east elevation of the 'gatehouse' extension shown on the approved drawings have been submitted to and approved in writing by the Local Planning Authority. The door and surround shall be painted softwood and the scheme shall be carried out in accordance with the approved details and retained as such.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 12) No development shall take place until protection measures for the TPO Horse Chestnut tree at the entrance to the site set out in the tree report submitted 16 January 2013 have been fully implemented. Once the measures are in place the Local Planning Authority shall be informed in writing no less than 14 days prior to development commencing on site. The development shall then be carried out in strict accordance with these protection measures.  
**Reason:** To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.
- 13) No development shall take place until full details of the ambulant stairs including railings have been submitted to and approved in writing by the

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Local Planning Authority. The development shall be carried out in strict accordance with the approved details and retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to ensure a satisfactory appearance to the development and to comply with policies HO13 and QD1 of the Brighton & Hove Local Plan.

- 14) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The scheme shall include tree planting to mitigate the trees which have been removed from the site previously.

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

- 15) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

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

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

- 17) Notwithstanding the details shown in the approved plans, the development hereby permitted shall not be commenced until revised details of the proposed access lift and gatehouse have been submitted to and approved in writing by the Local Planning Authority. The revised details shall include a lift of a size which can contain the length of a standard cycle.

**Reason:** To ensure that cycle storage within the suite is accessible and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 18) No residential development shall commence until:
- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and

- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 19) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;

and, unless otherwise agreed in writing by the Local Planning Authority,

- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

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

- a) as built drawings of the implemented scheme;

- b) photographs of the remediation works in progress; and

- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

- 20) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The

drainage works shall be completed in accordance with the details and timetable agreed.

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

11.4 Pre-Occupation Conditions:

- 21) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

- 24) The development hereby permitted shall not be occupied until the noise mitigation measures set out in the 'Planning Noise Assessment' received on the 10<sup>th</sup> of April 2013, specifically the installation of an appropriate whole house ventilation system to each dwelling, and the installation of 'Velfac 200' Sound Reduction Windows to all window openings and in regard to those facing the railway line, the installation of windows which will achieve an acoustic performance of at least 33 Rw. These measures shall be fully operation prior to first occupation of the dwellings hereby approved and shall be retained as such thereafter.

**Reason:** To safeguard the amenity of the occupiers of the development and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.



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 proposal would provide the City with six dwellings each with private amenity space. The scheme is of an acceptable design which would not harm the character or appearance of the conservation area and includes ecological and landscape enhancements. The development will not cause demonstrable harm to the residential amenity of neighbouring dwellings and with the imposition of conditions to control the scheme in detail, it accords with the Development Plan.
- 3) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 4) The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
- 5) The applicant is advised that the scheme required to be submitted by Condition 6 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
- 6) Prior to any works commencing on site, the applicant is advised to contact Network Rail to inform them of intention to commence works no less than 6 weeks prior to the date of works commencing on site. Any scaffolding which may be constructed within 10m of the railway boundary fence must

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be erected in such a manner that at no time any poles shall over-sail the railway and protective netting around the scaffolding must be installed.

- 7) The applicant is advised to contact the Council's Arboriculturalist prior to development commencing on site once the protection measures for the Chestnut tree at the entrance to the site as set out in the tree report submitted with the application have been put in place.

**APPENDIX 1**

**Individual objection letters received from:**

Belton Road	
Crescent Road	4 27 37
D'Aubigny Road	8
Ditchling Rise	
Lauriston Road	
Mayo Road	1 14
Mayo Court Mayo Road	3
Princes Crescent	87
Princes Road	19 30 30 38 40 43 43 46 50 54 55 56 60 62 65 68 69 73
Richmond Road	35 39 58 80 84
Roundhill Crescent	26 (F1 107)
Springfield Road	
Upper Lewes Road	33 51
Wakefield Road	6 28

Total: 37

**Standard letters of objection received from:**

Ashdown Road	11
Beechwood Close	
Belton Road	7 25 34
Crescent Mansions	
Crescent Road	3 4a 5 9 15 18 24 33 34 34 46 47 47 51
D'Aubigny Road	3 4 4 5b
Ditchling Rise	
Ditchling Road	76 86a 100
Mayo Road	3
Mayo Court Mayo Road	14
Princes Crescent	25 33 43 49 49 53 55 55a 57 69 75 77 93
Princes Road	9 10 14 15 17 21 22 25 26 26 34 36 36 36c 37 41 42 43 44 48 51 50-52 50-52 54 55 57 61 62 62 64 69 72 74
Roundhill Crescent	(Fb 3)19 30 34 36 40a 45 47 59 59 65 69c 71 83 87
Roundhill Street	8 19
Richmond Road	7 (F4 15) 10 11a 14 16a 26 35 37 41 56a 61 62 66 66 106 108
Springfield Road	
Wakefield Road	6 13 13 14 15a

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Total: 114

**Additional comments attached to standard letters of objection received from:**

Crescent Road	
Princes Road	36 61 62 62
Princes Crescent	75
Springfield Road	

Total: 5

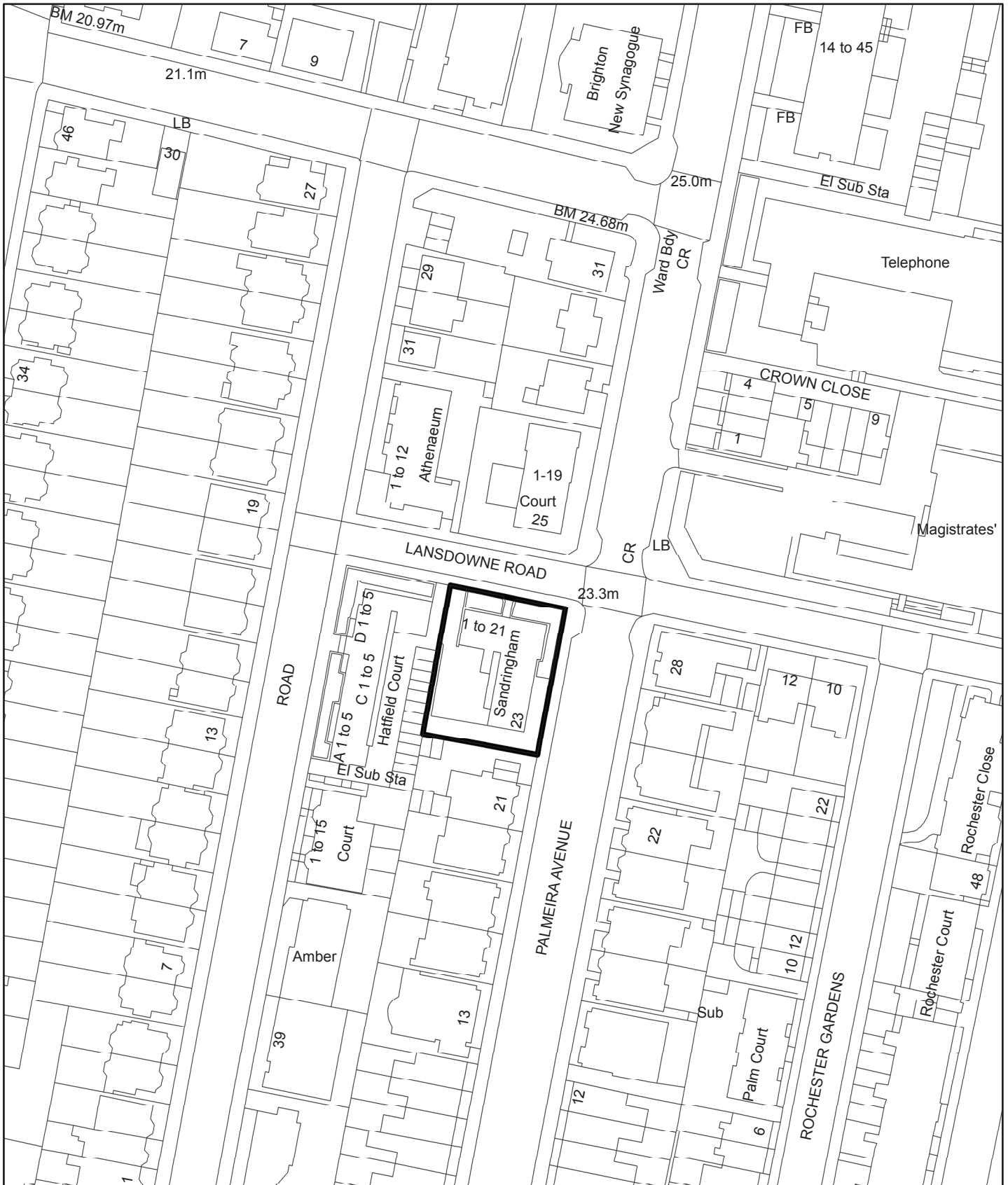
**PLANS LIST  
ITEM G**

**Sandringham Lodge, 23 Palmeira Avenue,  
Hove**

**BH2013/00683  
Full planning consent**

**15 MAY 2013**

BH2013/00683 Sandringham Lodge, 23 Palmeira Avenue, Hove.



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2013/00683</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Sandringham Lodge 23 Palmeira Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Formation of additional level comprising of 2no three bedroom penthouse flats incorporating roof gardens and delegated car parking .</b>		
<b><u>Officer:</u></b>	Steven Lewis Tel 290480	<b><u>Valid Date:</u></b>	04/03/2013
<b><u>Con Area:</u></b>	n/a	<b><u>Expiry Date:</u></b>	29/04/2013
<b><u>Listed Building Grade:</u></b>	n/a		
<b><u>Agent:</u></b>	Andrew Borley, 10 Castle Gardens, London Road, Arundel		
<b><u>Applicant:</u></b>	Anstone Properties Ltd, 29 Palmeira Mansions, Church Road, Hove		

## 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 they are **MINDED TO REFUSE** planning permission subject to the expiry of the publicity period and receipt of no new material planning considerations being raised and for the reasons set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 Sandringham Lodge is an 'L' shaped flat roofed block of flats, comprising 21 apartments arranged over five floors. The building occupies a prominent position facing onto Palmeira Avenue and Lansdowne Road in Hove and forms part of a group of residential blocks between Palmeira Avenue and Salisbury Road
- 2.2 There is currently a relatively consistent height between Sandringham Lodge and the neighbouring blocks and the other nearby properties. However, Sandringham Lodge is already taller than many residential blocks in the immediate area.
- 2.3 The site is outside, but close to, the edge of two conservation areas. These conservation areas contain properties of similar massing, design and materials to each other and which produce a high quality townscape. The site is visible from parts of both Willett Estate and Brunswick Town conservation areas.

## 3 RELEVANT HISTORY

- BH2001/02613/OA** - Construction of additional storey to provide four two bedroom flats. – Refused 28/02/2002
- BH2001/01887/OA** - Construction of an additional storey to form 4 flats. – Refused by DoE – Appeal dismissed 13/02/2002
- BH1999/02817/FP** - Removal of undercroft parking bays and creation of two flats. – Refused 20/01/2000 – Appeal Allowed 28/04/2000

**BH1999/01237/FP** - Replacement of existing railings to rear access walkways.  
– Approved 08/07/1999

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the construction of an additional storey of residential accommodation to create 2 additional flats comprising of three bedrooms each. The additional storey would incorporate extensive full height glazing and roof gardens enclosed by balustrades.
- 4.2 The proposal is similar in design to additional storeys recently granted planning permission upon other blocks also owned by the applicant, such as Blocks A&B and E&F Kingsmere, The Priory in London Road in Brighton, and West View in the Drive in Hove.

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

##### **External**

- 5.1 **Neighbours: Twenty one (21)** letters of representation have been received from Davigdor Infants School, 1 Crown Close, 10, 12, 14, 16, 17, 19 Lansdowne Court, F3, F5, F7 28 Palmeira Avenue, 3, 16, 18, 20 (X3) Sandringham Lodge, 12 Wish Road, 1 x Unaddressed (a flat in Lansdowne Court), a letter from BHT Advice on behalf of 18 Sandringham Lodge, objecting to the application for the following reasons:
- The development is out of keeping with other blocks of flats in the vicinity and would create an unwelcome precedent
  - The development would have a negative impact upon the Brunswick Town and Willett Estate conservation areas
  - The trees surrounding the site do not create full annual coverage and do not conceal the full visual presence of the buildings.
  - The additional height would block light and overshadow properties at Lansdowne Court and Palmeira Avenue
  - Earlier applications of a similar nature have been rejected by the Council and the circumstances have not changed
  - The capacity of Brighton and Hove has seen a substantial increase, with Lansdowne Road affected badly. The road is placed under greater pressure from capacity increase from the County Cricket ground, greater travel and parking demands and servicing. This additional demand has caused congestion and the road being used as a rat-run making the road difficult to manoeuvre even for emergency vehicles, the development would serve to exacerbate this
  - The development would lead to greater levels of pollution and lower air quality
  - The development would place additional pressure upon infrastructure, such as schools, roads, hospitals etc
  - The development would not provide any low cost or Affordable housing
  - The additional storey of accommodation would create additional noise and disturbance



- The managing agent has advised that the roof presently has asbestos within it. What provisions are there to ensure its safe removal?
- There is mould within the walls and the structure may not be able to carry the additional load of an extra storey
- The elevator is insufficient to handle the additional capacity
- There are no additional parking spaces and there should be no a loss of trees and plants around the grounds
- Two residents of the building are currently facing some emotional health and well-being difficulties and the development would undermine their health further.
- Letter from Davigdor Infant School supplementing objection letter, bearing witness to child's well-being in relation to noise and disturbance.

5.2 **Neighbours: Five (5)** letters of representation have been received, 4, 6, 10 (x2), 11 Sandringham Lodge, supporting the application for the following reasons:

- The present roof is in need of repair/replacement and the construction of an additional storey would mean that the costs of replacing the roof would be met by the Freeholders and not paid for by residents,
- The development would enhance the present block and surrounding area
- The additional storey is appropriately designed, the modern glazing and set back should produce an appropriate finish,
- The development would add to local housing stock in-line with local and national government policies,
- The works would ensure that any asbestos present in the current roof covering would be safely removed and disposed of,
- The development would create roof gardens.

**Internal:**

5.3 **Access consultant** Comment: The application appears satisfactory in terms of Lifetime Homes

5.4 **Environmental Health:** Comment. There are no objections on grounds of air quality

5.5 **Sustainable Transport:** Comment

*Summary of Comments:*

Recommended approval with conditions to protect the interests of the public using the roads and footways.

5.6 *Cycle parking*

The applicant appears to be proposing four additional cycle parking spaces. This amount would be acceptable and complies with the City Council's parking standards SPG4. It is however unclear if the applicant is in fact proposing new stands or retaining existing. To comply with SPG4 the cycle stands must be new provision.

5.7 The Highway Authority therefore requests that the applicant submits a drawing that details the proposed cycle parking store and stands.

- 5.8 It is also not clear if there is an adequately designed access route to the store and this should be included in the above drawing.
- 5.9 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure (stands that enable the user to lock the frame of the cycle and not just the wheel), 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. The submitted 'Wiggins Bike Rack' does not secure cycles satisfactorily and is not acceptable.
- 5.10 *Car Parking*  
The applicant does not propose additional parking on site. Therefore any additional parking may occur on the highway.
- 5.11 There appear to be no significant circumstances in the surrounding area that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon a lower level of car parking than could be permitted by the Council's standards in SPG4.
- 5.12 The proposal is increasing the number of flats on site by 2. The number of existing flats on site using car park is unclear from the submitted application. The number of car parking spaces is to remain at the existing number - 6. The proposed 2 flats may generate a greater demand for car parking on the site than is being provided. This could result in misuse of the car park. It is recommended that a car park management plan is requested and submitted by the applicant for the Planning Authority's approval and conditions are attached to ensure that the car parking area is not misused.
- 5.13 *Trip generation/ Financial contributions comment*  
The size of this development is below the threshold at which financial contributions can be sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not wish to seek financial contributions for any uplift in trips generated by this development.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
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
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
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

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in favour of sustainable development

CP12 Urban Design

CP13 Public Street Spaces

CP14 Housing density

CP15 Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main issues in the determination of this application are the impact of the development upon the character and appearance of the area including the adjacent conservation areas, the planning history of the site, amenity issues, transport and highways issues, sustainability and living accommodation standards.

### **Planning History:**

- 8.2 Planning permission was previously refused on two separate occasions for an additional floor of residential accommodation comprising of four flats in 2001 (BH2001/01887/OA) & BH2001/02613/OA).
- 8.3 One of the cases (BH2001/01887/OA) was subject of a non determination appeal, which was dismissed on the basis that the Inspector concluded the additional storey would have a negative effect on the character and appearance of the area in which it is located and on the setting of the Willett Estate Conservation Area.

### **Design, impact on street scene and wider area**

- 8.4 Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.
- 8.5 Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics of the area.
- 8.6 Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

- 8.7 HE6 relates to development within or affecting the setting of conservation area. The policy seeks that new development preserve or enhances the character and appearance of conservation areas.
- 8.8 The general design approach of the additional storey and the approvals of planning permission in a number of similar cases with comparable designs at West View, The Drive in Hove, Kingsmere and The Priory in London Road, Brighton are noted. In this case the block subject of the application whilst of similar appearance is set within a differing urban context and the design of the block and additional storey must be considered in its own context.
- 8.9 The additional storey by reason of its height, massing and form would make the building significantly more visually prominent and would fail to take appropriate account of the positive qualities of the neighbourhood and existing buildings thereby, having a negative impact upon the appearance of the street scene, of the adjacent buildings and the Willett Estate Conservation Area.
- 8.10 The building is outside of, but close to two conservation areas. These conservation areas contain buildings of similar massing and design to each other which provide a high quality urban environment. Sandringham Lodge is visible from parts of both of the conservation area, but due to the degree of separation and landscaping, it is largely concealed from the South (Brunswick Estate).
- 8.11 The additional storey whilst glazed and therefore lighter than hard facing materials, would assert a greater presence from within Willett Estate conservation area. The eastern edge of the conservation area is approximately 30 to 40m away and the building is already highly prominent due to its solid and massed appearance. An extra storey in height would compound the already prominent building and pay poor reference to the positive characteristics of the wider area and adjacent buildings.
- 8.12 The adjacent property in Palmeira Avenue to the south of the site is a large semi detached Edwardian style house. It has a prominent front projecting gable, front dormer and hipped roof sloping down towards the application site. The design and specifically the sloping roof provide visual relief and welcome contrast between the more modern blocks and the traditional styling of the buildings to the south. The surrounding blocks of flats are of an approximate height to Sandringham Lodge, of particular note is the most recently constructed block opposite at 25 Palmeira Avenue, the height of which has been designed to match and not exceed that of those around it.
- 8.13 The result of these relationships, roofspace and heights is a consistency which is mutually respectful and which provides visual harmony and provides a positive key visual characteristic. The additional storey particularly when viewed in longer views, despite considering the light materials and set back; would fracture these relationships and characteristics and harm the visual qualities of the surrounding area. Of particular concern in respect to the additional height is the relationship with the adjacent neighbour to the south.

- 8.14 The proposed additional storey would not emphasise the positive qualities of the surrounding area and would harm the setting of the Willett Estate Conservation Area and is thereby contrary to Local Plan policies QD1, QD2 and HE6.

**Amenity**

- 8.15 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.
- 8.16 Sandringham Lodge is a block of flats set within a communal grounds with minimal landscaping and hard surfacing for car parking. The proposed extension would be entirely within the current footprint of an existing block of flats and as such the new extension would maintain an acceptable relationship with its surroundings. The block is sufficiently spaced from others adjacent as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause material overshadowing and overlooking or any adverse increase as a result of the additional height now proposed.
- 8.17 The additional concerns raised by neighbouring occupiers concerning potential additional noise, disturbance and inconvenience during the occupation and construction period have been noted. These matters do not fall within the remit of planning control. However, local residents may have recourse under Environmental Health legislation in relation to noise and disturbance outside normal working hours.
- 8.18 As such it is considered that the development would not cause a harmful level of noise, disturbance or environmental harm.
- 8.19 Members' attention is drawn to the previous similar scheme, where Inspectors have found similar developments acceptable in terms of the impact upon the amenities of existing and future occupants.

**Living Accommodation Standards and Housing Issues**

- 8.20 The proposal would provide two flats capable of providing an acceptable standard of living for occupants, of suitable size for family occupation that would meet a strategic housing need in the city. The quality of the accommodation would be acceptable in respect of the standards of living space, private amenity space and access.
- 8.21 Each of the proposed units would have access to its own private amenity space in the form of roof gardens. Each of the gardens would provide an appropriate amount of private space in accordance with Local Plan policy HO5. Each of the flats would have joint kitchens and living rooms, adequate sized bedrooms and bathroom. The floor space of each unit is below the amount expected of new affordable and/or social housing standards, but would meet an acceptable standard for market housing. Each would have appropriate facilities and would provide a comfortable standard of living for the occupiers.

- 8.22 Policy HO13 requires that applications demonstrate that wherever practicable, Lifetime Homes criteria have been incorporated into the scheme.
- 8.23 Whilst the Design and Access statement contends that the flats would meet Lifetime Homes Standards, it is considered in this case that it would be unlikely that all standards could be met in a building with existing access and other physical constraints. Given the layout and the design of the additional storey it is considered that a number of Lifetime Homes criteria could be incorporated into the scheme and had the Council been minded to grant permission a planning condition could have been imposed to secure appropriate additional measures.

**Transport:**

*Trip generation/ Financial contributions comment*

- 8.24 The size of the development is below the threshold at which financial contributions are currently being sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not seek financial contributions for any uplift in trips generated by this development.

*Cycle parking*

- 8.25 The applicant is proposing four additional cycle parking spaces. This level of parking would be acceptable and complies with the City Council's parking standards. However, it is unclear if the applicant is in fact proposing new stands or retaining existing facilities. In order to comply with SPG4 the cycle stands must be new provision.
- 8.26 Further information was requested but has not been received. Therefore the Transport team have requested that the applicant submits a drawing that details the proposed cycle parking store, stands and access route. If approved this could have been required by planning condition and is therefore not recommended as a separate reason for refusal in this case.

*Vehicle Parking*

- 8.27 The applicant does not propose additional parking on site. Therefore any additional parking may occur on the highway.
- 8.28 The transport team comment that there appears to be no significant circumstances in the surrounding area that would be exacerbated by this proposal and it would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon a lower level of car parking than could be permitted by the Council's standards in SPG4.
- 8.29 The proposal is increasing the number of flats on site by 2. The number of existing flats is 21. However, the number of car parking spaces is to remain at the existing number - 6. The proposed 2 flats may generate a greater demand for car parking on the site than is being provided. This could result in misuse of the car park. In the event that the application were approved it would be recommended that a car park management plan is secured by planning condition.

### **Sustainability**

- 8.30 Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of medium scale developments as conversions. In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.31 The application has been accompanied by a sustainability checklist which details the sustainability features of the scheme. These include the use of photovoltaic cells, rainwater butt, smart metering, and attaining level 3 of the Code for Sustainable Homes.
- 8.32 In the event that Planning permission were granted, conditions could be imposed to secure this standard of sustainability. The planning application sets out a number of other criteria which can be met which goes beyond minimum requirements of SPD08 for refurbishment standards and a general sustainability measures condition could be added to secure these.
- 8.33 Policy SU13 seeks to minimise construction industry waste. SPD03 supports the objectives on this policy. However new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plan Regulations 2008. This legislation sits within Section 54 of the Clean Neighbourhoods and Environment Act 2005. On that basis a condition to secure waste minimisation management is not considered necessary.

### **Other issues**

- 8.34 Issues with regards to affordable housing provision, impact upon the amenities during construction. Impact upon existing infrastructure, air quality, the specific health needs of some occupiers and present living standards have been considered but do not warrant refusal on these grounds.
- 8.35 A number of grounds for objection have been raised by local residents in relation to potential construction methods, structural load, potential for leaking roofs, removal of harmful waste etc. However, these are not material planning considerations in this case.
- 8.36 All matters raised by residents as highlighted in this report have been examined and appropriate weight afforded to them as material considerations.

## **9 CONCLUSION**

- 9.1 The proposed development would make an effective and efficient use of site, but by reason of its height, massing and form the proposed additional storey would fail to take appropriate account of the positive qualities of the neighbourhood and existing buildings and would result in a negative impact upon the appearance of the street scene, on adjacent buildings and the Willett Estate Conservation Area



**10 EQUALITIES**

10.1 The development could incorporate Lifetime Home standards wherever practicable into the design had permission been granted.

**11 REASON FOR REFUSAL / INFORMATIVES**

11.1 Reason for Refusal:

1. The additional storey by reason of its height, massing and form would fail to take appropriate account of the positive qualities of the neighbourhood and existing buildings, having a negative impact upon the appearance of the street scene, on adjacent buildings and the wider Willett Estate Conservation Area. The proposed development is thereby contrary to policies QD1, QD2, and HE6 of the Brighton and Hove Local Plan.

11.2 Informatives:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	A1411/01	A	28/02/2013
Site Plan	A1411/02	C	28/02/2013
Existing Floor Plan	A1411/03	A	28/02/2013
Existing North elevation	A1411/04	B	28/02/2013
Existing South elevation	A1411/05	A	28/02/2013
Existing East elevation	A1411/06	A	28/02/2013
Existing West Elevation	A1411/07	A	28/02/2013
Proposed Floor Plan	A1411/08	B	28/02/2013
Proposed North Elevation	A1411/09	C	28/02/2013
Proposed South Elevation	A1411/10	B	28/02/2013
Proposed East elevation	A1411/11	B	28/02/2013
Proposed West Elevation	A1411/12	B	28/02/2013
Existing Roof Plan	A1411/13	A	28/02/2013
Proposed Roof Plan	A1411/14	A	28/02/2013
Proposed Floor Plan	A1411/15	-	28/02/2013
Site Plan	A1411/16	-	26/03/2013



**PLANS LIST  
ITEM H**

**Land rear of 39-73 Queen Victoria Avenue,  
Hove**

**BH2013/00453  
Full planning consent**

**15 MAY 2013**

# BH2013/00453 Land rear of 39-73 Queen Victoria Avenue, Hove.



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2013/00453</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land rear of 39-73 Queen Victoria Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 2no single storey one bedroom dwellings.</b>		
<b><u>Officer:</u></b>	Christopher Wright Tel 292097	<b><u>Valid Date:</u></b>	21/02/2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	18/04/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Deacon and Richardson Architects, 87-88 Upper Lewes Road, Brighton		
<b><u>Applicant:</u></b>	Cook Brighton Ltd, Mr David Cook, 39 Queen Victoria Avenue, Hove		

## 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 reasons set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a narrow strip of land measuring between 5.5m and 5.8m in width and just under 50m in length. The land is adjacent to an electricity sub-station next to 13 Edward Avenue and runs alongside the rear gardens of that property and 50 Elizabeth Avenue. The land is situated on a service road behind a two storey local parade of shops which has self contained flats on the upper floors, with access to those flats at the back of the building via the service road. Several cars park along one side of the service road, most parked half on the pavement. On the side of the application site there is no pathway along the service road.
- 2.2 The application site is occupied by small plots of open amenity space used by flat residents, some of which are fenced and gated; an informal hardstanding area; and open land overgrown with planting. There are small sheds, barbecues and picnic tables and seats on parts of the site. The site is not considered to constitute previously development land in accordance with the definition provided in the National Planning Policy Framework.
- 2.3 The site is on a hillside sloping downwards from east to west and also from north to south. The back gardens of 13 Edward Avenue and 50 Elizabeth Avenue are up to 1m below the level of the site.
- 2.4 The area is predominantly residential and comprises traditional brick bungalows and two storey houses with pitched roofs, mostly detached or semi-detached. There is an orderly, planned layout to the locality and buildings are positioned along established building lines set back from the street.

### 3 RELEVANT HISTORY

**BH2012/02544:** Erection of 2 single storey 1 bed dwellings. Refused on 12 October 2012 for the following reasons:

1. *The proposed development would have a cramped appearance due to the limited size of the plot and the design, scale and appearance of the dwellings would be incongruous with the predominant form and layout of development in the area and would fail to enhance the positive characteristics of the locality. As such the proposal would be detrimental to visual amenity and contrary to policies HO4, QD1, QD2 and QD3 of the Brighton & Hove Local Plan 2005.*
2. *The proposed development would result in the loss of private, useable amenity spaces which are used by existing residents. As such the proposal would conflict with policies HO4 and HO5 of the Brighton & Hove Local Plan 2005.*
3. *For reasons including the raised level of the site, the proximity of the dwellings against the boundaries of the plot and the siting of parking and cycle storage facilities, the development would have a significant adverse impact on neighbour amenity by way of loss of privacy, overlooking, overbearing impact and noise disturbance and intrusion. For these reasons the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan 2005.*
4. *The proposed development, by reason of the design and absence of windows at eye level (notwithstanding views into the enclosed terrace of each property), would not provide a satisfactory standard of accommodation for future occupiers due to the limited outlook provided from within. As such the proposal conflicts with policy QD27 of the Brighton & Hove Local Plan 2005.*
5. *The application proposes to achieve Level 3 of the Code for Sustainable Homes for the development. This is not a satisfactory level of sustainability for the development because the plot constitutes a Greenfield site which is not previously developed and as such a minimum of Level 5 of the Code for Sustainable Homes should be achieved in accordance with policy SU2 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document SPD08: Sustainable Building Design.*

### 4 THE APPLICATION

- 4.1 The application seeks full planning permission for the construction of two detached single storey 1-bedroom dwellings at a density of just over 71 dwellings per hectare (dph). The scheme is a revised submission following the refusal of application BH2012/02544.
- 4.2 Each dwelling would measure 13.4m in length and 4.8m in width and positioned 700mm off the boundary of the site with 13 Edward Avenue and 50 Elizabeth Avenue. Each dwelling would be smaller than previously proposed (5.4m x 16.1m) and the design and access statement submitted by the applicant states the floor area of each unit would be 62 square metres, compared to 80 square metres for each of the units proposed under the refused application BH2012/02544.

- 4.3 Two car parking spaces are proposed adjacent to the electricity substation next to 13 Edward Avenue, one space for each dwelling. Private amenity spaces in the form of decked terraces having an area of 30 square metres are proposed to each side of the two dwellings, together with an area for bin and recycling storage and secure, covered cycle storage.
- 4.4 The dwellings would be sited 7.1m apart and amenity spaces enclosed by dwarf walls and close-boarded timber fences between 1.4m and 2m in height above the level of the service road.
- 4.5 Each dwelling would have a mono-pitch roof of 3.2m in height at the front and 2.5m in height at the rear. The roofs would be sedum and would incorporate south facing solar photovoltaic panels, a rooflight and a daylight pipe (sun pipe). The height of each dwelling would step up following the natural topography of the land.
- 4.6 The façade of each dwelling would feature an entrance door; high level windows; and a full height window with obscure glazing up to transom height. External materials and finishes are proposed to be blue brickwork with red brick above; powder coated aluminium fenestration; and vertically boarded timber doors.
- 4.7 A window is proposed in the flank elevation of each dwelling facing onto the refuse/recycling and cycle storage areas; and three folding doors are proposed in each dwelling to provide access onto the private amenity terraces. No windows or other openings are proposed on the rear elevations.
- 4.8 Each unit would comprise bedroom; bathroom/W.C.; and open plan living/kitchen area with access to the private amenity terrace.
- 4.9 Each unit is proposed to achieve Level 3 of the Code for Sustainable Homes.
- 4.10 The applicant has submitted a letter in support of the proposal.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Fifteen (15)** letters of representation have been received from **9A, 11, 13 (x2), 28, 30 and 32 Edward Avenue; 1, 2, 3 and 4 Edward Close; 42, 44, 46, 48 and 50 Elizabeth Avenue**, objecting to the application for the following reasons:

#### Transport/Parking

- Narrowing of service road due to proposed pavement will cause loss of 9 parking spaces, cause parking problems and congestion.
- Will reduce width of service road to less than 2.2m.
- Extra traffic generated.
- Access for emergency vehicles and refuse collection.
- Over spill parking in surrounding streets.

#### Trees

- Damage to and loss of mature evergreen trees next to site.

- Harm to nesting birds.
- Mature tree removed prior to submission of application.

Scale and Design

- Over development.
- Inappropriate density.
- Not in keeping with surrounding development.
- Undesirable trend towards infill development on garden land.
- Appearance of two containers.
- Low lying box shaped design with no eye level windows.
- Small site used as gardens by existing flats.
- Existing site is an eyesore only because it is not maintained.

Amenity

- Loss of amenity space for existing residents.
- The sunpipe and solar panels will be ineffective due to shadowing from existing trees outside the site.
- Fumes and noise from proposed parking area affecting neighbour's daughter's bedroom, represent a hazard, lead to health problems.
- Increased pollution and dust.
- Loss of privacy.
- Overlooking from elevated position of parking and amenity areas in relation to adjoining dwellings.
- Overbearing impact on adjoining properties.
- Intrusive.

Sustainability

- Insufficient amount of solar panels.
- Lack of natural light to proposed dwellings.
- Impractical size of proposed properties.

Other matters

- Disruption during construction.
- Sedum roof will not be maintained based on lack of maintenance to existing flats owned by the applicant.
- Poor condition of existing shops and flats indicator of how proposed development will not be maintained by applicant.
- Not needed if Toad Hole Valley goes ahead.
- There are more suitable areas for housing in the city.
- Insufficient plans.
- Images submitted are out of date.
- Greed.
- Opportunistic and unliveable development.
- Existing houses in the area remain for sale on the market for long periods.
- Second application but fundamental issues remain.

5.2 **Goldstone Valley Residents' Association** objects to the application for the reasons summarised as follows:-

- Inappropriate site for two dwellings.
- Out of character.
- Small footprint.
- Over development.



- Detrimental to neighbouring properties.
  - Loss of privacy.
  - Would set a precedent.
- 5.3 **Eight (8)** letters of representation have been received from **267 Goldstone Crescent; 2 Chalfont Drive; 43, 45, 55, 57, 59 and 61 Queen Victoria Avenue** , in support of the application for the following reasons:
- Tidy up messy site.
  - Site is where unwanted waste is dumped.
  - Will form two homes for older residents.
  - Excellent use of unused land.
  - More single storey housing needed.
  - Applicant has offered existing elderly and less able residents first refusal of the new dwellings.
- 5.4 **Councillor Bennett and Councillor Brown** object to the planning application (copy of letter on file).
- 5.5 **UK Power Networks:** No objection.
- 5.6 **Environment Agency:** No objection. Having screened the application with regard to the low risk of the development type and location of the proposal, no comments are offered.
- Internal:**
- 5.7 **Accessibility:** No objection. The approach to the houses must be level or gently sloping. The house entrances are recommended to open onto the parking spaces.
- 5.8 **Council Arboriculturalist:** No objection. In the adjoining gardens to the south of the proposed development site, the householders have planted Leylandii/mixed conifer hedging along the boundary with the development site and it was felt by the inspecting officer that this creates a fine and important screen between the two properties. The footprint of the proposed building is likely to be within the root protection areas of the specimens that make up this hedge, and therefore the Arboricultural Section recommends that the foundations of the proposed properties are constructed in such a way as to allow retention of the hedge and thus retention of the fine screen. A condition should be attached to any consent granted, to this effect.
- 5.9 **Environmental Health:** No objection. A contaminated land discovery strategy is recommended.
- 5.10 It is noted there is a small electricity substation next to the site. Taking into account the potential for localised contamination from this substation and that it is downhill of the development, a contaminated land discovery condition is recommended.
- 5.11 **Sustainable Transport:** No objection.

- 5.12 The footway provision proposed is deemed contrary to policy TR8 of the Local Plan because it would not provide a continuous footway. Therefore a Grampian condition is recommended to secure the improvements detailed below.
- 5.13 Whilst the applicant proposes a footway directly outside of the development, there is no formal pedestrian provision linking the development to the surrounding pedestrian network. The application does not provide for the needs of pedestrians by providing short, safe, attractive and direct routes for walking. This arrangement is therefore deemed to be contrary to policy TR8 (Pedestrian Routes). The highway authority requests that the applicant provides adequate footway connecting the development directly with the pedestrian network on Elizabeth Avenue and Edward Avenue. If this is not achievable, the applicant should provide as a minimum, a pedestrian route across Edward Avenue with dropped kerbs on the north and south footway adjacent to the site.
- 5.14 The maximum car parking standard for a house outside of a controlled parking zone (CPZ) is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The applicant is proposing 1 car parking space for each property. For this development of 2 residential units the maximum car parking standard is 3 spaces. Therefore the proposed level of car parking is in line with the maximum standards deemed acceptable. It is noted that one of the dwelling is not adjacent to the car parking area. It is recommended that the spaces are numbered and allocated to each of the 2 dwellings.
- 5.15 The cycle parking is acceptable.
- 5.16 The applicant proposes 2 new car parking spaces so will therefore have to implement new vehicle crossovers. However, as this is a private un-adopted road, the Council would not be involved in licensing any of the necessary works to the highway.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF) March 2012

#### Brighton & Hove Local Plan 2005:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards

#### Supplementary Planning Documents:

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

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

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery

CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban Design
CP14	Housing Density
CP19	Housing Mix

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development; design; impact on amenity; sustainability; and parking/transport considerations.

### Principle of development-

- 8.2 The NPPF defines previously developed land as:  
*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation ground and allotments; and land that was previously developed by where the remains of the permanent structure or fixed surface infrastructure have blended into the landscape in the process of time.*
- 8.3 The application site is a strip of land separated from Queen Victoria Avenue by a service road. The land cannot be said to be fixed surface infrastructure associated with those buildings. There are no structures on the site aside from a small number of timber sheds. Much of the site is overgrown with planting, used as amenity space, and open. For these reasons the site is not considered to be previously developed land by the definition provided in the NPPF.
- 8.4 In terms of providing an appropriate mix of dwelling types in accordance with policy HO3 of the Local Plan the proposal is for two residential units, which limits the potential for a varied mix. Two 1-bedroom properties are proposed and this, together with the nearby flats and family sized bungalows and houses in the local area would produce an appropriate housing mix.
- 8.5 Policy HO4 of the Local Plan states to make full and effective use of the land available, residential development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits high standards of design and architecture and respects the capacity of the local area to accommodate additional dwellings. Whilst the proposal would help to address housing need in the city the site is not considered appropriate for residential development in principle due to site constraints including proximity to existing properties and the service road, the limited width of the site, and the standard of design proposed.
- 8.6 In principle, the proposed residential development of the site conflicts with policy QD3 of the Local Plan, which, although supportive of proposals that

would make efficient and effective use of a given site, requires an intensity of development appropriate to the locality and prevailing townscape. Due to the narrow width of the plot the proposed dwellings would have the appearance of being 'crammed in', contrary to the objectives of policy QD3 which requires development to respect the design and quality of spaces in between buildings and retain existing open space, trees and grassed areas where appropriate.

- 8.7 Parts of the application site are used as amenity spaces for residents of the adjoining flats over the shopping parade in Queen Victoria Avenue. These areas have been sub-divided with fences and gated boundaries and there are benches, seats and evidence of some gardening activity, indicative of these areas being used as private amenity spaces. The open space is also important to the setting of the rear of the flats and service road and provides a landscaped buffer between the larger scale shopping parade and flatted building in Queen Victoria Avenue and the houses and bungalows which characterise Edward Avenue and Queen Elizabeth Avenue.
- 8.8 The proposed development would result in the loss of those spaces and consequently those users would no longer have any private, useable amenity spaces because the flats have no balconies, terraces or other garden areas. As such the proposal would conflict with policies HO5 and QD27 of the Local Plan and have an adverse impact on existing occupiers' quality of life.
- 8.9 In principle the proposed development is not considered to be acceptable on this site.

### **Design**

- 8.10 The proposed dwellings would be narrow and would occupy the greater part of the width of the overall plot, thereby having a cramped appearance with insufficient space around the buildings. These factors combined with the mono-pitch form of the dwellings and the plain and poorly composed facades, would give the development an incongruous appearance as an alien form of development in this locality which is characterised by buildings of traditional form with space around and between them. The proposed dwellings would be built up to the edge of the service road and tall fences and walls are proposed around the terrace areas which would add to incompatible appearance of the development within the site context and give it a dominant and intrusive character.
- 8.11 Policies QD1 and QD2 of the Local Plan seek to ensure proposals demonstrate a high standard of design and make a positive contribution towards emphasising and enhancing the positive qualities of the local neighbourhood by taking into account local characteristics including:
- a. height, scale, bulk and design of existing buildings;
  - b. topography and impact on skyline;
  - c. natural and developed background or framework against which the development will be set;
  - d. natural and built landmarks;
  - e. layout of streets and spaces;

- f. linkages with surrounding areas especially access to local amenities e.g. shops, community facilities, open spaces;
- g. patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of public transport; and
- h. natural landscaping.

8.12 The form, plot coverage and external appearance of the proposed dwellings are considered inconsistent with policy QD2 and the standard of design falls below that reasonably expected by the local planning authority and would not make a positive contribution to the character of the local area. The proposed dwellings would appear incongruous and discordant within the context of the site, to the detriment of visual amenity.

**Impact on amenity-**

8.13 The proposed dwellings would be built in a position 700mm set back from the rear boundary of the plot with the adjoining properties of 50 Elizabeth Avenue and 13 Edward Avenue. These neighbouring properties are on lower ground level, up to 1 metre lower in relation to the application site, means the new buildings would have an overbearing impact because they would appear considerably higher than one storey when seen from neighbouring properties.

8.14 Occupants of 13 Edward Avenue would experience noise, intrusion and loss of privacy from use of the parking area, which is proposed directly outside a bedroom window. The bedroom window on the flank wall of the house would lose natural light, become overshadowed by the development and would experience noise and smells from future occupiers parking cars in the spaces shown on the plans, which are adjacent to this property. Due to the difference in ground levels, future occupiers of the proposed development would be able to overlook 13 Edward Avenue.

8.15 The impact on occupiers of 50 Elizabeth Avenue would be that the top part of the upper dwelling would be visible for the length of the back garden and that the development would have an overbearing impact.

8.16 The prior removal of the tree identified in a neighbour's letter of objection means that there are more open views between properties leading to potential loss of privacy.

8.17 The impact on the amenity and living conditions of future occupiers of the development should also be considered. The dwellings would have a single outlook from the living room into the enclosed terrace of each property, and a window onto the refuse and cycle storage areas. The outlook into those enclosed spaces would be residents' only views because no windows or other openings are proposed on the rear or flank walls and the only opening on the front elevations, aside from the entrance doors, would be obscure glazed to a high level. The rooflights and sun pipes proposed should enable satisfactory natural lighting of the two units, but there is concern over future occupiers' outlook and the sense of enclosure and poor quality of life this could lead to. The bedrooms, kitchen areas and circulation areas of each dwelling would have

no windows providing an outlook. These concerns are indicative of the limitations and constraints of plot and the sensitive location and potential for harm to neighbour amenity has dictated the design of each dwelling rather than consideration for future occupiers' living conditions resulting in a contrived scheme.

- 8.18 In view of the above it is considered the proposal would conflict with policy QD27 of the Local Plan.

### **Sustainability**

- 8.19 In accordance with policy SU2 of the Local Plan new development should demonstrate a high standard of efficiency in the use of energy, water and materials, provided that they are otherwise in accordance with the other policies of the development plan, as appropriate. The application site is considered Greenfield land because it has not been previously developed.
- 8.20 As a Greenfield site, new residential development would be expected to achieve Level 5 of the Code for Sustainable Homes in accordance with SPD08: Sustainable Building Design.
- 8.21 The applicant proposes Level 3 of the Code for Sustainable Homes and this is not considered acceptable. Particularly in conjunction with other shortcomings evident in the proposal, failure to achieve a satisfactory level of sustainability cannot be supported.
- 8.22 Sustainability is also linked to ensuring the development would meet the changing needs and mobility issues which future occupiers could face. Policy HO13 of the Local Plan requires that new residential dwellings should be built to Lifetime Home standards whereby they can be adapted to meet the needs of people with disabilities without major structural alterations.
- 8.23 The applicant submits that the dwellings would achieve Lifetime Home standards. This could be conditioned had the council been minded to grant permission for the development.
- 8.24 In terms of the potential impact on adjoining evergreen hedges/trees alongside the site boundary but within the back garden of 13 Edward Avenue, the Council Arboriculturalist raises no objection to the potential impact of the development on those trees. However, if permission was to be granted it would be recommended a condition requiring details of tree protection measures should be imposed. The presence of the evergreen boundary also raises questions as to how effective solar photovoltaic or solar vacuum tube technologies on the roof of proposed dwellings would be, in consideration of the trees being along the southern side of the plot and hence obscuring sunlight for the majority of the time.

### **Parking/Transport**

- 8.25 The application proposes one off-street parking space per dwelling and this is in compliance with the maximum parking standards set out in SPGBH4: Parking

Standards and the requirement for development to provide for the transport demand generated under policies TR1 and TR19 of the Local Plan.

- 8.26 The application satisfies the requirements of policy TR14 to provide secure, sheltered and convenient cycle parking provision in accordance with the minimum levels set out in SPGBH4. The cycle parking spaces are shown on the drawings submitted to be within secure enclosures to each side of the dwellings within an area also to be used for refuse and recycling storage. The precise details of the method of securing cycles could be secured by imposing a planning condition in the event permission were granted. Use of Sheffield stands should enable up to 4 bicycles to be stored on the site.
- 8.27 In respect of the service road onto which the new dwellings would have a frontage, several cars are parked in the service road at any one time, on the opposite side of the service road to the application site and half parked up on the opposite pavement. These parked cars could make reversing out of the proposed parking spaces difficult and whilst the applicant has offered to make the service road one way only, this would not alleviate the situation. Several neighbouring residents have raised objections that should parking no longer be possible on the service road, existing residents in Queen Victoria Avenue will have to parking on surrounding streets. Properties in the surrounding streets generally have off-street parking and garages and on-street parking is unrestricted and ample spaces are available. For these reasons any displaced parking as a result of the development is not considered likely to be significantly detrimental to amenity or highway safety.
- 8.28 In contrast to the previous application whereby the front entrances to each proposed dwelling would have opened out directly onto the service road, the new application proposes a pavement in front of each property which would link to the parking area proposed. Sustainable Transport has raised an objection in this respect because in order to meet the requirements of policy TR8, the pavement should connect to the existing public footway network. As such the application does not provide for the needs of pedestrians by creating short, safe, attractive and direct routes for walking any farther than the proposed parking area. The proposed footway should join up with the footway in Edward Avenue. There would be sub-standard pedestrian provision for the development and this is contrary to the requirements of policy TR8 of the Local Plan.
- 8.29 The application is not considered to provide safe access for pedestrians to and from the site, including those with mobility difficulties or wheelchair users, and would pose a danger to highway users. As such the scheme would not meet the requirements of policies TR7 and TR8 of the Local Plan.

**Other matters**

- 8.30 Both the applicant and residents of the existing flats have both submitted supporting letters stating that if approved, two households of existing elderly and less mobile residents of Queen Victoria Avenue, would be offered to move into the new dwellings.



- 8.31 For the small number of units proposed, it is not a planning requirement to ensure the properties would be inhabited only by elderly persons or those with specific needs, rather the proposed dwellings should be considered as market housing. As such this supporting argument is not considered to carry significant weight and should not influence the planning decision.

## **9 CONCLUSION**

- 9.1 The design, form and siting of the dwellings together with the limited size of the plot would give the development a cramped appearance that would be incongruous with the character of neighbouring development and which would not enhance the positive characteristics of the locality, to the detriment of visual amenity.
- 9.2 The development would have an overbearing impact and would overlook occupiers of adjoining dwellings and future occupiers of the development would have an unsatisfactory outlook which would be detrimental to their living conditions.
- 9.3 The proposal would not achieve a satisfactory level of sustainability for development of a Greenfield site.
- 9.4 The proposed footway in front of each dwelling would not connect with the pedestrian network outside of the site and as such the proposal is contrary to policies TR7 and TR8 of the Local Plan.

## **10 EQUALITIES**

- 10.1 The development should be built to meet accessible housing and lifetime home standards.

## **11 REASONS FOR REFUSAL / INFORMATIVES**

### **11.1 Reasons for Refusal:**

1. The proposed development would have a cramped appearance due to the limited size of the plot and the design, scale and appearance of the dwellings would be incongruous with the predominant form and layout of development in the area and would fail to enhance the positive characteristics of the locality. The proposal would result in the loss of open space which is important to the character of the area and the loss of areas of outdoor amenity space used by existing adjoining residents. As such the proposal would be detrimental to visual amenity and contrary to policies HO4, HO5, QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan 2005.
2. For reasons including the raised level of the site, the proximity of the dwellings against the boundaries of the plot and the siting of parking and cycle storage facilities, the development would have a significant adverse impact on neighbour amenity by way of loss of privacy, overlooking, overbearing impact and noise disturbance and intrusion. For these

PLANS LIST – 15 MAY 2013

- reasons the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan 2005.
3. The proposed development, by reason of the design and absence of windows at eye level (notwithstanding views into the enclosed terraces of each property), would not provide a satisfactory standard of accommodation for future occupiers due to the limited outlook provided from within. As such the proposal conflicts with policy QD27 of the Brighton & Hove Local Plan 2005.
  4. The application proposes to achieve Level 3 of the Code for Sustainable Homes for the development. This is not a satisfactory level of sustainability for the development because the plot constitutes a Greenfield site which is not previously developed and as such a minimum of Level 5 of the Code for Sustainable Homes should be achieved in accordance with policy SU2 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document SPD08: Sustainable Building Design.
  5. The proposed footway in front of the two dwelling units would not connect with the public footway outside of the site and as such would not provide for a safe and attractive pedestrian route to and from the development, contrary to the requirements of policies TR7 and TR8 of the Brighton & Hove Local Plan 2005.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Site Plan	3395.EX.100		13 Feb 2013
Proposed Location & Block Plans	3395.PL.01	A	13 Feb 2013
Proposed Site Plan & Section	3395.PL.02	A	13 Feb 2013
Proposed Roof Plan, Section and Elevations	3395.PL.03	A	13 Feb 2013
Proposed North and South Elevation	3395.PL.04	A	13 Feb 2013



PLANS LIST – 15 MAY 2013

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**From:** Vanessa Brown  
**Sent:** 12 March 2013 14:24  
**To:** Christopher Wright  
**Subject:**

Dear Mr Wright

Ref BH2013/00453 Land behind shops in Queen Victoria Avenue

As Councillors for Hove Park Ward we are writing to object most strongly to this planning application. This would be a totally inappropriate development. The application is very similar to the previous application that was refused and does not address any of the reasons given for the previous refusal.

This is a particularly narrow plot, only 5.3m wide, situated in a narrow service road which provides small garden spaces for the flats above the shops at the present time. These flat roofed bungalows would be a complete overdevelopment of a very small site. They would be totally out of character with the surrounding neighbourhood. The plot is so narrow that the front doors would open onto the road as there is no room for a pavement.

Due to the gradient of the site and the elevated position these shed like buildings would have a very negative effect on the residents of 13 Edward Avenue removing both light and privacy.. The building so close to their boundary fence would also be likely to damage the roots of the line of mature fir trees along the boundary of their garden.

If this development should be recommended for approval we would request that the plans be put before the planning committee. We would also ask for a site visit.

Yours sincerely

Vanessa Brown    Jayne Bennett



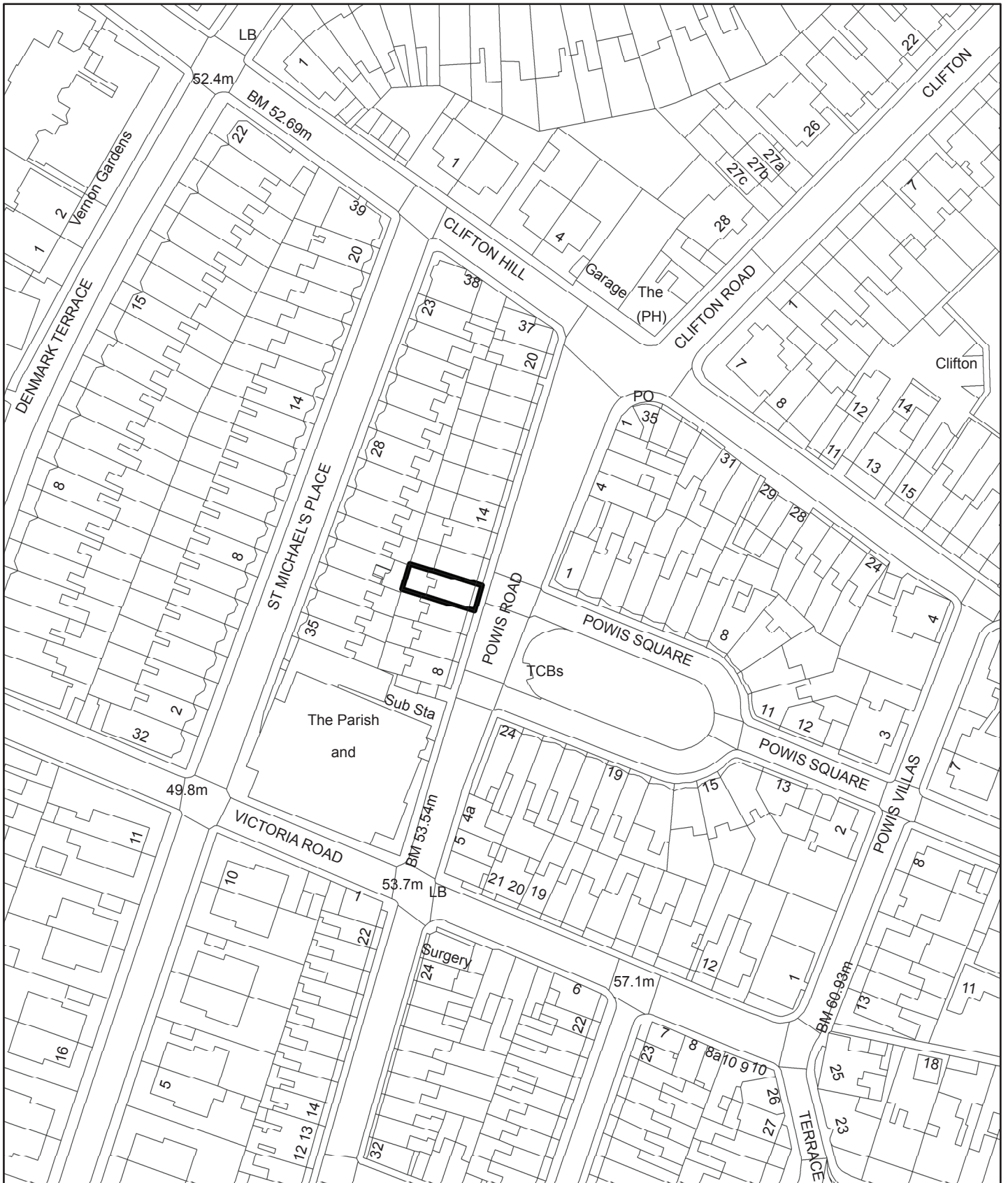
**PLANS LIST  
ITEM I**

**Second & Third Flat 11 Powis Road, Hove**

**BH2013/00947  
Householder planning consent**

**15 MAY 2013**

# BH2013/00947 2nd & 3rd Floor Flat, 11 Powis Road, Brighton.



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2013/00947</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>Second &amp; Third Floor Flat 11 Powis Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Removal of existing rear dormer and replacement with new dormer with a timber decked balcony and glass balustrade. Installation of rear rooflight.</b>		
<b><u>Officer:</u></b>	Helen Hobbs Tel 293335	<b><u>Valid Date:</u></b>	10/04/2013
<b><u>Con Area:</u></b>	Clifton Hill Conservation Area	<b><u>Expiry Date:</u></b>	05/06/2013
<b><u>Listed Building Grade:</u></b>	n/a		
<b><u>Agent:</u></b>	Landivar Architects Limited, Former Ironworks, Cheapside, Brighton		
<b><u>Applicant:</u></b>	Miss Vanessa Sackarnd, Top Floor Flat, 11 Powis Road, Brighton		

## 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 reasons and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a second and third floor flat within a terrace building. The third floor is formed from roof accommodation, and currently the property has a small historic dormer at the rear and a dormer at the front. The site lies within the Clifton Hill Conservation Area.

## 3 RELEVANT HISTORY

**79/1420:** Alterations to form 4 s/c one bedroom flats and s/c 2 bedroom maisonette (2nd/3rd floors). Approved 31.7.79.

### Relevant history of area

**BN90/0830/F:** 18 Powis Road – Half height former to first floor flat. Approved 14/08/90.

**89/1769/F:** 30 St Michaels Road - Alterations including increase in width of rear dormer. Approved 20/11/90.

**83/1042:** 12 Powis Road – Rear dormer. Approved 23/10/83.

**83/743:** 33 St Michaels Place – conversion into 5 s/c flats with new dormer to front and rear. Approve 11/10/83

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of an existing small rear dormer and replacement with a new dormer, to have full width folding doors leading onto a timber decked balcony with glass balustrade. The proposal also includes the installation of a rear rooflight and sun pipe. The dormer would be offset and would be constructed adjacent to the firewall separating 11 and 12 Powis Road.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from **45 Lansdown Street, 19 West Hill Street, Flat 5 - 60 The Drive, 24 Lyndhurst Road, Flat 3 – 110A St James Street and 1 Steyning Road and 11 Damon Close** supporting the application.

### Internal:

- 5.2 **Heritage: Object.** The small rear dormers evident on the properties in Powis Road would have been original or early additions, and form part of the historic character of these properties. Therefore the removal of these dormers is unacceptable.
- 5.3 The proposed dormer is inappropriately designed and sited on the roofslope. The dormer and balcony would change the profile of the roof. It is positioned abutting the fire wall and poorly related to the elevation below.

## 6 MATERIAL CONSIDERATIONS

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



## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

QD14	Extensions and Alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance:

SPGBH1	Roof Alterations & Extensions
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#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in the Favour of Sustainable Development
CP12	Urban Design
CP15	Heritage

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in this application is whether the scheme is appropriate in terms of its design and appearance in relation to the surrounding Montpelier and Clifton Hill Conservation Area and recipient building and if the scheme has a detrimental impact on the amenity of adjacent residential properties.

#### **Planning Policy:**

- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
  - c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
  - d) uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.5 Policy HE6 of the Brighton & Hove Local Plan states proposals within or affecting the setting of a conservation area should preserve or enhance the character and appearance of the area.

**Design:**

- 8.6 The application seeks consent for the replacement of a small rear dormer, which appears to be an original feature to the roof and is evident on many other properties in the terrace. The replacement dormer would be much larger measuring 3.9m in width, 2.3m in height and would project out from roofslope by 1.7m. A balcony measuring 1.1m in depth would also be created accessed via full width timber folding doors. A glass balustrade with a height of 1.1m would be positioned along the edge of the balcony.
- 8.7 Powis Road is within Montpelier and Clifton Hill Conservation Area and there are examples of properties that have had roof alterations over the years, both in Powis Road and St Michaels Place (directly adjoining the rear of the application site). Several of the houses have had extensive roof extensions, including Nos. 12 and 13 Powis Road. These existing dormers appear to have been there insitu for a significant number of years and result in unsightly and incongruous features. There is no recent planning history for roof extensions within Powis Road or St Michaels Place. Two properties in close proximity to the application site, No. 12 Powis Road and 33 St Michaels Place, had dormers approved a number of years ago, approved under 89/1769/F and 83/1042 respectively. These applications were approved well in advance of the adoption of the current Brighton & Hove Local Plan in 2005, as well as the Supplementary Planning Guidance on Roof Extensions and Alterations (SPGBH1) in 1999 and should not be used as precedents for further inappropriate extensions. Any proposal should adhere to the guidelines in the Council's Supplementary Planning Guidance on Roof Extensions and Alterations. The Guidance states that 'the presence of a small number of inappropriate roof alterations in the street will not be accepted as evidence of an established precedent.'
- 8.8 The SPGBH1 outlines the Council's design guidance for roof extensions within conservation areas. It states that roof extensions must respect the particular character of the building and be carefully related to it. Some roof spaces will be unsuitable for additional accommodation and there should be no significant loss of daylight, sunlight to adjoining premises. It is felt that the proposal results in an inappropriate extension which does not respect the character of the building or surrounding conservation area and is contrary to the Supplementary Planning Guidance.
- 8.9 The design and size of the proposed dormer is also contrary to the guidance within SPGBH1. The proposed dormer is excessive in size and is far wider than the windows below. The dormer and balcony would harm the profile of the roof and has been poorly contained within the roofslope, due to it being offset such that it is abutting the fire wall. It is also poorly related to windows on the elevation below. The folding doors relate poorly to the existing fenestration and coupled with the balcony and glass balustrade are considered modern and incongruous features that harm the character of the building and wider conservation area.

- 8.10 Furthermore the small rear dormers evident on the properties in Powis Road, would have been original or early additions, and form part of the historic character of these properties. It was evident on the site visit the nos. 8-11 consecutively had these uniform dormers. Therefore the removal of these original dormers is unacceptable, as stated within SPGBH1.
- 8.11 Although the dormer would not be readily visible within a streetscene, it would be visually prominent from the adjoining properties within the conservation area. It is therefore considered that the proposal would have a significantly harmful impact upon the existing property and would not preserve the historic character and appearance of the conservation area.
- 8.12 The rooflight is considered acceptable in terms of its size and positioning. If the proposal were acceptable, a condition would be attached to ensure that it would be conservation style and therefore sit flush to the roof.
- 8.13 The sun pipe would not be overly noticeable or prominent and is therefore considered acceptable in itself.

**Impact on Amenity:**

- 8.14 In terms of residential amenity, in this case the main concerns would be loss of privacy and overlooking. It is considered that views from the dormer windows, although much larger than the existing windows, would provide similar views available from the existing dormer and existing windows.
- 8.15 The balcony is considered to have a harmful impact. Although it is acknowledged that the adjoining properties either side may not be experience an increased level of overlooking as views from the terrace would be oblique and again similar to existing views, it is felt that the properties directly opposite, fronting St Michaels Place, would be significantly affected. The terrace is at a high level and these properties are less than 10m in distance away from the application site. There are existing terraces and fire escapes on the rear of neighbouring properties, and these most likely do result in overlooking and loss of privacy, however this does not justify introducing a further new terrace that would result in overlooking and loss of privacy. The terrace could also result in potential noise disturbance.
- 8.16 The bulk of the dormer would not have any significant impact in terms of loss of light, overshadowing or loss of outlook.
- 8.17 The rooflight, given the positioning and angle of the window, would not result in loss of privacy.

**9 CONCLUSION**

- 9.1 The proposed development would significantly harm the character and appearance of the existing property and the surrounding Montpelier and Clifton Hill conservation area. Furthermore the terrace would result in unacceptable levels of overlooking and loss of privacy.

**10 EQUALITIES**

10.1 None identified.

**11 REASONS FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The proposed rear dormer and balcony, by virtue of its design, excessive size, use of materials and positioning, would form an incongruous and unsightly feature on this property. Furthermore the proposal would result in the loss of the existing dormer, and therefore part of the properties historic appearance. The proposal would significantly harm the character and appearance of the existing property and the surrounding Montpelier and Clifton Hill conservation area, contrary to policies QD14 and HE 6 of the Brighton & Hove Local Plan and SPGBH1 'Roof Alterations & Extensions'.
  
2. The proposed balcony, by virtue of its elevated position, would result in material harm to the amenity of neighbouring properties by way of overlooking and potential noise disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

**11.2 Informatives:**

1. In accordance with the National Planning Policy Framework the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
  
2. This decision is based on the drawings received listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing drawings	1196 A.001		10th April 2013
Proposed drawings	1196 D.001	A	10th April 2013

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Application BH2012/03396 – Appeal against refusal to grant planning permission for proposal described as “stand up front of roof into a barn-end and extension to west dormer forward.” **APPEAL DISMISSED** (delegated decision).

**H – 19 QUEEN’S PARK TERRACE, BRIGHTON – QUEEN’S PARK 267**

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**I – 13 EGREMONT PLACE, BRIGHTON – QUEEN’S PARK 273**

Application BH2012/01101 – Appeal against proposed replacement of gas supply pipes to front elevation. **APPEAL DISMISSED** (delegated decision).

**J – 27 EGREMONT PLACE, BRIGHTON – QUEEN’S PARK 277**

Application BH2012/01110 – Appeal against proposed replacement of gas supply pipes to front elevation. **APPEAL DISMISSED** (delegated decision).

**K – 102A HALLYBURTON ROAD, HOVE – HANGLETON & KNOLL 279**

Application BH2012/03898 – Appeal against refusal for proposed loft conversion with rooflight to side and dormer to rear. **APPEAL DISMISSED** (delegated decision).

**L. – 83 PEMBROKE CRESCENT, HOVE – WESTBOURNE 281**

Application BH2012/03555 – Appeal against refusal of proposal for re-laying and extension of driveway. **APPEAL ALLOWED** (delegated decision).

**M – 93 MARINE DRIVE, BRIGHTON – ROTTINGDEAN COASTAL 283**

Application BH2012/00856 – Appeal against refusal to demolish the existing dwelling, double garage and concrete swimming pool. Erection of replacement dwelling and triple garage/cycle store. **APPEAL DISMISSED** (delegated decision).

**N - 19 ELVIN CRESECENT, BRIGHTON – ROTTINGDEAN COASTAL 283**

Application BH20012/03536 – Appeal against decision to refuse proposed first floor roof extension, including application for costs. **APPEAL DISMISSED, APPLICATION FOR COSTS REFUSED** (delegated decision)

**O – 126A WESTERN ROAD, HOVE – REGENCY**

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Application BH20012/01918 – Appeal against decision to refuse proposals for replacement of windows on front elevation on 1<sup>st</sup> and 2<sup>nd</sup> floors. **APPEAL DISMISSED** (delegated decision)







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# Appeal Decision

Site visit made on 19 March 2013

**by H Lock BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 April 2013**

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**Appeal Ref: APP/Q1445/A/12/2183927**

**2 Longhill Road (Land Adjacent), Ovingdean, Brighton, BN2 7BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr D Thompson against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/01652, dated 28 May 2012, was refused by notice dated 4 September 2012.
  - The development proposed is the erection of a new two storey dwelling.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The site address is given as 2a Longhill Road on the planning application form, but 2 Longhill Road (land adjacent) on the appeal form. As the latter reflects the address on the Council's decision notice, I have taken the address from the appeal form.
3. Planning permission was granted for the construction of a two-storey house with new access off Longhill Road under appeal ref. APP/Q1445/A/06/2031544. The Council's Committee report indicates that the permission has been implemented, and there is a building under construction on the site. Full plans of the approved scheme have not been submitted as part of this appeal, but the proposed plans indicate that the schemes differ in footprint. Notwithstanding that a building is under construction, I have determined this appeal on the basis of the proposed plans.

## Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the street scene and the wider area, including the South Downs National Park.

## Reasons

5. The appeal site is former garden land to 2 Longhill Road, and is prominently located in an elevated position overlooking the South Downs National Park (SDNP). The site is adjacent to a driveway leading to a neighbouring dwelling,
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and beyond is a public footpath and the SDNP. The design and form of buildings in the vicinity is varied, but with a few exceptions they are designed with some form of pitched roof, albeit the roofscape is not uniform.

6. The approved dwelling was described as 'modernistic' by the previous Inspector, with a striking building form which would be in tune with the coastal elements, firmly related to its location. The Inspector considered that the building would add interest and distinctiveness to the local vistas and skyline due to its landmark style and design. The Council's Committee report indicates that the approved dwelling appeared predominantly as a single storey dwelling with accommodation in the roof.
7. Policy QD1 of the Brighton & Hove Local Plan 2005 (LP) discourages the replication of existing styles in areas without a distinctive historic style of architecture, and the supporting text indicates that modern designs will be welcomed. However, the proposed building would not respect the scale of nearby buildings due to its flat-roofed form and mass at first-floor level. Whilst I acknowledge that the proposed building would be of comparable overall height to neighbouring dwellings, these incorporate pitched roofs which minimise their bulk. Although parts of the proposed upper floor would be recessed, glazed and at staggered heights, this would not dissolve the mass of the structure, as suggested by the appellant.
8. Rather than being striking, the proposal would appear unacceptably dominant and bulky in this prominent position at the edge of the residential area. Its scale and mass would not be mitigated by its height, as the building would be highly visible in the street scene and in wider views across the open SDNP. Although the sustainable design and materials are acknowledged, the proposed cladding and fenestration pattern would exacerbate the stark contrast with other buildings in the vicinity. Whilst a contemporary building would be acceptable in principle, this particular design and form would appear incongruous in its setting, and would not secure the transition between the residential area and the SDNP indicated by the appellant. The proposed detailed planting scheme would not address the wider visual impact on the street scene, and would not secure the attractive frontage sought by LP Policy QD5.
9. The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The SDNP is notable for its openness in contrast to the residential area of Ovingdean which it adjoins. However, whilst the proposal would be visible from the SDNP, the building would be viewed more in the context of surrounding residential properties, and with this backdrop would not detract from the setting of the SDNP. I do not find any conflict in this regard with LP Policy NC8, but this would not override the requirement for the proposal to take account of the local characteristics of its residential setting, as sought by LP Policy QD2, particularly given the conspicuous position of the site.
10. I therefore conclude that the proposal would be detrimental to the character and appearance of the street scene and the residential area within which it is set, contrary to the aims of LP Policies QD1, QD2 and QD5.

### **Other Matters**

11. The proposed building would be sited further from the boundary with 2 Longhill Road than the approved scheme, but as this relationship between buildings has already been considered acceptable, this relocation would not justify acceptance of the appeal scheme.
12. Local residents have expressed concern about the effect of the proposal on highway and pedestrian safety, but in the absence of any technical evidence to demonstrate specific hazards I find the proposal to be acceptable in this regard.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be dismissed.

*Hilary Lock*

INSPECTOR





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# Appeal Decision

Site visit made on 2 April 2013

**by David Harmston FRICS DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 April 2013**

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**Appeal Ref: APP/Q1445/D/13/2193540**

**111 Goldstone Crescent, Hove, East Sussex BN3 6LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Anna Lee against the decision of Brighton & Hove City Council.
  - The application (Ref BH2012/03764) was refused by notice dated 21 January 2013.
  - The development proposed is the erection of a two-storey rear extension, a single-storey rear extension and loft conversion incorporating roof extension and rooflights. External alterations including ground excavation works to front and rear, creation of covered seating area, erection of new front porch, installation of new boundary wall, gates, driveway and associated works.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear extension, a single-storey rear extension and loft conversion incorporating roof extension and rooflights. External alterations including ground excavation works to front and rear, creation of covered seating area, erection of new front porch, installation of new boundary wall, gates, driveway and associated works at 111 Goldstone Crescent, Hove, East Sussex BN3 6LS in accordance with the terms of the application (Ref No:- BH2012/03764), dated 28 November 2012, subject to the following conditions:
  - (1) The development hereby permitted shall be commenced within three years of the date of this decision.
  - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg Nos:- 128GC1/01; 128GC1/02; 128GC1/03; 128GC1/04; 128GC1/05; 128GC1/06; 128GC1/07; 128GC1/08A; 128GC1/09; 128GC1/10 and 128GC1/11.
  - (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - (4) No windows other than those shown on the approved plans shall be constructed within the side elevations of the extension hereby permitted.

## Reasons

2. No 111 Goldstone Crescent is a substantial, two-storey, detached house facing the east side of the road overlooking Hove Park. The surrounding area is

- characterised by the presence of similarly-designed, large, detached houses fronting the main road many of which have appear to have been altered and extended over the years. As in the case of the appeal property, most of the houses in this section of Goldstone Crescent have the majority of their front amenity areas paved over to provide off-street car parking spaces.
3. The proposed alterations to and enlargement of the building are substantial in scope and extent. They can be summarised as follows. The erection of a 'stepped' two-storey rear extension; a loft conversion with two new rooflights in each of the front and rear elevations; a new front porch; the re-modelling and re-grading of part of the rear garden with a covered seating area; a small 'rounding-off' at the north-western corner of the house at its front; a new front porch and works (including excavation) to the front amenity area to reconfigure the parking area and access with a new boundary wall and gates.
  4. The Council refused the application for two reasons concerning, in summary, the visual impact of the rear extension and rear rooflights and the effect of the development on the amenities of the residents of No 113 Goldstone Crescent by reason of loss of outlook and overbearing impact. Insofar as the works at the front of the property are concerned featuring the new rooflights, the minor extension to its front corner, the new porch and all the proposals for the modified parking area and altered access, including the new boundary wall and gates, the Council raises no objections to these components of the overall development. Indeed some elements of the proposals are considered to represent an improvement to the appearance of the property.
  5. Despite the reservations expressed by a neighbour concerning the fact that the re-formed front car parking area and driveway would be out of keeping with the general appearance of the neighbouring houses which generally have driveways rising above the main road, I consider that all of the above elements of the total scheme for the works to the front of the appeal property are acceptable and would not be the cause of any material harm to the character and appearance of the area or highway safety. In these respects the development would comply with policy QD14 of the Brighton and Hove Local Plan. The Highways Authority has raised no objections to the proposals and although I have noted the conditions which it has suggested<sup>1</sup>, these are unreasonable and unnecessary (or concern land outside the application site) bearing in mind the nature of the development and the fact that the proposals relate to the enlargement of a substantial and established dwelling.
  6. With these points in mind the outstanding main issues on which the outcome of the appeal should turn are, therefore, firstly; the effects of the rear extension and other works, including the loft conversion and the proposed rear rooflights, on the character and appearance of the area and, secondly; whether the development would be the cause of unacceptable harm to the living conditions of the occupants of No 113 Goldstone Crescent by reason of an undue loss of outlook, overshadowing of land or overbearing impact.
  7. Consent is sought for the erection of a single-storey rear extension to a depth of about 5m involving some minor excavation. Above would be a first floor

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<sup>1</sup> Retention of parking area; cycle parking provision and the reinstatement of the vehicular crossing.

- addition extending outwards by about 3.5m to accommodate two bedrooms. The extensions would be inset from the side boundaries by about one metre with the ground floor width being just less than 11m with the first floor extension being inset from each side thereof so that its overall width would be about 7.7m. On its south-eastern side the side wall of the development would extend further outwards to enclose an outside seating area resulting in a total outward projection beyond the existing rear wall of about 9m. The roof space would be converted to provide an additional bedroom with four rooflights.
8. On the first main issue, policy QD14 of the local plan allows for the extension and alteration of dwellings, including new rooms in roofspaces, where the development can be achieved in compliance with a number of criteria. Amongst other matters these are that the development is well-designed, sited and detailed in relation to the property; that account is taken of the existing space around the building and the character of the area; that appropriate gaps are retained between the extension and the side boundaries and that the proposals would not result in a significant loss of daylight, privacy, outlook or amenity to neighbouring properties.
  9. As far as the effect of the development on the character and appearance of the area is concerned, I note that several of the nearby properties have already been extended rearwards to a significant degree. Particularly, No 113 Goldstone Crescent has a rear extension and a conservatory which projects by about 3.8m further to the rear beyond the extent of the proposed extension at the appeal property. Similarly, at No 109, there is a rear addition.
  10. The first floor addition with its pitched roof would be set in from each side of the extension beneath it, away from the side boundaries. Its design respects that of the existing building and, despite its size, I consider that the overall character of the extension would be subservient in appearance to that of the host building. The rooflights proposed in the rear roof extension of the development would not be overly large in the context of the building and would be centrally located within the roofslope. I do not consider that they would be overly conspicuous or visually harmful in this setting.
  11. Although the proposed extensions would be substantial in scale and size, and would introduce a significant bulk of new building into the rear amenity area of the property, bearing in mind the substantial, retained depth of the rear garden and the juxtaposition and scale of the adjoining dwellings as they have been extended, I do not consider that any undue harm would be caused to the character and appearance of the area on this issue. The design of the development is in sympathy with the existing building and, with the use of matching materials, in all key respects I consider that the development would meet the objectives of policy QD14 of the local plan on this issue.
  12. On the second main issue, the property most directly affected by the development would be No 113 Goldstone Crescent and I have seen and read the representations on this matter made by the occupiers of that dwelling. As a straightforward point, policies QD14 and QD27 of the local plan combine in their thrust in seeking to ensure that extensions to dwellings should not result in a significant loss of privacy, outlook or daylight/sunlight to neighbouring dwellings thus causing a material loss of amenity to the occupiers of their

properties. Account will be taken of sunlight and daylight factors, the relationship of one property to another and any overbearing impact.

13. As the Council points out, the development involves the addition or repositioning of various windows in the side elevations of the property all of which would be fitted with obscure glass at first floor level.<sup>2</sup> A condition would be appropriate in this instance to ensure that no additional windows were constructed in the side elevations of the extension to preclude any overlooking of the adjoining properties. From the rear elevation looking out towards the garden the new windows in the bedrooms at first floor level would not be the cause of any materially greater degree of overlooking than is already the case.
14. There is a kitchen window in the side elevation of No 113 Goldstone Crescent facing towards the appeal site. The side elevation of the extension at ground floor level would be more than 3m away from this window and the first floor addition even further. Having regard to the distance between buildings, the design of the extension and notwithstanding the change in land levels between Nos 111 and 113, whilst some negative impact on the living conditions of the residents of the adjoining property to the development would be experienced, I consider that in terms of any undue loss of daylight/sunlight, overshadowing, or an excessive degree of overbearing impact, the development would not be so unneighbourly in these respects as to warrant a refusal of permission on this issue. I conclude that the development would be in compliance with policies QD14 and QD27 of the local plan on this issue.
15. As to conditions, it is necessary to impose a requirement in respect of the time duration of the consent and I have specified the approved drawings in the interests of proper planning and for the avoidance of doubt. Although not suggested by the Council it is necessary for the external materials to be used in the construction of the development to match those in the existing building, in the interests of visual amenity. As I have already concluded a condition needs to be imposed preventing the construction of any further windows in the side elevations of the extension to avoid any intrusive overlooking of the adjacent houses and their gardens.
16. I have carefully considered everything that has been put forward in opposition to this development but nothing that I have seen or read is of sufficient weight to alter my conclusions above and the reasons for them.

*David Harmston*

Inspector

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<sup>2</sup> The windows in question are for the four bathrooms.





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# Appeal Decision

Site visit made on 26 March 2013

**by H Lock BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 April 2013**

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**Appeal Ref: APP/Q1445/A/12/2186486**

**Flat 3, Winchester House, 8 Fourth Avenue, Hove, East Sussex, BN3 2PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Laurence Broderick against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/01890, dated 21 June 2012, was refused by notice dated 31 August 2012.
  - The development proposed is the construction of first floor balcony with railings to rear elevation.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring residents, with particular reference to privacy and noise disturbance.

## Reasons

3. The appeal property is an upper floor apartment located in a block of five flats. The building is positioned in reasonably close proximity to neighbouring buildings and gardens to the rear. The flats do not have access to an external amenity area, as the rear courtyard contains a block of garages and is otherwise surfaced for vehicle manoeuvring.
  4. The proposed balcony would be relatively shallow in depth but would span much of the rear elevation of the appeal property. It would be positioned close to habitable room windows of other apartments in the block, and to the rear gardens beyond the garages. Although there are balconies elsewhere in the vicinity, those most comparable are located on the front elevations of nearby buildings, overlooking the road. Those visible from the rear of the property are fire escapes or small-scale roof terraces with limited potential for use as amenity areas. The proposed balcony would be of sufficient size for it to have a functional rather than decorative purpose, but its position in relation to neighbouring properties would give rise to an unacceptable loss of privacy for
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nearby residents, and potential noise nuisance as a result of the use of the area.

5. There is already a degree of mutual overlooking between the rear windows of flats in Winchester House and the dwellings and their gardens to the rear. However, the size of the proposed balcony and its use would allow for a more intrusive form of overlooking than the present arrangement. Although there are mature trees beyond the garage block they do not provide effective screening to all properties behind the appeal site. I have given little weight to the separation distances for two-storey rear extensions cited by the appellant, as the Council has indicated that the standards have not been adopted.
6. The courtyard to the rear of Winchester House is relatively quiet compared to the public domain to the front, and local residents indicate that noise levels in this area are low. Notwithstanding the use of the garages, the proposal would introduce a more intrusive source of noise disturbance that would adversely affect the use of the rear-facing habitable rooms of other residents in Winchester House. Although the appellant advises that the balcony would be used as a quiet sitting out area, its use - and hours of use - could not reasonably be controlled by a planning condition. Moreover, whilst I accept that it would not be a large area for entertaining, noise and nuisance levels would not necessarily be determined by the number of people using the balcony.
7. The amenity and accommodation benefits that would be afforded to the appeal property and its occupiers are noted, as are the space standards set out in the Code for Sustainable Homes. However, any proposals to create outdoor space have to be considered in context, and in this case the benefit to the host flat would result in an unacceptable compromise to the conditions for neighbouring residents.
8. I therefore conclude that the proposal would be detrimental to surrounding residents as a result of increased overlooking and potential noise disturbance to an extent that their living conditions would be harmed. This would be contrary to the aims of Policy QD27 of the Brighton and Hove Local Plan 2005, which seeks to avoid development that would cause material nuisance and loss of amenity to residents. Furthermore, it would conflict with the core principle of the National Planning Policy Framework, to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Other Matters**

9. The appeal property is located within The Avenues Conservation Area. There is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. The proposal would be well designed and in keeping with other features on the front elevations of buildings in the vicinity, and as such the character and appearance of the conservation area would be preserved. However, this does not outweigh the harm identified above.

### **Conclusion**

10. For the reasons given above I conclude that the appeal should be dismissed.

*Hilary Lock* INSPECTOR

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# Appeal Decisions

Site visit made on 2 April 2013

**by David Harmston FRICS DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 April 2013**

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## **Appeal A - Ref: APP/Q1445/A/12/2186127**

### **30A Beaconsfield Villas, Brighton, East Sussex BN1 6HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Taylor against the decision of Brighton & Hove City Council.
  - The application (Ref BH2012/02565), dated 16 August 2012, was refused by notice dated 18 October 2012.
  - The development proposed is described as the formation of habitable room in the roofspace with rear dormer and front rooflights.
- 

## **Appeal B - Ref: APP/Q1445/A/13/2191931**

### **30A Beaconsfield Villas, Brighton, East Sussex BN1 6HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Taylor against the decision of Brighton & Hove City Council.
  - The application (Ref BH2012/03397), dated 23 October 2012, was refused by notice dated 13 December 2012.
  - The development proposed is described as the formation of habitable room in the roofspace with rear dormer and front rooflights.
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## **Decisions**

### **Appeal A**

1. The appeal is dismissed.

### **Appeal B**

2. The appeal is allowed and planning permission is granted for the formation of habitable room in the roofspace with rear dormer and rooflights at 30A Beaconsfield Villas, Brighton, East Sussex BN1 6HD in accordance with the terms of the application (Ref BH2012/03397), dated 23 October 2012, subject to the following conditions:
  - (1) The development hereby permitted shall be commenced within three years of the date of this decision.
  - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings entitled:- 'Loft Conversion Plans - Contract No INT 696 (2.8.2012)- Existing Plans' and 'Loft

Conversion Plans - Contract No INT 696 (2.8.2012); *R1= Rear Dormer & Velux Rooflights Amended 23.10.2012*'.

- (3) The materials to be used in the construction of the external surfaces of the dormer hereby permitted shall match those used in the existing building.
- (4) The rooflights hereby permitted shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

### **Preliminary Matters**

3. These appeals have been made in relation to two refusals of planning permission for alternative proposals for alterations and enlargements to the property. Both developments are for the erection of a rear dormer to provide additional habitable accommodation within the roofspace of the dwelling with rooflights in the front roofslope. I have considered each appeal independently on its own planning merits. The site lies within the Preston Park Conservation Area and it is therefore necessary to consider whether either proposal would serve to preserve or enhance the character or appearance of the Area.

### **Main Issue**

4. For both appeals the main issue is the effect of the development on the character and appearance of the area and the host building having regard to the location of the site within the Preston Park Conservation Area.

### **Reasons**

5. The appeal building lies within a densely-developed residential suburb of Brighton characterised by the presence of fine, period buildings laid out on even building lines in a regular formation. The appeal property comprises a first floor flat occupying the southern half of a semi-detached building with its staircase access to the rear. Both proposals seek to utilise the roofspace above the flat for additional living accommodation with either a living area (Appeal B) or as bedroom with a kitchenette (Appeal A). Access would be provided by way of an internal staircase positioned within the dormer in each case.
6. To this end two alternative forms of dormer construction are proposed. In Appeal A the dormer (containing three windows facing east) would be constructed across the majority of the rear roof slope with two rectangular-shaped rooflights in the front elevation. In Appeal B, the rear dormer would be much smaller, centrally located above an existing rear projection, with a pair of square-shaped rooflights in both the front and rear elevations.
7. The Council's Supplementary Planning Guidance – *Roof Alterations and Extensions* (SPG) sets out a number of guidelines that should be followed in carrying out developments of this kind. Particularly, dormers should be carefully positioned with regard to the arrangement of windows below and the shape of the roof. They should be positioned on the centre line of the building and its symmetry should be retained. No part of the dormer should come up to or rise above the main roof ridge and it should be well contained within the

- existing roof profile. Dormers should be kept as small as possible with no large areas of cladding and, generally, their overall width should be no wider than the windows below. They should be of a roof form and detail appropriate to the character of the building and in Conservation Areas they should be roofed in metal, but not in felt.
8. In Appeal A the dormer would stretch across almost the full width of the rear roofslope. The structure would be a bulky and incongruous addition to the property which would fail to respect the character of the existing building or the area more generally. The dormer proposed by this appeal would conflict with the SPG in several key respects such as in its width, its failure to relate sympathetically to the character of the existing building and in its excessive cladding. In its fenestration detailing the windows would not align with those below and would be out of proportion with those existing. Whilst the structure would not be seen from the road, nevertheless it would be a very prominent structure in the neighbourhood, widely visible from the surrounding dwellings.
  9. As far as the front rooflights are concerned, the SPG states that these should be kept to a minimum in number and should relate well to the host property in terms of scale and proportions. In Conservation Areas they will not be acceptable on front or other prominent roof slopes where they are visible from the street. The Council acknowledges the presence of a number of rooflights in the front roof slopes of several properties close to the appeal site such as at Nos 8, 31, 45, 63, 65 and 67 Beaconsfield Villas. Additionally, since 2011, planning permission has been granted in four cases for developments which included front rooflights.<sup>1</sup>
  10. Rooflights in the front roofslope of the appeal building are acceptable to the Council in principle but these should be of a 'conservation style' featuring metal frames and fitted flush to the roofslope. The proposed front rooflights in Appeal A are horizontally orientated, rectangular in shape and would not be positioned centrally above the bay windows below. This element of the overall proposals for the site would detract from the appearance and character of the area as well as that of the host building.
  11. In summary on Appeal A, I conclude that the development would fail to comply with the guidelines set out in the SPG in a number of important respects and, in respect of both the rear dormer and the front rooflights, it would cause significant visual harm to the character and appearance of the area and the host building because of its design, scale and bulk. The development would fail to preserve or enhance the character or appearance of the Conservation Area and for all of these reasons it would conflict with the terms of policies HE6 and QD14 of the Brighton and Hove Local Plan. The development proposed by Appeal A is therefore unacceptable.
  12. Turning to Appeal B, the rear dormer would be located above an existing rear wing. It would be gable-ended and pitched-roofed with its ridge aligning with that existing. It would occupy about one-third of the width of the existing roof and would be set well in from the side boundaries of the property, invisible

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<sup>1</sup> Nos 5, 87, 98 and 103 Beaconsfield Villas

- from the street. The rooflights in both the front and rear elevations would be flush-fitted and appropriate in siting, proportions and size to the host building.
13. In several key respects the rear dormer would comply with the guidelines set out within the SPG. The Council criticises the proposal because it would accommodate the staircase which, it is argued, could be formed within the existing roofspace. In these circumstances the dormer might not be necessary to allow for the use of the roofspace for additional living space.
  14. My conclusion in respect of the development proposed by Appeal B is that the limited measure of harm that the development would cause to the character and appearance of the area is acceptable in this instance having regard to the siting and size of the dormer, its scale and design and the fact that other dormers have been constructed in the area which are visible from the rear of the properties. I consider that the proposals the subject of Appeal B would be neutral in terms of their preservation or enhancement of the character or appearance of the Conservation Area and I do not conclude that there would be any conflict with policies HE6 or QD14 of the local plan on this issue.
  15. The Council has drawn my attention to other proposals for developments of this type within the area where permission has been refused.<sup>2</sup> However, each case falls to be determined on its individual planning merits and precedent is rarely a matter which attracts significant weight in the planning process.
  16. As to the conditions for the development the subject of Appeal B, and apart from the statutory time duration of the permission, it is necessary to specify the approved drawings for the avoidance of doubt and in the interests of proper planning. The materials to be used in the construction of the dormer should match those used in the existing building, in the interests of visual amenity. I agree with the Council's suggestion that for developments within a Conservation Area it is reasonable and necessary to require the rooflights to be fitted with cast metal frames and to be installed in a way that is flush-mounted to the roofslope to preserve the character of the building and the Area as far as possible.
  17. I have considered everything else that has been raised in relation to this matter but nothing is of sufficient weight for me to alter my conclusions above and the reasons for them.

*David Harmston*

Inspector

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<sup>2</sup> No 99 Shanklin Road (Appeal Ref APP/Q1445/D/10/2137246) and No 1 Waldegrave Road.



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# Appeal Decision

Site visit made on 2 April 2013

**by David Harmston FRICS DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 April 2013**

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**Appeal Ref: APP/Q1445/D/13/2193437**

**58 Waldegrave Road, Brighton, East Sussex BN1 6GE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Barry Shilliam against the decision of Brighton & Hove City Council.
  - The application (Ref BH2012/03445) was refused by notice dated 20 December 2012.
  - The development proposed is the erection of a single-storey rear and side extension incorporating three rooflights and bi-folding doors to the rear to provide access to the garden.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear and side extension incorporating three rooflights and bi-folding doors to the rear to provide access to the garden at 58 Waldegrave Road, Brighton, East Sussex BN1 6GE in accordance with the terms of the application (Ref BH2012/03445), dated 28 October 2012, subject to the following conditions:
  - (1) The development hereby permitted shall be commenced within three years of the date of this decision.
  - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos:- L-100; L-101; L-102 and L-103.
  - (3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

## Preliminary Matters

2. In the interests of clarity I have modified the description of the development from that stated on the application form. The property lies within the Preston Park Conservation Area and I have therefore paid special attention to the need to consider whether or not the development would serve to preserve or enhance the character or appearance of that Area.

## Reasons

3. The appeal property is a period, two-storey, semi-detached dwellinghouse lying within the built-up area of Brighton. The character of the area is defined by the long lines of similarly-designed (or originally identical) dwellings laid

- out in a uniform arrangement with straight and even building lines and regular spacing and separation distances between the properties. The proposal is to erect a single-storey rear addition to the building, projecting by about 1.9m into the rear garden, and running down the northern side of the building within an area of land currently in use a terrace with a small outbuilding.
4. With a rearwards projection of only about 1.9m in a position adjacent to the boundary with No 56 Waldegrave Road, and having regard to the height and design of the extension, and the presence of the outbuildings and a hedge, I agree with the Council that the development would have no adverse effects on the amenities of the occupants of that property. Similarly, and having regard to the change in ground levels between the two houses, the side extension element of the overall development would have no material impact on the residents of No 60 Waldegrave Road. The Council has raised no objections to the scheme in respect of its effects on the amenities of the occupants of the adjoining houses and I share this conclusion. The development would be in compliance with policy QD27 of the Brighton & Hove Local Plan on this issue.
  5. The main issue in the appeal, therefore, is whether the development would unacceptably impact on the character or appearance of the Conservation Area in terms of its preservation or enhancement. Being at the rear and rear-side of the existing building the development would be concealed from the streetscene. Whilst views of the extension would be possible from a number of vantage points in the adjoining residential curtilages and buildings, such as from the rear elevations of the dwellings in Chester Terrace, due its scale and design, the development would not impact in any material way on the character or appearance of the Conservation Area.
  6. The extension would be of a modest size and height and it has been designed to respect the appearance of the existing building. As I saw, and as has been pointed out, many rear extensions to dwellings have been erected within the neighbourhood and within the Conservation Area. I saw at my site visit that additions to a number of dwellings within the vicinity of the site have been undertaken without causing any material detriment to the character or appearance of the Area. In these terms I conclude that the development would be neutral as far as the preservation or enhancement of the Conservation Area is concerned. For these reasons I also conclude that the proposals would not be in breach of policies HE6, QD2 or QD14 of the Local Plan on this issue and it is therefore acceptable in all respects.
  7. I have imposed a condition relating to the statutory time duration of the permission and I have specified the approved drawings for the avoidance of doubt and in the interests of proper planning. It is necessary for the external finishes to be used in the construction of the development to match those used in the existing building in the interests of visual amenity. I have attached weight to everything that has been raised in opposition to this proposal but nothing is of sufficient substance to alter my conclusions above and the reasons for them.

*David Harmston*

Inspector





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# Appeal Decision

Site visit made on 3 April 2013

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 April 2013**

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**Appeal Ref: APP/Q1445/D/13/2193626**

**8 Bavant Road, Brighton, East Sussex BN1 6RD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Owers against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/02917, dated 9 September 2012, was refused by notice dated 6 December 2012.
  - The development proposed is replacement UPVC windows to front elevation.
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## Decision

1. The appeal is allowed and planning permission is granted for replacement UPVC windows to front elevation at 8 Bavant Road, Brighton, East Sussex BN1 6RD in accordance with the terms of the application, Ref BH2012/02917, dated 9 September 2012.

## Procedural Matters

2. I have taken the description from the decision notice and which has been repeated on the appeal form as this accurately, but more succinctly, describes the development compared with the description on the original application form.
3. The application was retrospective and the windows have already been installed.

## Main Issue

4. The main issue is the effect of the development on the character and appearance of the Preston Park Conservation Area.

## Reasons

5. The appeal property is a semi-detached dwelling built between the wars but otherwise set within a residential area of mainly mid to late 19<sup>th</sup> Century properties. The site lies within the Preston Park Conservation Area, which is subject to an Article 4 Direction controlling permitted development. The Council's Conservation Area Character Statement describes the area around the appeal site, including Bavant Road, as having more varied architecture with a less cohesive streetscape than the more regimented terraces elsewhere.
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6. Policy HE6 of the Brighton & Hove Local Plan 2005 (LP) deals with development within or affecting the setting of conservation areas. Part a. requires a consistently high standard of detailing and design and it includes a footnote that states, in respect of buildings that contribute to an area's character or appearance, the alteration of the style and detail of traditional timber casement windows will be resisted.
7. In this case the UPVC windows have replaced original timber casements within large ground and first floor window bays and a smaller bay over the property's front door. However, although the appeal property is reasonably attractive in its own right, it is of an age and design that reflects the mixed architecture of its immediate surroundings rather than the special character of the wider Conservation Area as a whole. Whilst No 8 is one of a symmetrical pair, in my view the replacement windows, including the use of dummy casements for non-opening lights, appropriately match the style of the dwelling and do not appear to be mismatched with the original windows that remain next door.
8. Although the casements may not be flush with the outer frames, neither this feature, nor the marginal increase to the size of the frames, appears at all obvious or incongruous when viewed from Bavant Road. As such, I do not share the Council's view that the works have resulted in any significant loss to the character of the building, which retains its pleasant setting within the street scene behind a boundary enclosure to the back edge of the pavement and mature planting within the front garden. Moreover, the use of UPVC merely reflects the materials that are commonplace for a significant number of dwellings in the immediate surroundings where replacement windows have been installed, particularly along Bavant Road and Knoyle Road.
9. The Council has referred to their Supplementary Planning Document 09 (SPD) entitled *Architectural Features* (adopted in 2009) within the reason for refusal. However the SPD clearly states that it is intended to provide detailed policy guidance on the repair, restoration and enhancement of historic buildings being statutorily listed buildings; historic buildings that make a positive contribution to the character or appearance of conservation areas; historic buildings that make a positive contribution to the special historic interest of registered parks and gardens; and locally listed buildings. There is no suggestion that the appeal property satisfies any of these criteria and therefore I see no particular relevance to the SPD in this case.
10. I appreciate the need to resist damaging alterations to original features on buildings within conservation areas and I recognise that such alterations can cumulatively erode an area's special character. However, for the reasons I have given I find that in this case the windows have not noticeably altered the established character and appearance of the conservation area, which is preserved. In this regard there is no conflict with the aims and objectives of either Policy HE6 or with LP Policy QD14 *Extensions and alterations*. As such there would be no harm to the area's significance as a heritage asset and no conflict with the National Planning Policy Framework 2012 as it relates to quality of design or the conservation and enhancement of the historic environment.
11. I have noted an appeal that was dismissed in June 2007 for retention of UPVC replacement windows for a property within another conservation area in the

city (Ref APP/Q1445/A/07/2036341). However, in that case the Inspector found the replacement windows to be unattractive, bulky and inappropriate to the style and period of the building and detrimental to its appearance. On the other hand the appellant has also drawn my attention to an appeal that was allowed in January 2013 for a similar proposal relating to a property within a further local conservation area (Ref APP/Q1445/D/12/2186692). In that case the Inspector found the alterations had a neutral effect on the building and street scene. In my view these two examples merely demonstrate that the circumstances to each and every case vary such that each application and appeal must properly be considered on its own merits. As such, neither has altered or influenced my overall conclusion that this appeal should succeed.

12. As the development is retrospective I have no reason to impose any conditions.

*John D Allan*

INSPECTOR





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# Appeal Decision

Site visit made on 3 April 2013

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 April 2013**

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**Appeal Ref: APP/Q1445/D/13/2193404**  
**116 Ladies Mile Road, Hove BN1 8TE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Waterman against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03396, dated 22 October 2012, was refused by notice dated 31 December 2012.
  - The development proposed is described as "*stand up front of roof into a barn end and extend west dormer forward*".
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

3. The appeal property is a detached dwelling set within a run of broadly similar style properties within a residential area. The property has previously been extended into the original loft space and includes 2 reasonably large, flat roof dormers to each side elevation. The proposal would extend the existing hipped roof forward into what has been described as a 'barn-end' with an enlargement of the existing dormer to the west elevation.
  4. I saw during my visit that there is a variety of roof forms for the properties along this side of Ladies Mile Road at this point due, in part, to some modifications and extensions to some, and in other cases due to variations in the original designs. I also noted that there were other examples of 'barn-end' elevations facing the road. As such, I find that neither the modifications to the roof profile nor the lengthened ridge line would necessarily appear at odds with the character of the street scene.
  5. However, the enlarged west facing dormer would result in an extension that would dominate the side roof slope of the dwelling, appearing excessively large in terms of its horizontal proportions. Moreover, its scale and visual impact
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would be clearly seen from Ladies Mile Road when approaching from the west, due to the rising incline of the road, and the recessed position of the neighbouring property to this side at No 114.

6. The appellant has argued that the proposed dormer would be an improvement over the existing as it would be set back by around 900mm from the front of the proposed roof. This would appear to be the case based on the existing elevations that have been shown on the application drawings. However, I saw that the existing dormer to the west elevation has been incorrectly depicted. Rather than sitting marginally proud of the existing hipped roof, which the dormer to the opposite side does, it is actually set back by a reasonable margin. Therefore I could detect no improvement to the existing arrangement and overall I find that the proposed dormer would appear oversized and poorly related to the design of the existing building. It would therefore fail to display the quality of design that is required by Policies QD2 *Design - key principles for neighbourhoods* and QD14 *Extensions and alterations* of the Brighton & Hove Local Plan 2005 and the National Planning Policy Framework 2012.
7. I appreciate the appellant's need for more space to accommodate elderly relatives but this does not alter my conclusion that the proposal would be harmful to the character and appearance of the area. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

*John D Allan*

INSPECTOR



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# Appeal Decision

Site visit made on 2 April 2013

**by David Harmston FRICS DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 April 2013**

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**Appeal Ref: APP/Q1445/D/13/2192993**

**19 Queens Park Terrace, Brighton, East Sussex BN2 9YA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr F Trewick against the decision of Brighton & Hove City Council.
  - The application (Ref BH2012/02737) was refused by notice dated 3 December 2012.
  - The development proposed is described as 'loft conversion with box dormer to the rear elevation and roof light to the front elevation.'
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## Application for Costs

1. An application for an award of costs has been made by the appellant against Brighton and Hove City Council. This is subject to a separate decision.

## Decision

2. The appeal is dismissed.

## Preliminary Matters and the Main Issues

3. The site lies within the Queen's Park Conservation Area and it is therefore necessary to consider whether the development would serve to preserve or enhance the character or appearance of the Area. To the rear (north) of the site is the curtilage of St Luke's Junior School which is a Grade II listed building.<sup>1</sup> It is therefore also necessary to consider the effect of the development on the setting of that building.
4. In this light the main issues in the appeal are the effect of the development on the character and appearance of the area and the host building and its impact on the setting of St Luke's Junior School.

## Reasons

5. The appeal property is a two-storey, terraced dwellinghouse lying within the built-up area of Brighton. At the time of my visit the building was undergoing extensive building works. The property lies roughly in the middle of a long terrace of dwellings at the point at which it begins to curve towards the south-east. The resultant layout of the buildings in the terrace has resulted in an unusual shape to the appeal property so that its frontage width to the street is 'pinched' with a much greater width at the rear. A two-storey wing projects

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<sup>1</sup> Also referred to variously as St Luke's Primary School and St Luke's Infant School

northwards from the rear of the building adjacent to the boundary with the adjoining dwelling to the west (No 18 Queen's Park Terrace).

6. The land rises sharply to the rear (north-east) and the site is adjoined in this direction by the playground of St Luke's Junior School. The listed School building itself is a large and imposing structure towering above the surrounding houses. From points to the north of the appeal site in St Luke's Terrace (to which the School has its main entrance), the rear of the dwellings in Queen's Park Terrace can be viewed. I was able to gain access to the School and I observed the rear of the appeal property from close range from a position within the School playground. The proposal is to provide habitable accommodation within the roofspace of the building. To this end a rear dormer with a small window to its side would be constructed with a rooflight in the front roofslope facing Queens Park Terrace. The dormer would be about 4.5m wide and 2.4m high with glazed doors. It would be readily visible and visually very prominent when seen from the curtilage of the School and, to a lesser extent, from the pavement on the south side of St Luke's Terrace.
7. The Council's Supplementary Planning Guidance *Roof Alterations and Extensions* (SPG) provides detailed guidance concerning the design and construction of dormers. Therein it is stated that dormers should be carefully positioned with regard to the arrangement of windows below and the shape of the roof. They should be kept as small as possible with no part of the structure rising above the main ridge line. Particularly, the overall width of the dormer should be no wider than the windows below it and there should be no large areas of cladding either side or below. In certain key respects the appeal development would conflict with the SPG as it would be greater in width than the windows below, it would have large cladded areas and its high French windows would be significantly at odds with, and would fail to respect, the design and character of the existing fenestration.
8. It is acknowledged by the appellant that in certain respects the development would not comply with the SPG. Nevertheless, the argument is advanced that many comparable developments have been permitted on several nearby properties in recent years which also conflicted with the guidance set out in the SPG, including at least one on appeal. In this respect details have been submitted of dormers that have received permission at Nos 13, 34, 35, 42 and 46 Queens Park Terrace. There are rear dormers constructed at Nos 20, 21 and 34<sup>2</sup> and I was able to view these at my site visit. In any event, it is contended, the proposal is in general conformity with policy QD14 of the Brighton and Hove Local Plan which allows for extensions and alterations to buildings so long as the development is well-designed and sited and detailed in relation to the property to be extended, the adjoining properties and the surrounding area.
9. Whilst it is the case that some of the dormers that have been permitted locally would appear to be in conflict with the SPG in at least one respect, precedent is only rarely an argument that should attract significant weight in the planning process as each case falls to be considered on its individual merits. In

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<sup>2</sup> Due to the numbering system of the buildings making up Queens Park Terrace, Nos 20 and 21 adjoin the appeal site to the south-east and No 21 is next to No 34.



any event I consider that there are a number of material differences in several key respects between the appeal proposals and the other cases to which my attention has been drawn. The proposed dormer would have a much greater height and bulk than those existing elsewhere, for instance at the properties situated close to the site at Nos 20 and 21 Queens Park Terrace. Other examples of the dormers that have been permitted have been analysed by the Council demonstrating that either the location is not in the same terrace as the appeal site (No 46) or that they are smaller (Nos 15, 35, 46 and 47)<sup>3</sup>.

10. The proposed French doors would be very conspicuous and would introduce an incongruous and visually harmful feature into the area which would be visible from the public domain in St Luke's Terrace as well as the School. These would appear quite different in scale and design to the type of fenestration present within the other dormers that can be seen from the same vantage points. Whilst some of the dormers that have been permitted are designed with a width that would infringe the terms of the SPG, they are generally more sympathetic in scale, size and design than would be the case with the appeal development. I consider that the height, the use of French doors and the bulk of the proposed dormer and its cladding, and having regard to its exposed and prominent position, are all factors that render the development unacceptable both insofar as its impact on the surrounding area is concerned as well its effect on the appearance and character of the host building.
11. Overall, I conclude that the harm that would be caused to the Conservation Area in terms of the failure of the development to preserve or enhance its character or appearance, together with the adverse effect the development would have on the setting of the listed building, are of such significance in the particular circumstances of this site that the proposal is unacceptable on this issue. The development would fail to comply with the guidelines set out in the SPG and would conflict with policies QD2, QD14, HE3 and HE6 of the local plan for the reasons I have given. The other material considerations that have been advanced in support of the development and which I have considered in full are insufficient in weight to overcome these conflicts and the harm that would be created in the ways I have described.
12. As to the front rooflight, I saw several examples of similar developments in Queens Park Terrace. Taking account of its proposed size, location<sup>4</sup> and design, I consider this element of the overall development to be acceptable. I also note that there would be no adverse impacts arising from the proposal in terms of any undue loss of amenity to the nearby and surrounding properties. The development complies with policy QD27 of the local plan in this respect. I have considered everything that has been put forward in support of the proposals but nothing is of sufficient weight for me to alter my conclusions above and the reasons for them.

*David Harmston*

Inspector

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<sup>3</sup> Rear dormers have been allowed on appeal at both Nos 13 and 15 Queens Park Terrace; Ref Nos: (APP/Q1445/A/06/2021602 and APP/Q1445/D/12/2186436).

<sup>4</sup> I note the Council's observations regarding the apparent discrepancy in the siting of the rooflight as shown on the plans. For the avoidance of doubt, I have taken its proposed position to be as shown on Drawing No P10.





## Costs Decision

Site visit made on 2 April 2013

by **David Harmston FRICS DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2013

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### **Costs application in relation to Appeal Ref: APP/Q1445/D/13/2192993 19 Queens Park Terrace, Brighton, East Sussex BN2 9YA**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr F Trewick for a full award of costs against Brighton & Hove City Council.
  - The appeal was made against a refusal of planning permission for a development described as 'loft conversion with box dormer to the rear elevation and roof light to the front elevation.'
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Circular 03/2009 (*Costs Awards in Appeals and other Planning Proceedings*) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant states that the unnecessary costs of the appeal have been incurred because of the unreasonable behaviour of the Council in the manner in which this matter was conducted. Particularly, the Council has acted inconsistently in the way it has dealt with various planning applications in Queens Park Terrace for the construction of rear dormers which do not comply with the guidance set out in its Supplementary Planning Guidance – *Roof Alterations and Extensions* (SPG).
4. Planning permission has been recently granted in the same street for a similar form of development to that proposed by the appeal which does not conform to the terms of the SPG. Nothing has changed in the meantime concerning policy either nationally or locally and the Council has not properly explained why a different decision has been taken in respect of the appeal proposal which should have been permitted. Although it has not been cited by the applicant, I take this application to be one made in the context of paragraphs B15 and B29 of Part B of the Circular.
5. The Council states that in determining the application at the appeal site it fully considered all the examples of other dormer-type developments within the area to which its attention was drawn. It assessed the proposal against the guidance set out in the SPG and it was found that there were various conflicts

therewith. Additionally the development would be in conflict with the National Planning Policy Framework which seeks to secure a high standard of design and level of amenity in all proposals. The appellant was advised at an early stage that the proposal was unlikely to be acceptable. The presence of the existing dormers elsewhere was taken into account in determining the application but these were different from the appeal proposals in a number of key respects.

6. As I have made clear in my decision, each case falls to be considered on its own planning merits. Although a material consideration, the Council is not bound by precedent. In any event there are a number of differences between the appeal proposals and the other examples of dormer-type development that have been referred to. The proposal does not conform to the guidelines set out in the SPG and the Council was fully entitled to reach the decision it did on the planning merits of the development. It had forewarned the appellant of its likely decision.
7. Paragraph B18 of Circular 03/2009 states that where the outcome of an appeal turns on matters of judgement concerning the character and appearance of a local area it is unlikely that costs will be awarded against a Local Planning Authority if realistic and specific evidence is provided about the consequences of a proposed development. I consider that the Council has complied with this requirement and fully demonstrated why the appeal development is unacceptable notwithstanding the presence of comparable forms of development within the neighbourhood to the site.
8. In summary, and based on all the circumstances of this case and the guidance set out in Circular 03/2009, I find that it has not been demonstrated that there has been any unreasonable behaviour on the part of the Council leading to any unnecessary or wasted expense by the appellant. I therefore refuse the application for an award of costs by the appellant.

*David Harmston*

Inspector



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# Appeal Decision

Site visit made on 20 February 2013

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 April 2013**

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**Appeal Ref: APP/Q1445/A/12/2184509**  
**13 Egremont Place, Brighton, BN2 0GA**

- 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 Southern Gas Network against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/01101, dated 12 April 2012, was refused by notice dated 30 August 2012.
  - The development proposed is replacement of gas supply pipes to front elevation.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The gas supply pipes which are the subject of this application have already been installed.

## Main Issue

3. The main issue is the effect of the gas supply pipes on the character and appearance of No 13 Egremont Place including whether the scheme preserves or enhances the character or appearance of the Queen's Park Conservation Area.

## Reasons

4. The property concerned is an attractive terraced house with three storeys above a basement on the western side of Egremont Place, a distinctive street characterised by narrow frontage terraced housing lining the pavement on both sides of the road. It leads up to Egremont Gate, an imposing entrance archway to Queen's Park, and forms an integral part of the designated Queen's Park Conservation Area (the Queen's Park CA).
5. No 13 was converted some time ago into three units of accommodation with two self contained flats at basement and second floor level and a maisonette at ground and first floor level. New gas supply pipes to the three properties have recently been installed. From meter boxes located at basement level under the front door stairs one pipe enters the basement flat and a second pipe passes around the side of the stairs to enter the maisonette just under the front door. A third pipe rises up alongside the flight of steps towards the front wall of the property where it links horizontally to a vertical pipe which

rises two floors up the front elevation of the property to one side of the bay window. Then between first and second floor level a lengthy horizontal connection takes the gas pipe into the second floor flat. The pipework is fixed in place by steel brackets and runs just in front of the wall.

6. The building forms part of a terrace of similar properties with three storey bay windows and painted render front elevations. Against this terrace façade the pipework on No 13 is a noticeable, intrusive and incongruous feature. The visual harm to the front elevation is increased by the angular joints, lateral pipes, awkward and prominent pipework alongside the flight of steps and utilitarian fixing brackets. Although the pipework is painted to match the colour of the front elevation this does little to mitigate the damaging effect caused to the appearance of the building.
7. The building occupies an important position within the Queen's Park CA which comprises both the park itself and the surrounding streets that form its setting. Egremont Place is a significant approach road to the park. The gas supply pipes on the front elevation of No 13 are damaging to the character and appearance of the building concerned, the street scene of which it forms a part and, due to its prominent location, the character and appearance of the conservation area as a whole.
8. The gas supply pipes therefore cause significant harm to the character and appearance of No 13 Egremont Place and would not preserve the character or appearance of the Queen's Park Conservation Area as a whole. This is in conflict with policies QD14 and HE6 of the Brighton and Hove Local Plan which require alterations to existing buildings to be well designed, sited and detailed and in conservation areas to show a high standard of design and detailing. There is also conflict with the Council's supplementary planning document "Architectural Features" which states gas pipes will not be permitted on visible street elevations in conservation areas. In relation to the policies in paragraphs 132 – 134 of the National Planning Policy Framework the proposal would amount to significant, but not substantial, harm to the conservation area, a designated heritage asset. In such circumstances the level of harm must be balanced against the public benefits of the scheme to reach a final conclusion.
9. The public benefit which is advanced in support of the scheme is that it ensures gas supplies to the properties concerned which otherwise would not be possible. If this is the case it would be an important benefit to weigh against the harm caused by the external gas pipes.
10. The appellant claims that under current gas safety regulations the only route to provide safe gas supplies to the properties is through the front elevation, and that new internal gas pipes would not meet the relevant regulations. However, there would appear to be similar properties along Egremont Place which are converted to flats but do not employ external gas pipes.
11. In the absence of a detailed definitive report from a qualified gas installation professional to include floor plans of the property and an assessment of the various alternative pipework options I do not find the appellant's case sufficiently conclusive on this matter. Without such evidence I am not persuaded that external gas pipes on the front elevation are absolutely necessary to deliver gas supplies to the properties. This factor does not

therefore outweigh the significant harm I have identified to the character and appearance of the building and the Queen's Park CA as a whole.

12. I have been advised of examples elsewhere in the country where vertical gas pipes have been disguised to give the appearance of rainwater downpipes which are a familiar feature on terraced housing. However, this would not disguise the horizontal connections and in this case the vertical gas pipe is quite close to an existing downpipe and near to a bay window where a further downpipe would appear out of place.
13. I have considered all the other arguments raised in favour of the scheme including internal gas pipes potentially disrupting internal structures such as floors and walls, the extra cost and inconvenience of internal works, the need for ventilation of the pipes and easier maintenance of external pipes. However, none of these arguments are of sufficient importance to outweigh the significant harm that would occur.

### **Conclusion**

14. For the above reasons I conclude that the appeal should be dismissed.

*David Reed*

**INSPECTOR**







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# Appeal Decision

Site visit made on 20 February 2013

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 April 2013**

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**Appeal Ref: APP/Q1445/A/12/2184516**  
**27 Egremont Place, Brighton, BN2 0GA**

- 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 Southern Gas Network against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/01110, dated 12 April 2012, was refused by notice dated 30 August 2012.
  - The development proposed is replacement of gas supply pipes to the front elevation.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The gas supply pipes which are the subject of this application have already been installed.

## Main Issue

3. The main issue is the effect of the gas supply pipes on the character and appearance of No 27 Egremont Place including whether the scheme preserves or enhances the character or appearance of the Queen's Park Conservation Area.

## Reasons

4. The property concerned is an attractive three storey terraced house on the western side of Egremont Place, a distinctive street characterised by narrow frontage terraced housing lining the pavement on both sides of the road. It leads up to Egremont Gate, an imposing entrance archway to Queen's Park, and forms an integral part of the designated Queen's Park Conservation Area (the Queen's Park CA).
5. No 27 was converted to three self contained flats many years ago. In the summer of 2011 a new gas main was installed in the street and as part of these works new gas supply pipes to the three flats were installed. This takes the form of a short yellow pipe emerging from the pavement which connects to a vertical one inch steel pipe which rises two floors up the front elevation of the property to one side of the central bay window. From the vertical pipe three short horizontal connections supply the three flats. The pipework is fixed in place by steel brackets and runs just in front of the wall.

6. The building forms an integral part of a continuous terrace of similar properties with two storey bay windows, painted render front elevations and a rusticated stucco effect at ground floor level. Against this regular terrace façade the pipework on No 27 is a noticeable, intrusive and incongruous feature. The visual harm to the front elevation is increased by the angular joints, short lateral pipes, awkward transition over the string course, angular support bracket at the base of the vertical pipe and utilitarian fixing brackets. Painting the pipework to match the colour of the front elevation would do little to mitigate the damaging effect caused to the appearance of the building. I recognise that there is similar pipework next door at No 28 which is immune from enforcement action but this is an isolated example and not an appropriate standard for external works to this attractive terrace.
7. The building occupies an important position within the Queen's Park CA which comprises both the park itself and the surrounding streets that form its setting. Egremont Place is a significant approach road to the park. The gas supply pipes on the front elevation of No 27 are damaging to the character and appearance of the building concerned, the street scene of which it forms a part and, due to its prominent location, the character and appearance of the conservation area as a whole.
8. The gas supply pipes therefore cause significant harm to the character and appearance of No 27 Egremont Place and would not preserve the character or appearance of the Queen's Park Conservation Area as a whole. This is in conflict with policies QD14 and HE6 of the Brighton and Hove Local Plan which require alterations to existing buildings to be well designed, sited and detailed and in conservation areas to show a high standard of design and detailing. There is also conflict with the Council's supplementary planning document "Architectural Features" which states gas pipes will not be permitted on visible street elevations in conservation areas. In relation to the policies in paragraphs 132 – 134 of the National Planning Policy Framework the proposal would amount to significant, but not substantial, harm to the conservation area, a designated heritage asset. In such circumstances the level of harm must be balanced against the public benefits of the scheme to reach a final conclusion.
9. The public benefit which is advanced in support of the scheme is that it ensures gas supplies to the three flats which otherwise would not be possible. If this is the case it would be an important benefit to weigh against the harm caused by the external gas pipes. However, there is conflicting evidence before me on this matter.
10. The appellant claims that under current gas safety regulations the only route to provide safe gas supplies to the three flats is through the front elevation, and that new internal gas pipes would not meet the relevant regulations. On the other hand evidence has been submitted by a resident of the adjacent property, No 26, which has also been converted into three flats, suggesting that such internal pipework is possible. Internal gas pipes were installed around the same time to serve the three flats in that property, presumably meeting the necessary regulations.
11. Given this conflicting evidence, in the absence of a detailed definitive report from a qualified gas installation professional to include floor plans of the property and an assessment of the various alternative pipework options I am not persuaded that external gas pipes on the front elevation are absolutely

necessary to deliver gas supplies to the three flats. This factor does not therefore outweigh the significant harm I have identified to the character and appearance of the building and the Queen's Park CA as a whole.

12. I have been advised of examples elsewhere in the country where vertical gas pipes have been disguised to give the appearance of rainwater downpipes which are a familiar feature on terraced housing. However, this would not disguise the horizontal connections and in this case the vertical gas pipe is very close to an existing downpipe and adjacent to a bay window where a further downpipe would appear out of place.
13. I have considered all the other arguments raised in favour of the scheme including internal gas pipes potentially breaking up historic features such as covings and skirtings, the extra cost and inconvenience of internal works, the need for ventilation of the pipes and easier maintenance of external pipes. However, none of these arguments are of sufficient importance to outweigh the significant harm that would occur.

### **Conclusion**

14. For the above reasons I conclude that the appeal should be dismissed.

*David Reed*

INSPECTOR





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# Appeal Decision

Site visit made on 3 April 2013

**by John D Allan BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 11 April 2013**

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## **Appeal Ref: APP/Q1445/D/13/2193015**

### **102A Hallyburton Road, Hove, East Sussex BN3 7GN**

- 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 Katherine Browne against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03898, dated 3 December 2012, was refused by notice dated 30 January 2013.
  - The development proposed is loft conversion with rooflight to side and dormer to rear.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matter**

2. I have taken the description from the decision notice and which was repeated on the appeal form as this more appropriately describes the development proposed.

### **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the area.

### **Reasons**

4. The appeal property is a 2-storey dwelling at the end of a short terrace built to the rear of properties fronting on to Hallyburton Road. The terrace backs onto a railway line at Portslade Station. As such, it can be seen from this publicly accessible space along the immediately adjoining platforms and especially from the elevated position of a pedestrian footbridge over the track. From these areas the uniformity and symmetry of this building appears as a noticeable contemporary feature in the surrounding townscape.
  5. The proposed dormer would sit uncomfortably close to the ridge tiles along the terrace's hip ended roof. In addition, whilst I accept that the dormer would be of reasonably small proportions, designed with a pitched roof and set centrally over a first floor window below, it would stand out as an obvious addition to the terrace that would break up the unity of its original design. In this regard the
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proposal would appear incongruous and harmful to the appearance of the terrace within its wider setting. This would be contrary to part a. of Policy QD14 *Extensions and alterations* of the Brighton & Hove Local Plan 2005, which requires alterations to existing buildings to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. It would also be contrary to a core planning principle of the National Planning Policy Framework 2012, which is to secure high quality design.

6. The appellant has drawn my attention to an example at 49B Jesmond Road where the Council recently gave planning permission for a side dormer (LPA Ref BH2011/03670). However, I do not know the precise details of that case and there is nothing to show that the circumstances are in any way comparable to the current appeal, which I have, in any case, determined on its own merits.
7. I understand the appellant's concern over the advice that was apparently offered to them by Council officers before the application was submitted. However, this is not directly relevant to the matter that is before me.

### **Conclusion**

8. For the reasons given, and having regard to all other matters raised, including some support from a neighbour, I conclude that the proposal would be harmful to the character and appearance of the area. Accordingly, the appeal is dismissed.

*John D Allan*

INSPECTOR



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# Appeal Decision

Site visit made on 3 April 2013

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 April 2013**

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## **Appeal Ref: APP/Q1445/D/13/2193094**

### **83 Pembroke Crescent, Hove, East Sussex BN3 5DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Braddick against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03555, dated 8 November 2012, was refused by notice dated 14 February 2013.
  - The development proposed is re-laying and extension of driveway.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for re-laying and extension of driveway at 83 Pembroke Crescent, Hove, East Sussex BN3 5DF in accordance with the terms of the application, Ref BH2012/03555, dated 8 November 2012, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at scale 1:1250 and drawing Ref: 7.

### **Preliminary Matter**

2. I have used the description as it appears on the decision notice but altered its wording slightly. This appropriately, but more succinctly describes the development compared with that used on the application form.

### **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the Pembroke and Princes Conservation Area.

### **Reasons**

4. The appeal property is a detached dwelling set within the Pembroke and Princes Conservation Area. It is proposed to re-lay an existing area of hardstanding in front of the dwelling and to extend it to one side into a fairly
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- shallow area of garden that projects towards a short stretch of the property's return frontage to Pembroke Gardens.
5. The Council is concerned that the extended area of hardstanding, and its use for car parking, would introduce an incongruous feature into the street scene and one that would erode the area's important sylvan character that is recognised within the Council's Conservation Area Character Statement as being determined by the streets' patterns and the green front gardens of the properties within it.
  6. Nevertheless, I saw that garden frontages varied considerably in depth within the area and that parking within some, where size allowed, was not altogether uncommon. In this case, the existing enclosure to the appeal property, which comprises a low wall with taller brick piers and close boarded fencing between, would be retained. Therefore, whilst I accept the Council's view that the existing hedgerow and planting around the perimeter of the proposed additional hardstanding may not always remain, I am not persuaded that a parked vehicle within this space would appear either out of character or particularly prominent within the street scene. In addition, a fairly large area of lawn and soft landscaping would be retained on the opposite side of the existing hardstanding, directly to the front of the dwelling.
  7. The Council has referred to their Supplementary Planning Document 09 (SPD) entitled *Architectural Features* (adopted in 2009) within the reason for refusal. However the SPD clearly states that it is intended to provide detailed policy guidance on the repair, restoration and enhancement of historic buildings being statutorily listed buildings; historic buildings that make a positive contribution to the character or appearance of conservation areas; historic buildings that make a positive contribution to the special historic interest of registered parks and gardens; and locally listed buildings. There is no suggestion that the appeal property satisfies any of these criteria and therefore I see no particular relevance to the SPD in this case.
  8. Overall therefore, for the reasons given I conclude that the proposal would not noticeably alter the established character or appearance of the conservation area, which would be preserved. In this regard there would be no conflict with the aims and objectives of either Policy QD14 *Extensions and alterations* or Policy HE6 *Development within or affecting the setting of conservation areas* of the Brighton & Hove Local Plan 2005. As such there would be no harm to the area's significance as a heritage asset and no conflict with the National Planning Policy Framework 2012 as it relates to conserving and enhancing the historic environment. Accordingly, and having regard to all other matters raised, the appeal is allowed.
  9. For the avoidance of doubt and in the interests of proper planning it is necessary to impose a condition requiring that the development is carried out in accordance with the approved plans.

*John D Allan*

INSPECTOR





## Appeal Decision

Site visit made on 26 March 2013

**by H Lock BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 April 2013**

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**Appeal Ref: APP/Q1445/A/12/2186924**

**93 Marine Drive, Rottingdean, Brighton, BN2 7GE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Garry Morse against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/00856, dated 20 March 2012, was refused by notice dated 7 September 2012.
  - The development proposed is the demolition of existing dwelling, double garage and concrete swimming pool. Erection of replacement dwelling and triple garage/cycle store.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene and the surrounding area.

### Reasons

3. The appeal site is prominently located in an elevated position above Marine Drive, overlooking the sea. The street scene contains a diverse mix of building styles, although the majority are of traditional design with pitched roofs. There are examples of contemporary buildings along the coastal road, but these are the exception. The existing dwelling is a detached two-storey house with loft room. Its height varies, with a lower annex to the main building and single storey elements. The dwelling sits between a three-storey block of flats and a single-storey dwelling with accommodation in its roof. The topography is such that despite the material difference in scale between the three buildings, their ridge heights are not markedly different, although the dwelling to be demolished is the highest.
  4. Despite the change in levels across the site, the proposed dwelling would appear evidently three-storey in wider views from Marine Drive, with a uniform height across much of the width of the site. Whilst Policy QD1 of the Brighton & Hove Local Plan 2005 (LP) encourages innovative and distinctive design, the scale and height of the proposed dwelling would appear excessive and unacceptably dominant in this prominent location. In contrast to the varied
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eaves and ridge heights of the existing and other dwellings in the vicinity, the proposal would maintain a uniform height. Although lower in height than the existing dwelling, the roof form would result in a dwelling of significant mass and bulk at the upper floors. The extensive glazing and recessed upper floors would in part reduce the solidity of the building, but this would not be sufficient to conceal its overall mass and size, and it would appear incongruous in the context of nearby buildings and the street scene. Any benefit created by a reduction in width of building on the site would be offset by the significant increase in volume.

5. Although the principle of three-storey development is accepted in the vicinity, due to the design and form of the building it would appear excessive for the site in the context of the other dwellings in the vicinity, and would be unacceptably intrusive at this prominent and highly visible site. This would conflict with the aims of LP Policy QD2, in that the proposal would not take account of the height, scale, bulk and design of existing buildings and the impact on the skyline. It would not represent an intensity of development appropriate to the locality and/or prevailing townscape, contrary to LP Policy QD3.
6. I have had regard to the sustainable location of the site and the sustainability merits of the proposed construction, but these would not outweigh the identified harm to the street scene, and would not justify a development of the scale and impact proposed.
7. I therefore conclude that the proposal would be harmful to the character and appearance of the street scene and the wider area, in conflict with LP Policies QD1, QD2, QD3 and QD5, which requires new development to present an interesting and attractive frontage. Although these policies predate the publication of the National Planning Policy Framework, they are broadly consistent with that document, and I therefore accord them appropriate weight.

### **Other Matters**

8. Representations have been made regarding the impact of the proposal on light and outlook to neighbouring properties, and on highway safety. I reach the same conclusions as the Council, that the proposal would not give rise to a significant level of additional loss of light or overshadowing to adjoining properties.
9. I note that the highway authority raised no objections to the proposal. Given the existing access arrangements, and in the absence of any technical evidence to the contrary, I conclude that the proposal would not adversely affect highway safety.
10. I acknowledge that the appellant entered into pre-application discussions with the Council, but this does not address the identified harm in this case.

### **Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*Hilary Lock*

INSPECTOR



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# Appeal Decision

Site visit made on 3 April 2013

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 April 2013**

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## **Appeal Ref: APP/Q1445/D/13/2190983**

### **19 Elvin Crescent, Rottingdean, Brighton BN2 7FF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Paul & Donna Stevenson against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03536, dated 7 November 2012, was refused by notice dated 14 January 2013.
  - The development proposed is first floor roof extension.
- 

### **Application for Costs**

1. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

### **Decision**

2. The appeal is dismissed.

### **Preliminary Matter**

3. The application plans show that an existing hipped roof would be extended to the side of the appeal property to form what has been described as a 'barn hip roof' and that dormers would be added to the front and rear roof slopes. However, the extensions to the side and rear have been annotated as works constituting permitted development and it was made clear that those elements did not form part of the original application proposal. This was accepted by the Council and is reflected in the officer's report and within their decision notice. I have therefore considered the appeal on this same basis.

### **Main Issue**

4. The main issue is the effect of the proposed front dormer on the character and appearance of the area.

### **Reasons**

5. The appeal property is a semi-detached bungalow set within a wider residential estate. Within Elvin Crescent there are other similar properties where front dormers of varying sizes and designs have been added. In some instances I saw that there were balanced additions to each pair of properties and in others
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- the additions had occurred to just one of the dwellings. However some alterations had been more successfully assimilated into the street scene than others. As such, I do not take the presence of other front dormers in the area to suggest that any such further alterations are necessarily acceptable, particularly having regard to the clear guidance that is offered by the Council on this matter in their approved Supplementary Planning Guidance Note 1 (SPG) entitled *Roof Alterations & Extensions* which was adopted in 1999.
6. The SPG states that roof extensions, including dormers, must respect and relate to the particular character of the building and that in areas where there are uniform groups of buildings, front dormers will not be permitted. It goes on to say that the presence of a small number of inappropriate roof alterations in the street will not be accepted as evidence of an established precedent or that where a group was originally designed without roof extensions or dormers, but over the years a majority of the buildings now have them, new extensions and dormers may be acceptable, provided that the new dormers conform to certain design criteria.
  7. Notwithstanding the additions that have occurred to some dwellings in the locality where the symmetry of some pairs of dwellings have been altered, by far the majority of dwellings do not have forward facing dormers. Indeed the appellants' own evidence points to the fact that only 7 out of the 26 pairs of dwellings in Elvin Crescent have dormers overlooking the street. In the nearby cases that do, the Council's officer's report identifies that these pre-date the SPG and current development plan.
  8. In this case, whilst the dormer would be positioned over a main ground floor window, it would be set close to the party wall with the attached neighbour and with a ridge that would match the ridge height of the main dwelling. In addition, the window casement would be surrounded on 3 sides by some substantial areas of tile cladding. As such, I find that, despite the set-back from the eaves line, its proportions would appear overly large and uncomfortable within the roofslope, particularly also having regard to the close relationship it would have with the hipped roof over the property's forward projecting wing. In this regard its size and appearance would fail to follow the detailed design criteria contained within the Council's SPG.
  9. Although the other proposed works to the side of the appeal property may restore some balance to this semi-detached pair of dwellings, owing to the roof alterations that have been undertaken to the side of No 17, the dormer would introduce a dominant feature that would noticeably affect the building's symmetry. This further adds to my overall concern that the front dormer would be inappropriately designed, sited and detailed in relation to the existing property and that it would appear materially harmful to the character of the street scene. It would therefore conflict with the aims and objectives of Policies QD1 *Design - quality of development and design statements*, QD2 *Design - key principles for neighbourhoods* and QD14 *Extensions and alterations* of the Brighton & Hove Local Plan 2005, as well as a core principle of the National Planning Policy Framework 2012, which is to seek high quality design.
  10. The appellants have drawn my attention to two examples in the locality which they consider to be similar to the appeal proposal. The first relates to a

planning permission given in June 2012 for a front dormer to 25 Elvin Crescent (LPA Ref BH2012/01256). However, the Council has confirmed that in that case the permission was given only on the basis that the dormer would rebalance the semi-detached pair owing to an identical dormer that existed on the attached neighbour at No 27. The approach the Council took in that case was broadly consistent with advice within the SPG. In the other case, at 55 Meadow Close, planning permission was given on appeal in September 2012 for a street facing dormer (PINS Ref APP/Q1445/D/12/2181595). However, I have been given no precise details of that case, either in terms of the evidence that was presented to the Inspector, the size, design and setting of the dwelling, or the size and design of the proposed dormer. Therefore I am not persuaded that the circumstances in either of these cases are identical to those that are relevant to this appeal, which in any event I have considered on its own merits.

### **Conclusion**

11. For the reasons given, I conclude that the proposed front dormer would be harmful to the character and appearance of the area. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

*John D Allan*

INSPECTOR





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## Costs Decision

Site visit made on 3 April 2013

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 April 2013**

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### **Costs application in relation to Appeal Ref: APP/Q1445/D/13/2190983 Land at 19 Elvin Crescent, Rottingdean, Brighton BN2 7FF**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr & Mrs Paul & Donna Stevenson for a full award of costs against Brighton & Hove City Council.
  - The appeal was made against the refusal of planning permission for first floor roof extension.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
  3. The applicants argue that the Council's decision was unreasonably delayed. Whilst I note that the planning application was not determined within the statutory 8 week period the decision was issued just a short time later. There is nothing to suggest that this minor delay had any influence upon the decision that was taken, which involved matters of judgement relating to the impact of the development upon the character and appearance of the area.
  4. The Council's decision was adequately framed and properly supported by 3 relevant policies of the Brighton & Hove Local Plan 2005, all of which refer to design criteria and key principles. It was also based upon an adopted Supplementary Planning Guidance Note 1 entitled *Roof Alterations & Extensions*, which gives clear guidance on such matters, including situations where other roof alterations may already exist within otherwise uniform groups of dwellings.
  5. The applicants have further argued that the Council failed to properly take account of changing circumstances, particularly with regard to other decisions that had been taken for, what they consider to be, similar proposals within the area. However, in my decision on the appeal I have found that there is no
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clearly identified link between the current proposal and the circumstances of the 2 specific cases upon which the applicants rely. Indeed, the Council's officer's report directly deals with the case at 25 Elvin Crescent (LPA Ref BH2012/01256). With regard to the second example, this relates to an appeal decision (PINS Ref APP/Q1445/D/12/2181595) for a property in a different street. I therefore find it unsurprising that the Council did not refer to it in their deliberations on the planning application.

6. Based on my conclusions in relation to the appeal the Council did not prevent or delay development which should clearly have been permitted having regard to the development plan, national policy and all other material considerations.
7. Overall therefore I find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated.

*John D Allan*

INSPECTOR





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# Appeal Decision

Site visit made on 9 April 2013

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 April 2013

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## **Appeal Ref: APP/Q1445/A/12/2187827**

### **126A Western Road, Brighton, East Sussex, BN1 2AD.**

- 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 Goodwood Investments Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2012/01918, dated 20 June 2012, was refused by notice dated 30 August 2012.
  - The development proposed is described as the replacement of windows on front elevation on 1<sup>st</sup> and 2<sup>nd</sup> floors.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. I consider the main issue to be the effect of the replacement windows on the host building and thereby whether they would serve to preserve or enhance the character or appearance of the Montpelier and Clifton Hill Conservation Area.

### **Reasons**

3. The property the subject of this appeal, located in the Montpelier and Clifton Hill Conservation Area, is a first and second floor maisonette over a lettings agent on the ground floor within a terrace of similar 19<sup>th</sup> century properties on the north side of Western Road. It is one of a central group of five buildings, characterised by their stucco finish and canted bays at first and second floor level, within an overall terrace of eight. I saw that the majority of the timber sash windows to the first and second floor bays have previously been replaced by windows of a variety of materials and opening configurations.
  4. uPVC casements, both fixed and opening lights, have been installed here. Due to the windows' casement and opening light design, they fail to reflect the style or elegance of traditional timber sliding sash windows. Further, the frames do not have the depth or mouldings of traditional timber frames and their finish is also quite different to painted timber. For all these reasons, the uPVC windows detract significantly from the architectural integrity of the host building and,
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thereby, the appearance of this late 19<sup>th</sup> Century building standing in the Montpelier and Clifton Hill Conservation Area.

5. I note the appellant's contention that the replacement windows are of the same design with equally thick frames as those they replace. Even if this is so, the new windows have been fabricated in uPVC and not painted timber and therefore as well as not being a like for like replacement appear very different. Accordingly, they materially affect the external appearance of the building.
6. I appreciate that there is no standard opening pattern to the windows in the neighbouring bays. However, the mismatch of materials and design of windows to the properties has led to the poor visual state of the central properties in the terrace. Furthermore, the existence of poorly designed and unattractive replacement windows to neighbouring properties, none of which I understand from the Council have the benefit of planning permission, is not an appropriate justification for permitting more here.
7. I am aware of the benefits that double glazed uPVC windows may have in terms of energy efficiency and improved sound proofing particularly in this busy urban location. There are, however, ways of improving the performance of traditional timber windows without undermining their appearance or contribution to the character of a building.
8. I therefore conclude that the uPVC windows installed at 126A Western Road are visually and architecturally unacceptable, and to retain them would be to disregard the duties imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance in the National Planning Policy Framework along with Policies QD14 and HE6 of the Brighton and Hove Local Plan as they relate to the quality of design and preservation or enhancement of the character or appearance of conservation areas.

### **Conclusions**

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Philip Willmer*

INSPECTOR

### NEW APPEALS RECEIVED

**WARD**

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**EAST BRIGHTON**

BH2012/03491

68A St Georges Road, Brighton

Demolition of existing building and roof covering over site and erection of 3no three bedroom houses with associated alterations.

APPEAL LODGED

08/04/2013

Delegated

**WARD**

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**QUEEN'S PARK**

BH2012/03157

Flat 37, The Van Alen Building, 24-30 Marine Parade, Brighton

Erection of single storey side extension over existing terrace.

APPEAL LODGED

11/04/2013

Planning (Applications) Committee

**WARD**

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**HANGLETON & KNOLL**

BH2012/04009

The Grenadier, 200 Hangleton Road, Hove

Display of internally illuminated totem sign.

APPEAL LODGED

09/04/2013

Delegated

**WARD**

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**WISH**

BH2012/03150

49 Glebe Villas, Hove

Erection of single storey rear extension and first floor side extension.

APPEAL LODGED

10/04/2013

Delegated

**WARD**  
**APPLICATION NUMBER**  
**ADDRESS**  
  
**DEVELOPMENT DESCRIPTION**  
  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**ROTTINGDEAN COASTAL**  
BH2012/02883  
4 Tudor Close, Dean Court Road, Rottingdean Brighton  
Replacing existing brick external access steps and hard standing to front door with Victorian reclaimed brick steps and hard standing.  
APPEAL LODGED  
12/04/2013  
Planning Committee

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**WARD**  
**APPLICATION NUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**  
  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**ROTTINGDEAN COASTAL**  
BH2012/03222  
5 Roedean Heights, Brighton  
Demolition of existing house and construction of 7 residential apartments with new access from Roedean Road.  
APPEAL LODGED  
15/04/2013

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**WARD**  
**APPLICATION NUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**  
  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**EAST BRIGHTON**  
BH2012/03611  
4 Bennett Road, Brighton  
Formation of enlarged rear porch to replace existing incorporating external steps and timber decking (Retrospective).  
APPEAL LODGED  
17/04/2013  
Delegated

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**WARD**  
**APPLICATION NUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**  
  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**HANGLETON & KNOLL**  
BH2012/03925  
81 Hangleton Way, Hove  
Conversion and enlargement of garage to form habitable accommodation including link extension to existing house.  
APPEAL LODGED  
16/04/2013  
Delegated

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**WARD**  
**APPLICATION NUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**  
  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**ROTTINGDEAN COASTAL**  
BH2012/03540  
43 Ainsworth Avenue, Brighton  
Installation of timber gates with associated alterations to front boundary wall. (Part-Retrospective)  
APPEAL LODGED  
18/04/2013  
Delegated

**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****EAST BRIGHTON**

BH2012/03360

8 Chesham Road, Brighton

Conversion of rear pitched roof to mansard roof and new dormer to front. Alterations to front and rear elevations.

APPEAL LODGED

19/04/2013

Delegated

**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2012/04088

15 The Beeches, Brighton

Erection of single storey side extension incorporating conversion of existing garage.

APPEAL LODGED

22/04/2013

Delegated

**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WISH**

BH2012/03352

181 Portland Road, Hove

Change of use of ground floor from office (B1) to restaurant (A3) to form extension to existing restaurant at 179 Portland Road.

APPEAL LODGED

23/04/2013

Delegated





**Brighton & Hove  
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES  
15 MAY 2013**

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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**115 Carden Hill, Brighton**

Planning application no: BH2011/0159 (Enforcement)  
Description: Hardstanding at front of property  
Decision: Enforcement  
Type of appeal: Hearing  
Date: 6<sup>th</sup> August 2013  
Location: Hove Town Hall





### Information on Pre-application Presentations and Requests

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
17 March 2010	<b>Former Nurses Accommodation,</b> Brighton General Hospital	Hanover & Elm Grove	Demolition of the former nurses accommodation buildings and the construction of three residential apartment blocks comprising 95 units and a 105 square metre community facility with associated car parking and landscaping.
27 April 2010	<b>Open Market</b>	St Peter's & North Laine	Proposed replacement, covered market, 87 affordable housing units, 12 x B1 workshops and public realm improvements.
29 June 2010	<b>Former Royal Alexandra Children's Hospital,</b> Dyke Road, Brighton	Regency	<i>A) Conversion scheme</i> Conversion of a retained main building to provide 118 units. The scheme is 100% private housing and does not include provision of a GP surgery. <i>B) New building scheme</i> Demolition of all existing buildings with a new development comprising 136 units with 54 affordable units (40%) and a GP surgery.
20 July 2010	<b>The Keep,</b> Wollards Field, Lewes Road, Brighton	Moulsecoomb & Bevendean	A new historical resource centre for East Sussex, Brighton & Hove.
10 August 2010	<b>Former Sackville Hotel,</b> Kingsway, Hove	Westbourne	Construction of 47 flats (mix of 1, 2, 3, & 4 bed units) within 6 to 9 floor building, and to incorporate basement parking of 49 spaces, and 2 spaces at ground floor level.
21 September 2010	3Ts	East Brighton	3T's (teaching, tertiary & trauma). Comprehensive redevelopment of southern half of RSCH on Eastern Road to provide replacement modern clinical facilities over three phases.

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

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
14 December 2010	<b>Brighton Station, Block J</b>	St Peters & North Laine	Proposed mixed use scheme comprising 3500 sq m B1 commercial office space, 147 residential units, 3* hotel in buildings of between 5-8 storeys, provision of civic square, Southern SNCI, and 250 sq m A1 retail / A3 café
11 January 2011	<b>Park House</b>	Hove Park Ward	Demolition of former residential language school buildings and the residential redevelopment of the site by way of flats in buildings of between 4 and 5 storeys.
15 March 2011	<b>Anston House, 137-147 Preston Road</b>	Preston Park	Demolition of existing building and proposed mixed scheme. Exact details of the scheme are not finalised. The presentation is to show Cllrs the concept of the scheme and how they have come to the point that they are now at.
15 July 2011	3Ts	East Brighton	3T's (teaching, tertiary & trauma). Comprehensive redevelopment of southern half of RSCH on Eastern Road to provide replacement modern clinical facilities over three phases and erection of a helipad on top of the Thomas Kemp Tower.
20 September 2011	<b>Ice Rink &amp; No.11 Queens Square</b>	St Peter's & North Laine	Demolition of former ice rink and no.11 Queens Square and erection of 5-6 storey building to provide ApartHotel (58 serviced apartments) with associated restaurant/café and alterations to public realm.
22 November 2011	<b>Park House</b>	Hove Park	Demolition of former residential language school buildings and the residential redevelopment of the site by way of flats in buildings of between 4 and 5 storeys.

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
21 February	<b>Anston House, 137-139 Preston Road, Brighton</b>	Preston Park	Demolition of existing building and proposed mixed scheme. Exact details of the scheme are not finalised. The presentation is to show Cllrs the concept of the scheme and how they have come to the point that they are now at.
24 April 2012	<b>PortZed, 9-16 Aldrington Basin, Land south of Kingsway, Basin Road North, Portslade</b>	Wish	Demolition of business unit to east of Magnet showroom. Erection of new five and a half storey building at Kingsway level and a further one and half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises with associated new access and car parking at Kingsway level and 52 residential units in 6 blocks.
15 May 2012	<b>1. Brighton Station, Block J</b>  <b>2. Woolards Field, Lewes Road</b>	1. St Peters & North Laine  2. Moulsecomb & Bevendean	1. The commercial and residential blocks will be developed separately. An amended 6/8 storey mixed use commercial building, plus basement, comprising hotel, office and retail uses, is proposed at the southern end of the site.  2. A 1-3 storey building to be used as a make ready ambulance centre including cleaning, maintenance and preparation of ambulances with office, staff facilities, training and education facilities. Associated landscaping car parking (158 spaces) and cycle parking.
28 August 2012	<b>Infinity Foods, Norway Street</b>	South Portslade	An office block (Class B1) of 743sqm, served by 15 parking spaces accessed from Franklin Street to the north of the site. 1 2, 3 and 4 bed dwellings including 12 affordable housing units served by 50 parking

			spaces access from Norway Street and Franklin Road.
09 October 2012	<p><b>1. Hannington Lane</b></p> <p><b>2. Brighton Square</b></p>	<p>1. Regency</p> <p>2. Regency</p>	<p>1. Creation of new retail shopping lane behind the former Hanningtons Store connecting Meeting House Lane with Brighton Place, with new links to North St and Brighton Square. Accommodation comprising 9 new residential units (approx 900 sqm) and office accommodation (approx 520 sqm) over 21 new/refurbished/extended retail units (A1/A3 mix TBA) (approx 1,300 sqm). Please note that approximately half of the retail area is to be within existing building envelopes. Relocation of sub-station.</p> <p>2. Remodelling facades of Brighton Square. New 50 bedroom hotel and reception (approx 1,500sqm) fronting Brighton Place with rooftop café/restaurant (approx 75sqm) and roof terrace and 5 new residential units (approx 500 sqm), office accommodation (approx 300 sqm) over 7 new/refurbished/extended retail units (A1/A3 mix TBA) (approx 300 sqm).</p>
30 October 2012	<p><b>Brighton &amp; Hove Bus Depot, Industrial House, Gill House, Tecore House &amp; The Builder Centre all on Conway Street, Units 1 – 3 Ellen Street &amp; The Agora, Ellen Street</b></p>	Goldsmid	<p>Demolition of all buildings expect for The Agora, Ellen Street. Redevelopment of the site to comprise the following: A1 retail unit (food) of 3,716 square metres and an A1 retail unit (non food) of 4,650 square metres; 4 No. A1 (non food) retail units (but could also be A3/A4 restaurant/bar uses) totalling 1,716 square metres; 8 No. A3/A4 restaurants/bars totalling 2730 square metres; Exhibition space 232 metres; B1 office units totalling 8,820 square metres; 9 screen D2 cinema of</p>

			3,875 square metres. 400 Residential units to be mainly provided at upper levels including 5 tower blocks ranging in height of between 10 and 25 storeys. Car parking for 800 vehicles.
20 November 2012	<b>City College, Pelham Street</b>	St Peters & North Laine	Demolition of all buildings. Redevelopment of the site to provide a 11,800 sqm educational building, a building accommodating 501 student units, 22 townhouses, two buildings containing 72 residential flats and a public square.



**PLANS LIST 15 MAY 2013****BRIGHTON & HOVE CITY COUNCIL  
LIST OF APPLICATIONS DETERMINED BY THE HEAD OF PLANNING &  
PUBLIC PROTECTION UNDER DELEGATED POWERS OR IN  
IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION****PATCHAM****BH2012/03887****Mill House Overhill Drive Brighton**

Erection of single storey extension and detached garage to North West, roof alterations including removal of chimney and associated works.

**Applicant:** Mr Alan Maysey

**Officer:** Anthony Foster 294495

**Approved on 23/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Location Plan	2.03	A	5/12/2012
Existing Plans, Section and Elevations	1.02		5/12/2012
Plans & Elevations as Proposed	2.01	C	5/12/2012
Site Layout as Proposed	2.02	A	5/12/2012

**BH2012/03963****Mill House Overhill Drive Brighton**

Installation of 2no automated gates, brick boundary wall and new timber fencing and lighting to existing perimeter footpath.

**Applicant:** Mr Alan Maysey

**Officer:** Anthony Foster 294495

**Approved on 18/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Topographical Survey & 1:1250 Location Plan	1.01		19/12/2012
Entrance Gates as Proposed	2.04	B	20/12/2012
Entrance Gates as Proposed Boundary fence Elevations	2.05		0/12/2012

**BH2013/00130**

**111 Carden Hill Brighton**

Installation of UPVC window and door to Eastern elevation. (Retrospective)

**Applicant:** The Dolphin Connection

**Officer:** Robin K Hodgetts 292366

**Approved on 11/04/13 DELEGATED**

**1) BH02.05**

The first floor bedroom window in the side elevation hereby permitted shall not be glazed otherwise than with obscured glass and permanently retained as such.

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

**BH2013/00183**

**44 Highview Avenue South Brighton BN1 8WQ**

Installation of 8no photovoltaic panels to front roof slope.

**Applicant:** Michael Walker

**Officer:** Wayne Nee 292132

**Approved on 04/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Panel specification			05 February 2013
Site plan	CH451/001	C	21 January 2013
Existing elevations	CH451/009	A	07 February 2013
Proposed elevations	CH451/015	A	05 February 2013
Roof plan	CH451/013	A	05 February 2013

**BH2013/00266**

**13 Singleton Road Brighton**

Erection of single storey side extension.

**Applicant:** Rose Ashley

**Officer:** Pete Campbell 292359

**Approved on 24/04/13 DELEGATED**

Report from: 04/04/2013 to: 24/04/2013



### 1) BH01.01

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

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

### 2) BH03.03

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

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

### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location plan, block plan, Existing and proposed plans			05/04/2013

## **BH2013/00287**

### **The Priory London Road Brighton**

Application to extend time limit for implementation of previous approval BH2009/00058 for roof extension to blocks C and D to provide 4x3 bedroom flats, each with own roof garden, and a cycle store.

**Applicant:** Anstone Properties Ltd

**Officer:** Liz Arnold 291709

### **Approved on 11/04/13 PLANNING COMMITTEE**

#### 1) UNI

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

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

#### 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site and Location Plans	A1008/01	Revision B	23/07/2009
Proposed 4th Floor Plan & East Elevation Blocks C & D	A1008/02	Revision D	23/07/2009
Proposed Elevations Blocks C & D	A1008/03	Revision C	23/07/2009
Existing Floor Plans	A1008/05		13/01/2009
Existing Elevations Blocks C & D	A1008/08		13/01/2009

#### 3) UNI

Access to the part of the flat roof to the original building to the north-east of the roof extension, as marked on drawing no. A1008/02D, shall be for maintenance purposes only and the area shall not be used as a roof garden, terrace, patio or similar amenity space.

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

#### **4) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

#### **5) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, construction work on block D shall not be carried out outside the period 1st September to 1st November in any year.

*Reason: To ensure the protection of the Bat roost and to comply with policy QD18 of the Brighton & Hove Local Plan.*

#### **6) UNI**

The flight corridor of the bats into the roost located on block D and to nearby trees as shown in figure 4 of the bat assessment report dated January 2009 by the Ash partnership, shall be kept clear of all obstructions, including construction equipment, from sunset to sunrise for the duration of the construction period.

*Reason: To ensure the protection of the any Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.*

#### **7) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **8) UNI**

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

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

#### **9) UNI**

No development shall commence until an up-to-date bat assessment survey of the site has been submitted to and approved in writing by the Local Planning Authority. Any measures required to ensure that the development effectively mitigates for bats shall be implemented in full.

*Reason: To ensure the protection of the any Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.*

#### **10) UNI**

No development shall commence until details of bat boxes to be installed in the development and on the trees on the site have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed prior to the first occupation of the development and shall be retained as such.

*Reason: To ensure the protection of the any Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.*

### **11) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

### **12) UNI**

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

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

### **13) UNI**

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

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

## **BH2013/00430**

### **14 Brangwyn Drive Brighton**

Certificate of Lawfulness for proposed erection of single storey extension.

**Applicant:** Mr Joe Anderson

**Officer:** Andrew Huntley 292321

**Refused on 08/04/13 DELEGATED**

### **1) UNI**

The proposed addition would be within 2m of the boundary and have an eaves height in excess of 3m. In addition the proposal is a two-storey side extension and the height of the proposal is greater than 4m. As such, the proposal is not permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

## **BH2013/00476**

### **25 Mackie Avenue Brighton**

Erection of single storey extensions to side and rear.

**Applicant:** Mr & Mrs Dave Mann

**Officer:** Chris Swain 292178

**Approved on 11/04/13 DELEGATED**

### 1) BH01.01

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

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

### 2) BH03.03

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

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

### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing site and block plan	1213/100		14 February 2013
Existing plans	1213/101		14 February 2013
Existing elevations	1213/102		14 February 2013
Proposed site and block plan	1213/300	A	25 February 2013
Proposed plans	1213/301	B	26 March 2013
Proposed elevations	1213/302	B	26 March 2013

### **BH2013/00492**

#### **16 Beechwood Close Brighton**

Erection of rear conservatory extension and balcony with steps to garden.

**Applicant:** Mr & Mrs L Gill

**Officer:** Pete Campbell 292359

**Refused on 12/04/13 DELEGATED**

#### 1) UNI

The proposed development by virtue of the height, length and position of the conservatory, in close proximity to the east boundary of the plot and the neighbouring property of no.17 Beechwood Close, presents an imposing addition, which would cause a loss of outlook and light to the neighbouring property's living room and create an increased sense of enclosure from within the neighbour's rear garden space. The proposal would cause harm to the residential amenity of the neighbouring occupants who reside at no.17, and is therefore contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

#### 2) UNI2

The proposed development by virtue of its scale, poor design and detailing fails to integrate successfully as a subservient addition. As a consequence the development would have a significantly detrimental impact upon the character and visual appearance of the host building, contrary to policy QD14 of the Brighton & Hove Local Plan 2005.

### **BH2013/00632**

#### **31A Warmdene Road Brighton**

Installation of rooflight to side roofslope and obscured window to side elevation (Retrospective).

**Applicant:** Mr James Boys

**Officer:** Sonia Gillam 292265

**Approved on 10/04/13 DELEGATED**

#### 1) UNI

The window in the northern elevation shall not be glazed otherwise than with

obscured glass and thereafter permanently retained as such.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Pre-existing Plans, Section and Elevation	01		27/02/13
As-existing Plans, Section and Elevation	02		27/02/13
Location Plan and Block Plan			27/02/13

## **2) UNI**

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

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

### **BH2013/00684**

#### **Site adjacent to 81 Carden Hill Brighton**

Application for approval of details reserved by condition 6 of application BH2010/01177.

**Applicant:** Mr Nick Wells

**Officer:** Sue Dubberley 293817

**Approved on 15/04/13 DELEGATED**

## **PRESTON PARK**

### **BH2012/00223**

#### **Windlesham School 180 Dyke Road Brighton**

Proposed permanent use of the existing single storey building (approved under planning permission ref BH2009/00509) as a classroom. (Amended description to clarify that the proposal relates solely to the use of the building. The building itself has planning permission BH2009/00509 only granted temp use as a classroom)

**Applicant:** Windlesham School

**Officer:** Anthony Foster 294495

**Finally Disposed of on 22/04/13 DELEGATED**

### **BH2012/03083**

#### **14 Lucerne Road Brighton**

Replacement of existing front and side boundary fence with rendered wall and piers with metal railings.

**Applicant:** Ms Rosaleen Cunningham

**Officer:** Pete Campbell 292359

**Approved on 17/04/13 DELEGATED**

#### **1) BH01.01**

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

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

## **2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			26/09/2012
Block plan			26/09/2012
Existing floor plans			03/01/2013
Existing elevations	1/6		15/03/2013
Proposed elevations	2/6		15/03/2013
Details of proposed railings	3/6		15/03/2013
Details of proposed pier caps	4/6		15/03/2013
Details of proposed gate design	5/6		15/03/2013
Spear point detail			

### 3) UNI

The railings and gate hereby approved, as shown on the approved plans shall be constructed of metal and painted black and shall be retained as such.

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

### 4) UNI

The walls shall be smooth rendered in a cement/lime/sand render mix down to ground level and the render work shall not use metal or plastic expansion joints, corner or edge render beads or bell-mouth drips and shall be painted in a smooth masonry paint to match the original building, and shall be retained as such.

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

### 5) UNI

The front boundary wall hereby approved shall have a smooth rounded cap moulding, and shall be retained as such.

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

## **BH2012/03484**

### **Eastwoods 251-253 Ditchling Road Brighton**

Application for removal of pre-occupation conditions 13, 15 & 17 of application BH2011/03490, (Erection of 8no four bedroom and 1no five bedroom terraced houses with associated parking, part retrospective). Condition 13 requires approval of a scheme for the removal/covering of the plastic expansion joints. Condition 15 requires a final/post construction code certificate from an accreditation body confirming that each unit achieved a code for sustainable homes rating of code level 3. Condition 17 requires approval of a landscaping scheme, including hard surfacing, means of enclosure, planting and details of tree and hedgerow retention and protection.

**Applicant:** Cook Brighton Ltd

**Officer:** Anthony Foster 294495

**Approved on 23/04/13 DELEGATED**

### 1) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed site plan	3366.PL.01	B	12.06.12
Proposed ground floor plans	3366.PL.02	A	27.01.12
Proposed first and second floor plans	3366.PL.03		08.12.11
Proposed elevations	3366.PL.04	A	27.01.12

Lifetime homes site plan	3366.PL.05		27.01.12
Lifetime homes typical floor plans	3366.PL.06		27.01.12
Landscaping and Planting	3366.PL.07		27.01.12
Rear elevation of boundary wall	3366.PL.08		27.01.12
Drainage Layout	51	C	02.02.12
Drainage Details	52		14.11.11
Previously approved proposed site plan	667401	F	08.12.11
Previously approved proposed floor plans	667402	D	08.12.11
Previously approved proposed elevations and sections	667403	E	08.12.11
Previously approved proposed site section	667404	A	08.12.11
Previously approved proposed elevations	ARA L03	B	08.12.11
Previously approved proposed elevations	Unreferenced		08.12.11
Previously approved proposed house type 2	ARA L05	B	08.12.11

## 2) UNI

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved and be retained a such thereafter.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

## 3) UNI

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

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

## 4) UNI

1st floor window to the northern projection of unit 9 (bedroom 4) shall not be glazed otherwise than with obscured glass, fixed shut and thereafter permanently be retained as such.

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

## 5) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

## **6) UNI**

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

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

## **7) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an EPC Certificate indicating an Energy Efficiency Rating of "B" has been submitted to, and approved in writing by, the Local Planning Authority.

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

## **8) UNI**

All new windows in the development hereby approved shall be painted softwood and shall be retained as such.

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

## **9) UNI**

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

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

## **10) UNI**

The development hereby approved shall be carried out in strict accordance with the scheme for secure cycle storage approved under application BH2011/03490 on 18/02/2012. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

## **11) UNI**

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.*

## **12) UNI**

The development hereby approved shall be carried out in strict accordance with the details for the construction of the access road and parking area approved under application BH2011/03490 on 18/02/2012. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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



### **13) UNI**

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

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

### **BH2013/00160**

#### **29 Dyke Road Drive Brighton**

Enlargement of existing raised terrace and erection of trellis fencing (Retrospective).

**Applicant:** Sarah Lacey

**Officer:** Chris Swain 292178

**Refused on 18/04/13 DELEGATED**

#### **1) UNI**

The raised terrace area, due to its elevated position, results in significant overlooking and loss of privacy towards the adjoining properties (No.28 and No.30 Dyke Road Drive) and their respective private gardens to the detriment of the residential amenity of the occupiers of these dwellings. This harmful impact on neighbouring amenity is exacerbated by the large size of the raised terrace area which lends itself to more intensive use for recreational purposes. As such, the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

### **BH2013/00265**

#### **30 Ashford Road Brighton**

Demolition of existing rear extension and erection of new single storey extension.

**Applicant:** Mr & Mrs James & Lynn Hickinbottom

**Officer:** Andrew Huntley 292321

**Refused on 19/04/13 DELEGATED**

#### **1) UNI**

The scale of the extension adds a significant amount of bulk to the rear of this traditional terraced property to the visual detriment of the host dwelling and the character of the area. In addition, it would result in the loss of the traditional outgutter, would result in the loss of the traditional form of the property being swamped by overly large, dominant and unsympathetic additions. This would visually harm the host dwelling, result in the loss of original plan form, relate poorly to the adjoining property and be detrimental to the character and appearance of the area. Therefore, the proposal is contrary to Policy QD14 of the Brighton & Hove Local Plan.

### **BH2013/00384**

#### **43A Beaconsfield Villas Brighton**

Alterations to fenestration to rear and side elevations and installation of roof lantern to rear flat roof.

**Applicant:** Mr T Moore

**Officer:** Pete Campbell 292359

**Approved on 16/04/13 DELEGATED**

### 1) BH01.01

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

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

### 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan			11/02/2013
Existing lower ground floor plan	BR 000	A	19/02/2013
Proposed lower ground floor plan	BR 001		11/02/2013
Existing elevations	BR 002		11/02/2013
Proposed elevations	BR 003	A	09/04/2013
Existing and proposed south east elevation	BR 004		11/02/2013
Door specification brochure			12/04/2013

## **BH2013/00402**

### **46 Beaconsfield Villas Brighton**

Demolition of existing conservatory and erection of single storey rear extensions and alterations including solar panels to roof.

**Applicant:** Mrs Jacqueline McDonald

**Officer:** Chris Swain 292178

**Approved on 08/04/13 DELEGATED**

### 1) BH01.01

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

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

### 2) BH12.02

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

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

### 3) UNI

The external door to the south facing side elevation of the hereby permitted rear extension, sited to the south of the existing outrigger shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

### 4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site and block plan	TA700/01	A	11 February 2013
Existing floor plans	TA700/01	A	11 February 2013
Existing elevations	TA700/01		11 February 2013
Existing elevation and section	TA700/01		11 February 2013

Proposed floor plans	TA700/010	B	11 February 2013
Proposed elevations	TA700/011	B	11 February 2013
Proposed elevation and section	TA700/012	B	11 February 2013
Proposed section	TA700/013	B	11 February 2013

### 5) UNI

The hereby permitted solar panels would not protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope.

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

### **BH2013/00474**

#### **10 Southdown Road Brighton**

Erection of rear/side single storey infill extension.

**Applicant:** Ms Catherine Bevan

**Officer:** Chris Swain 292178

**Approved on 24/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH12.02**

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

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

#### **3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing plans and elevations	1306-01		14 February 2013
Proposed plans and elevations	1306-02		14 February 2013

### **BH2013/00481**

#### **52 Edburton Avenue Brighton**

Erection of single storey side extension.

**Applicant:** Ms C Herbert

**Officer:** Pete Campbell 292359

**Approved on 15/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH12.02**

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

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

### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan, block plan, existing and proposed plans	1892-13-PL01	P2	14/02/2013

### **BH2013/00498**

#### **Top Floor Flat 4 Chatsworth Road Brighton**

Replacement UPVC door and window.

**Applicant:** Mr Dexter Coombe

**Officer:** Robin K Hodgetts 292366

**Approved on 18/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			13/02/13
Quote/Order confirmation			13/02/13

### **BH2013/00516**

#### **Preston Lawn Tennis Club Preston Drove Brighton**

Conversion of artificial grass to artificial clay on courts 4 & 5 with associated landscaping and relocation of three floodlights.

**Applicant:** Preston Lawn Tennis Club

**Officer:** Sonia Gillam 292265

**Approved on 11/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

All planting, seeding or turfing comprised in the approved scheme of landscaping on drawing E received on the 14 February 2013 shall be carried out in the first planting and seeding seasons following the completion of the development; 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. The Italian Cypress trees proposed as part of the approved scheme of landscaping shall be at least 1.5 metres in height.

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

### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location plan	C		14/02/2013
Plan proposed alterations	D		14/02/2013
Plan existing screening	E		14/02/2013
Plan new shrubs and tree details	G		14/02/2013
Lighting plan			08/04/2013
Elevation and Section			08/04/2013

### **BH2013/00545**

#### **Flat 6 11 Preston Park Avenue Brighton**

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

**Applicant:** Miss Joubert

**Officer:** Liz Arnold 291709

**Refused on 23/04/13 DELEGATED**

### 1) UNI

The replacement uPVC windows, by reason of their design, material, proportions, frame thickness and method of opening, would form a visually inappropriate alteration to the property which would adversely affect the character and appearance of the parent property and the surrounding Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

### **REGENCY**

### **BH2012/03477**

#### **109 - 111 Kings Road Arches Brighton**

Demolition of timber building and erection of a single storey boat house. (revised proposal)

**Applicant:** Mr Brian Rousell

**Officer:** Clare Gibbons 292454

**Approved on 11/04/13 PLANNING COMMITTEE**

### 1) UNI

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

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

### 2) UNI

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

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

### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			21/11/2012
Location Plan		Rev 01	30/01/2013
Existing plan and elevations			21/11/2012
Sections, plan & contextual long section		Rev 01	30/01/2013
Elevations		Rev 01	30/01/2013
Roof Plan		Rev 0	18/03/2013
Kingspan product data sheet			18/03/2013

**BH2012/03478**

**109-111 Kings Road Arches Brighton**

Demolition of existing timber building.

**Applicant:** Mr Brian Rousell

**Officer:** Clare Gibbons 292454

**Approved on 08/04/13 DELEGATED**

**1) BH01.04**

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

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

**2) BH12.08**

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

*Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.*

**BH2012/03864**

**32 - 38 North Street & 40 - 44 Ship Street Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2011/00634.

**Applicant:** CIP Property (AIPT) Limited

**Officer:** Guy Everest 293334

**Approved on 08/04/13 DELEGATED**

**BH2012/03982**

**The Old Ship Hotel 31 - 38 Kings Road Brighton**

Application to extend time limit for implementation of previous approval BH2009/02606 for the demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar.

**Applicant:** Old Ship Hotel (Brighton) Limited

**Officer:** Steven Lewis 290480

**Approved after Section 106 signed on 10/04/13 PLANNING COMMITTEE**

**1) BH01.01**

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

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

## **2) UNI**

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

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

## **3) UNI**

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

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

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

## **5) UNI**

A scheme for the fitting of odour control equipment to the building shall be submitted to the Local Planning Authority and no development shall commence until a scheme is approved by the Local Planning Authority. The use of the premises shall not commence until all odour control equipment works have been carried out in accordance with the agreed details.

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

## **6) UNI**

A scheme for the sound insulation of all odour control equipment shall be submitted to the Local Planning Authority and no development shall commence until all sound insulation works have been carried out in accordance with the agreed details and the sound insulation works shall be maintained thereafter.

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

**7) UNI**

Prior to the commencement of development on site, detailed drawings including levels, sections and constructional details of all proposed works to amend the access to the car parking area, and to form the basement car park, shall be submitted to and approved by the local planning authority. The development shall thereafter proceed in accordance with the agreed details.

*Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.*

**8) UNI**

BREEAM - Pre-Occupation (New build non-residential) Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved 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 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

**9) UNI**

The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason: To ensure that the archaeological and historical interest of the site is safeguarded, to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.*

**10) UNI**

A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out in accordance with the agreed details.

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

**11) UNI**

The development shall not be occupied until the basement and ground floor parking areas have been provided in accordance with the details shown on drawing nos. 771-PL-102 and 771-PL-103. These areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

*Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR19 of the Brighton & Hove Local Plan.*

**12) UNI**

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



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

**13) UNI**

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

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

**14) UNI**

The existing granite setts to the garage crossover shall be salvaged and reused in situ in accordance with details to be submitted to and approved by the Local Planning Authority, and thereafter retained.

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

**15) UNI**

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

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

**16) UNI**

No servicing or deliveries to or from the business premises shall take place outside the hours of 07.30 to 23.30 Mondays to Saturdays, or outside the hours of 08.30 and 23.00 on Sundays and Bank Holidays.

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

**17) UNI**

Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) A commitment to reduce carbon emissions associated with business and commuter travel:
- (iii) Increase awareness of and improve road safety and personal security:
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (v) Identify targets focussed on reductions in the level of business and commuter car use:
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:

- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (viii) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

### **18) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Plan	771-PL.101		22/10/2009
Proposed Basement Plans	771-PL.102		22/10/2009
Proposed Ground Floor	771-PL.103		22/10/2009
Proposed First Floor	771-PL.104		22/10/2009
Proposed Second Floor	771-PL.105		22/10/2009
Proposed Third Floor	771-PL.106	A	18/01/2010
Proposed Fourth Floor	771-PL.107	A	18/01/2010
Proposed Fifth Floor	771-PL.108		22/10/2009
Proposed Roof Plan	771-PL.109		22/10/2009
Proposed Street View	771-PL.110		22/10/2009
Proposed Front Elevation	771-PL.111	A	18/01/2010
Proposed Rear Elevation	771-PL.112		22/10/2009
Photographic References	771-PL.114		22/10/2009
Existing Basement	771-EX.01		22/10/2009
Existing ground Floor	771-EX.012	A	05/11/2009
Existing First Floor	771-EX.013	A	05/11/2009
Existing Second Floor	771-EX.014	A	05/11/2009
Existing Street Elevation	771-EX.015	A	05/11/2009
Existing Rear Elevation	771-EX.016	A	05/11/2009
Existing Section A	771-EX.014		22/10/2009

### **19) UNI**

No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the archaeological and historical interest of the site is safeguarded, to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.*

### **20) UNI**

BREEAM - Pre-commencement (new build non-res) - "60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:

- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall "Excellent' for all non-residential development have been submitted to the Local Planning Authority; and

- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**21) UNI**

Notwithstanding the details shown on the submitted drawings, further details and specifications of the balconies, glass balustrading, handrails, copings, window frames, eaves, doors, ground floor shopfronts, air conditioning units and ducting and any other external plant or equipment, and screening thereof (including any sustainable development measures required in connection with meeting the BREEAM excellent standards necessary to comply with conditions 3 and 4) shall be submitted to and approved by the Local Planning Authority at a scale of 1:20 elevations and 1:1 sections in writing before work commences, and shall be completed in strict accordance with the approved plans.

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

**BH2012/03998**

**The Old Ship Hotel 31-38 Kings Road Brighton**

Replacement Conservation Area Consent application for the demolition of hotel garage.

**Applicant:** Old Ship Hotel (Brighton) Limited

**Officer:** Steven Lewis 290480

**Approved on 10/04/13 PLANNING COMMITTEE**

**1) BH01.04**

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

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

**2) BH12.08**

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

*Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.*

**BH2013/00234**

**8 Montpelier Terrace Brighton**

Application for approval of details reserved by condition 6 of application BH2011/01692.

**Applicant:** Mr Phillip Clegg

**Officer:** Jason Hawkes 292153

**Split Decision on 08/04/13 DELEGATED**

### **1) UNI**

APPROVE the details pursuant to condition 6 (iii) & (ix) and subject to full compliance with the submitted details.

### **1) UNI**

The details pursuant to conditions 6 (i), (ii), (iv), (v), (vi), (vii) & (viii) are NOT APPROVED for the reasons set out below:

- ii The details submitted are considered inappropriate and insufficient and would detract for the architectural and historic character and appearance of the listed building.

### **BH2013/00235**

#### **8 Montpelier Terrace Brighton**

Application for approval of details reserved by condition 5 of application Bh2011/01699.

**Applicant:** Mr Phillip Clegg

**Officer:** Jason Hawkes 292153

**Split Decision on 08/04/13 DELEGATED**

### **BH2013/00246**

#### **109A -110 Western Road Brighton**

Conversion of part ground floor, first, second and third floors from language school (D1) to 3no self contained flats.

**Applicant:** Joint LPA Receivers

**Officer:** Steven Lewis 290480

**Approved on 15/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH02.07**

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

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

#### **3) BH04.01A**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

#### **4) BH05.03A**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**5) BH05.04A**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

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

**6) BH06.03**

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.*

**7) BH06.05**

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan*

**8) UNI**

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

*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.*

**9) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Plans	0247.EXG.001	A	28/01/2013
Proposed Plans	0247.PL.001	A	28/01/2013

**BH2013/00357**

**28 Clifton Road Brighton**

Erection of rear extensions to basement and first floor, revised fenestration and other external alterations.

**Applicant:** Mr & Mrs S Royle

**Officer:** Helen Hobbs 293335

**Approved on 05/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.02**

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

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

**3) UNI**

Any tree removal should be notified to the Arboricultural Section. All tree pruning works shall be carried out in full accordance with the requirements of British Standard 3998 (2010) Recommendations for Tree Work.

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

**4) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Plans as existing	2619/01		5/02/2013
Scheme as Proposed	2619/02	C	5/02/2013
Site location and block plans	2619/03		5/02/2013

**BH2013/00373**

**66 Preston Street Brighton**

Refurbishment of external drinking area to rear including addition of roof structures, decking and fixed benches and replacement of rear gate.

(Retrospective).

**Applicant:** Indigo Pub Company

**Officer:** Clare Gibbons 292454

**Refused on 08/04/13 DELEGATED**

**1) UNI**

The proposal by reason of its scale, height, design and use of inappropriate materials causes harm to the character and appearance of this Grade II listed building and this part of the Regency Square Conservation Area and setting of neighbouring listed buildings, contrary to policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Notes SPGBH13 (General Advice).

**BH2013/00374**

**66 Preston Street Brighton**

Refurbishment of external drinking area to rear including addition of roof structures, decking and fixed benches and replacement of rear gate.

(Retrospective)

**Applicant:** Indigo Pub Company

**Officer:** Clare Gibbons 292454

**Refused on 04/04/13 DELEGATED**

**1) UNI**

The proposal by reason of its scale, height, design and use of inappropriate materials causes harm to the character and appearance of this Grade II listed building, contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Notes SPGBH13 (General Advice).

**BH2013/00419**

**39 Norfolk Road Brighton**

Erection of three storey rear extension.

**Applicant:** John Lloyd

**Officer:** Helen Hobbs 293335

**Approved on 10/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The external walls of the new extension shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building and shall be maintained as such thereafter.

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

**3) UNI**

No development shall take place until full details of the of the coping and eaves of the rear extension, the step and threshold to the rear door of the extension and the cills to the new windows including sections at 1:2 scale, have been submitted to and approved by the local planning authority in writing. The works shall be carried out and completed in accordance with the approved details and maintained as such thereafter.

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

**4) UNI**

All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the background walls and maintained as such thereafter.

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

**5) UNI**

All redundant pipework shall be removed and any holes in walls, floors and ceilings shall be made good to match exactly the original surfaces.

*Reason: To ensure the satisfactory appearance of the development and to*

comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

#### 6) UNI

The existing sash windows to the staircase compartment at first and second floors shall be carefully removed and retained and reinstated in the rear wall of the new extension and any damage to them made good to match exactly the original work.

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

#### 7) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan			11/02/2013
Block Plan			11/02/2013
Existing floor plans	20 & 21		11/02/2013
Proposed floor plans	22		11/02/2013
Existing & proposed elevations	23		11/02/2013
Window details			11/02/2013
Door details			11/02/2013

#### 8) UNI

The flat roof over the extension shall be clad in lead.

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

### **BH2013/00420**

#### **39 Norfolk Road Brighton**

Demolition of existing rear extension and erection of three storey rear extension to create shower room on the first floor and bathroom to the second floor incorporating alterations to layout.

**Applicant:** John Lloyd

**Officer:** Helen Hobbs 293335

**Approved on 10/04/13 DELEGATED**

#### 1) BH01.05

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

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

#### 2) BH13.06

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

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

#### 3) BH13.13

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.



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

**4) UNI**

All redundant pipework shall be removed and any holes in walls, floors and ceilings shall be made good to match exactly the original surfaces.

*Reason: To ensure the preservation and enhancement of the Listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

**5) UNI**

The skirting boards shall be reinstated on the blocked up openings in the internal walls to match exactly the original skirting boards on each side.

*Reason: To ensure the preservation and enhancement of the Listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

**6) UNI**

The existing sash windows to the staircase compartment at first and second floors shall be carefully removed and retained and reinstated in the rear wall of the new extension and any damage to them made good to match exactly the original work.

*Reason: To ensure the preservation and enhancement of the Listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

**7) UNI**

No development shall take place until full details of the proposals have been submitted to and approved by the local planning authority in writing, including:

- i) elevations at 1:20 scale of the new door to the first floor front room and the new doors into the rear extension from the staircase compartment and their architraves, showing their relationship to the stair strings;
- ii) 1:1 joinery sectional profiles of all the new door's frames, linings, panelling and architraves;
- iii) details of any structural strengthening work associated with the formation of the new door openings in the rear of the staircase compartment that may be required;
- iv) the method of any fire protection, sound and thermal insulation that may be required of the walls, floors, ceilings and doors, including 1:5 sections through walls and ceilings that may be required to meet fire regulations;
- v) details of the coping and eaves of the rear extension, the step and threshold to the rear door of the extension and the cills to the new windows including sections at 1:2 scale;

The works shall be carried out and completed in accordance with the approved details and maintained as such thereafter.

*Reason: To ensure the preservation and enhancement of the Listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

**8) UNI**

Notwithstanding the submitted plans, the Bi-folding doors between the kitchen and living room on the first floor shall be retained.

*Reason: To ensure the preservation and enhancement of the Listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

**9) UNI**

The flat roof shall be clad in lead.

*Reason: To ensure the preservation and enhancement of the Listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

**10) UNI**

The external walls of the new extension shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings

and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building and shall be maintained as such thereafter.

*Reason: To ensure the preservation and enhancement of the Listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

#### **11) UNI**

All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the background walls and maintained as such thereafter.

*Reason: To ensure the preservation and enhancement of the Listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

### **BH2013/00435**

#### **181-185 Western Road Brighton**

Installation of roller shutter to fire exit on front elevation.

**Applicant:** Hennes & Mauritz UK Ltd

**Officer:** Mark Thomas 292336

**Approved on 15/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Photographs			12/02/2013
Site location plan			12/02/2013
Proposed elevation & floor plan	TAP/0044/P-SF RSCA		19/02/2013
Proposed elevation & floor plan	TAP/0044/P-SF RSOA		19/02/2013
Existing elevation & floor plan	TAP/0044/E-SFC		19/02/2013

### **BH2013/00503**

#### **Mitre House 149 Western Road Brighton**

Application for variation of condition 2 of BH2010/03122 (Extension at sixth floor to create two additional 2 bed flats with cycle storage. Alterations to flats on sixth floor (level 5) incorporating removal of timber conservatory, removal of service lift and radio transmitter room, removal of part of external fire escape stairs to courtyard and replacement of metal guarding with new glazed balustrade) to allow amendments to South facing balcony, internal reconfiguration and addition of 3no rooflights.

**Applicant:** Tareem Ltd C/O Montague Management Ltd

**Officer:** Guy Everest 293334

**Approved on 15/04/13 DELEGATED**

#### **1) UNI**

The development hereby permitted shall be commenced before 26th August 2014.

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

## 2) UNI

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Basement, Entry Level & Level 0 Plans	3224.EXG.101		01/10/2010
Existing Level 1, Level 2 & Level 3 Plans	3224.EXG.102		01/10/2010
Existing Level 4, Level 5 & Roof Plans	3224.EXG.103	A	01/10/2010
Existing Building Sections A-A, B-B & C-C	3224.EXG.201		01/10/2010
Existing South (Western Road) Elevation	3224.EXG.301		01/10/2010
Existing North & East Elevations	3224.EXG.302		01/10/2010
Existing West & West Courtyard Elevation	3224.EXG.303		01/10/2010
Existing North Courtyard & South Courtyard Elevations	3224.EXG.304		01/10/2010
Existing Contextual Elevations	3224.EXG.305		01/10/2010
Proposed Bike Store Entry Level Floor Plan	3224.PL.101	A	01/10/2010
Proposed North Courtyard Elevation	3224.PL.302	C	21/02/2011
Proposed West Elevations	3224.PL.303	C	21/02/2011
Proposed East Elevation	3224.PL.304	C	21/02/2011
Proposed Contextual Elevations	3224.PL.305	C	21/02/2011
Proposed Site Plan	3224.PL.100	A	15/02/2013
Proposed Penthouses - Level 5 Floor Plan	3224.PL.102	D	28/03/2013
Proposed Penthouses - Roof Plan	3224.PL.103	D	15/02/2013
Proposed Building Sections A-A, B-B	3224.PL.201	D	15/02/2013
Proposed South Elevation	3224.PL.301	D	15/02/2013

## 3) UNI

The window openings to the rear elevation at fifth floor level, as indicated on hereby approved drawing no. 3224.PL.302 C, shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.

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

## 4) UNI

The development hereby approved shall be implemented in accordance with the window and door details approved under application BH2013/00514 on 2nd April 2013.

*Reason: To ensure the satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

## 5) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use

by the occupants of, and visitors to, the development at all times.

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

**6) UNI**

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

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

**7) UNI**

Unless otherwise agreed in writing by the Local Planning Authority ducting associated with the motor room and / or radio transmitter room shall be removed prior to the first occupation of the hereby approved residential units. Any damaged brickwork shall be repaired to match the existing.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

**8) UNI**

Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be occupied until dual flush toilets and aerated shower heads have been implemented in accordance with the details outlined within the Design & Access Statement. The approved measures shall thereafter be retained as such.

*Reason: To ensure that measures to make the development sustainable and efficient in the use of water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**9) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

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

**10) UNI**

The development hereby approved shall be implemented in accordance with the balustrade details approved under application BH2013/00514 on 2nd April 2013.

*Reason: To ensure the satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

**BH2013/00509**

**2 Clifton Hill Brighton**

Application for approval of details reserved by condition 2 of application BH2012/00582.

**Applicant:** Andrew Collin

**Officer:** Christopher Wright 292097

**Approved on 22/04/13 DELEGATED**

**BH2013/00526**

**Flat 3 6 Montpelier Terrace Brighton**

Internal alterations to layout of flat, replacement window and removal of external pipe work. (Part retrospective). **Applicant:** Copsemill Properties Ltd

**Officer:** Jason Hawkes 292153

**Approved on 15/04/13 DELEGATED**

**1) BH13.12**

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

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

**2) UNI**

The new walls and kitchen units shall be scribed around existing original features such as skirting boards, dado rails, picture rails and cornices, which shall not be cut into or damaged, and new skirting boards, shall be run around the new walls to match exactly the originals in each respective part of the building.

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

**3) UNI**

Notwithstanding the submitted details, within 3 months of the date of this permission, details of replacement skirting boards, including a section drawing, shall be submitted for the approval of the Local Planning Authority in writing. Within 3 months of the date of the approval of these details, the works shall be carried out in strict accordance with the approved details.

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

**4) UNI**

Within six months of the date of this permission the redundant pipework on the front wall shall be removed and the wall made good to match.

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

**5) UNI**

The new front central sash window and its architraves shall match exactly the original windows in its joinery dimensions and moulding profiles.

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

**6) UNI**

All surviving original doors and their architraves shall be retained and any new doors and their architraves shall be of painted softwood and shall match exactly the original doors. Any fireproofing to new doors should be an integral part of the door construction and fireproofing of original doors shall be carried out using intumescent veneers, papers or paints in such a manner as to not obscure the panelling and its mouldings. Self-closing mechanisms, if required, shall be of the concealed mortice type.

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

**BH2013/00532**

**11 Montpelier Villas Brighton**

Subdivision of existing dwelling including demolition and reconstruction of rear annex to form 1no two bed dwelling and associated internal alterations.

**Applicant:** Mr Ray Bullock

**Officer:** Christopher Wright 292097

**Refused on 16/04/13 DELEGATED**

**1) UNI**

The proposed development would, by reason of the increased height, bulk and massing of the building adjacent to the western rear and southern side boundaries of the site, have an overbearing impact and result in an increased sense of enclosure for adjoining occupiers of properties in Montpelier Villas and

Montpelier Road, to the detriment of residential amenity and contrary to the requirements of policy QD27 of the Brighton & Hove Local Plan 2005.

**2) UNI2**

The proposed development would have a single north facing outlook and a limited amount of private, useable amenity space, to the extent that living conditions for future occupiers would be unsatisfactory. For these reasons the proposal is contrary to the requirements of policies QD27 and HO5 of the Brighton & Hove Local Plan 2005.

**3) UNI3**

The proposed development would, by reason of the design of the entrance door detailing and the proportions and detailing of the entrance landing and railings, detract from the character of the listed building and have a harmful impact on visual amenity and the appearance of the wider Montpelier and Clifton Hill Conservation Area. As such the proposal is contrary to the requirements of policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.

**4) UNI4**

The proposed development would, by reason of the increased height, bulk, scale, massing and siting of the building across the whole width of the site, have an over extended and unduly dominant appearance detrimental to visual amenity and the historic character, layout and space between and around buildings within the conservation area, contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.

**BH2013/00533**

**11 Montpelier Villas Brighton**

Subdivision of existing dwelling including demolition and reconstruction of rear annex to form 1 no two bed dwelling and associated internal alterations.

**Applicant:** Mr Ray Bullock

**Officer:** Christopher Wright 292097

**Refused on 16/04/13 DELEGATED**

**1) UNI**

The proposed development would, by reason design of the entrance door detailing and the proportions and detailing of the entrance landing and railings, detract from the character of the adjoining listed building and have a harmful impact on visual amenity and the appearance of the wider Montpelier and Clifton Hill Conservation Area. As such the proposal is contrary to the requirements of policy HE1 of the Brighton & Hove Local Plan 2005.

**2) UNI2**

The proposed development would, by reason of the increased height, bulk, scale, massing and siting of the building across the whole width of the site, have an over extended and unduly dominant appearance detrimental to the historic character, plan form and appearance of the listed building, contrary to policy HE1 of the Brighton & Hove Local Plan 2005.

**BH2013/00534**

**43 Preston Street Brighton**

Change of use of lower ground and ground floors from Retail (A1) to Letting Agents (A2) incorporating alterations to layout to flats above.

**Applicant:** J B Howard Properties Ltd

**Officer:** Guy Everest 293334

**Approved on 15/04/13 DELEGATED**

**1) BH01.01**

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

*Reason: To ensure that the Local Planning Authority retains the right to review*

*unimplemented permissions.*

## **2) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan			19/02/2013
Existing Floor Plans (Basement Plan & Ground Floor Plan)	1273-01	A	19/02/2013
Existing Floor Plans (First Floor & Second Floor)	1273-02		19/02/2013
Existing Elevations	1273-03		19/02/2013
Proposed Floor Plans (Basement Plan & Ground Floor Plan)	1273-04	C	19/02/2013

## **BH2013/00571**

### **27-28 Meeting House Lane Brighton**

Internal alterations to existing layout to first and second floors to form 3no. self contained flats.

**Applicant:** Mr Patrick Moorhead

**Officer:** Steven Lewis 290480

**Approved on 16/04/13 DELEGATED**

### **1) BH01.05**

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

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

### **2) BH13.13**

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

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

### **3) UNI**

All existing original fabric including floors, lathe and plasterwork shall be retained, except where shown to be removed on the approved drawings and shall be repaired and made good exactly like for like, and shall not be covered over, except where otherwise agreed in writing with the Local Planning Authority before work commences. The original walls and ceilings shall not be skimmed over and only defective lathe and plaster shall be removed and shall be replaced exactly like for like using timber lathes and lime plaster.

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

### **4) UNI**

No work shall take place until full details of the following proposals have been submitted to and approved in writing by the Local Planning Authority:

- (i) 1:20 sample elevations and sections, and 1:1 joinery details sectional profiles of all new joinery work including all types of new doors and architraves, the staircases and their balustrades and hand rails, skirting boards:
- (ii) The method of fire protection of the walls, floors, ceilings and door, including 1:5 sections through walls and ceilings, and smoke detectors, fire alarm call

- points, fire alarms, emergency lighting fittings and control boxes that may be required to meet fire regulations; and
- (iii) The method of sound and thermal insulation of the floors and wall, including 1:5 sections through walls and ceilings.

The works shall be implemented in strict accordance with the agreed details and maintain thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

## **BH2013/00590**

### **22 Victoria Street Brighton**

Replacement of sashes to existing bay windows, replacement rooflight and installation of new railings and gate to front elevation.

**Applicant:** Mr Roger Goddard-Coote

**Officer:** Robert McNicol 292322

**Approved on 22/04/13 DELEGATED**

#### **1) BH01.05**

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

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

#### **2) UNI**

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

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

#### **3) UNI**

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

#### **4) UNI**

No works shall take place until full details of the proposed top rail for the proposed railings including 1:20 scale sample elevations and 1:1 scale profiles of the top rail have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

#### **5) UNI**

No works shall take place until full details of the proposed slamming post and closing mechanism including 1:20 scale sample elevations and 1:1 scale profiles of the slamming post and closing mechanism have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*



**BH2013/00591****22 Victoria Street Brighton**

Replacement of sashes to existing bay windows, replacement rooflight and installation of new railings and gate to front elevation.

**Applicant:** Mr Roger Goddard-Coote

**Officer:** Robert McNicol 292322

**Approved on 22/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	065_PL_001		25/02/2013
Existing and proposed front elevations	065_PL_02	A	25/02/2013
Existing and proposed window sections and elevations	065_PL_03	C	17/04/2013
Proposed gate and railing details	065_PL_04	A	17/04/2013

**3) UNI**

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

**4) UNI**

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

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

**5) UNI**

No works shall take place until full details of the proposed top rail for the proposed railings including 1:20 scale sample elevations and 1:1 scale profiles of the top rail have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**6) UNI**

No works shall take place until full details of the proposed slamming post and closing mechanism including 1:20 scale sample elevations and 1:1 scale profiles of the slamming post and closing mechanism have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

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

### **BH2012/04094**

#### **14 New Road Brighton**

Display of internally illuminated fascia sign and projecting sign.

**Applicant:** Mr Kiriakos Mpaxevanis

**Officer:** Wayne Nee 292132

#### **Approved on 23/04/13 DELEGATED**

##### **1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

##### **2) BH10.02**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

##### **3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

##### **4) BH10.04**

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

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

##### **5) BH10.05**

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

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

##### **6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

##### **7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**BH2013/00002**

**The Laurels Bromley Road Brighton**

Erection of 1.8m high metal perimeter fence to Wakefield Road boundary (Retrospective).

**Applicant:** Mears Group

**Officer:** Robin K Hodgetts 292366

**Refused on 11/04/13 DELEGATED**

**1) UNI**

The fence, by reason of its inappropriate scale, design and materials fails to respect, preserve or enhance the character of the wider area or the adjacent Round Hill Conservation area and is thereby considered contrary to policies, QD2 and HE6 of the Brighton & Hove Local Plan.

**BH2013/00084**

**Lloyds Bank 171-173 North Street Brighton**

Display of non illuminated fascia signs, internally illuminated hanging signs, internally illuminated ATM surrounds, internally illuminated heritage light bars, non illuminated information signs and non illuminated vinyl signs.

**Applicant:** Lloyds Banking Group

**Officer:** Andrew Huntley 292321

**Refused on 09/04/13 DELEGATED**

**1) UNI**

In the absence of detailed elevation drawings showing all of the proposed advertisements, the accuracy and detail of the drawings and photomontages submitted is insufficient to fully assess the impact of the proposed signage on visual amenity and the character of the area. As such, the proposal is contrary to the requirements of policies QD12 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document 07 'Advertisements'.

**2) UNI2**

Notwithstanding the first reason for refusal, the proposed advertisements would, by virtue of their number, prominent siting and unsympathetic design and materials, obscure historic details, result in a proliferation of extraneous visual clutter and detract from the character and appearance of the Valley Gardens Conservation Area to the detriment of local amenity. In addition, the internal illumination of these advertisements will exacerbate the harm caused. Therefore, the proposals are contrary to policy HE9 and QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 'Advertisements'.

**BH2013/00121**

**31- 33 Bath Street Brighton**

Application for approval of details reserved by conditions 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25 and 28 of application BH2013/00069.

**Applicant:** Natterjack Construction

**Officer:** Wayne Nee 292132

**Split Decision on 12/04/13 DELEGATED**

**1) UNI**

The details pursuant to conditions 13, 15, 20, 23 and 25(i) subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to conditions 14, 16, 17, 18, 19, 21, 22 and 28 are NOT APPROVED for the reason(s) listed below.

The details in relation to condition 14 have not been approved as the proposed materials are considered inappropriate for the new buildings and are out of character. The submitted render sample is not in accordance with the approved drawings.

## **2) UNI2**

The details in relation to condition 16 have not been approved as the details of the Juliet balconies and the entrance gates do not accord with the approved drawings.

## **3) UNI3**

The details in relation to condition 17 have not been approved as the details of the balconies do not accord with the approved drawings.

## **4) UNI4**

The details in relation to condition 18 have not been approved as insufficient detail has been provided regarding the method statement.

## **5) UNI5**

The details in relation to condition 19 have not been approved as insufficient detail has been provided regarding the treatment of the retaining walls.

## **6) UNI6**

The details in relation to condition 21 have not been approved as insufficient details have been provided regarding the planting, and the gravel areas are considered inappropriate.

## **7) UNI7**

The details in relation to condition 22 have not been approved as insufficient information has been provided regarding the potential plant and machinery of future occupants.

## **8) UNI8**

The details in relation to condition 28 have not been approved as there are insufficient details regarding the sectional profiles and materials, and the proposed window finishes are considered inappropriate.

## **BH2013/00218**

### **1 Park Crescent Brighton**

Internal alterations incorporating removal of existing staircase and installation of new staircase also alterations to layout at ground floor and first floor level.

**Applicant:** Mr & Mrs Geilinger

**Officer:** Liz Arnold 291709

**Approved on 11/04/13 DELEGATED**

### **1) BH01.05**

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

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

### **2) UNI**

The profile of the skirting to be installed in respect of the new first floor Bathroom shall match that of the existing.

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

### **3) UNI**

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

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

### **4) UNI**

No works shall take place until details of the new staircase, at no less than 1:10 scale, have been submitted to and approved in writing by the Local Planning Authority. These details shall include a section showing the junction of the new staircase with the entrance door fanlight. The works shall be implemented in strict

accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2013/00257**

**Lower Ground Floor 15 Bath Street Brighton**

Conversion of 2no bedsits on lower ground floor of existing House in Multiple Occupation (Sui Generis) to form 1no one bedroom self contained flat.

**Applicant:** Mr Tony Camps-Linney

**Officer:** Robin K Hodgetts 292366

**Refused on 09/04/13 DELEGATED**

**1) UNI**

The proposal would represent the loss of two units of non self-contained accommodation and as such be contrary to policy HO14 Of the Brighton & Hove Local Plan.

**BH2013/00371**

**18 Alexandra Villas Brighton**

Conversion of garage to form new habitable room.

**Applicant:** Mr Ed Patey

**Officer:** Chris Swain 292178

**Approved on 04/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The new window hereby permitted shall match the existing windows in regards to detailing, materials and proportion and shall be retained as such thereafter.

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

**3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site and block plan	053_PL_001	A	6/02/2013
Existing and proposed elevations and plans	053_PL_005		6/02/2013

**4) UNI**

The new brickwork hereby permitted shall match the existing brickwork, including the sizes, colours and textures of its bricks, the coursing, pointing and the detailing of its brick flat arch and tiled window.

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

**BH2013/00442**

**17 Alexandra Villas Brighton**

Loft conversion incorporating side rooflight and rear dormer.

**Applicant:** Mr James Bennett

**Officer:** Chris Swain 292178

**Approved on 12/04/13 DELEGATED**

Report from: 04/04/2013 to: 24/04/2013

**1) BH01.01**

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

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

**2) BH12.05A**

The rooflight[\*s\*] hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

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 rear and side elevations	014_PL_12		15/02/2013
Existing first floor and roof plans	014_PL_10		15/02/2013
Site location and block plan	053_PL_001	A	15/02/2013
Proposed plans	014_PL_11	B	15/02/2013
Proposed rear and side elevations	014_PL_13	B	15/02/2013

**BH2013/00452**

**8 Over Street Brighton**

Installation of rear rooflight, revised rear fenestration and removal of pebble dash render.

**Applicant:** Mr Paul Haggqvist

**Officer:** Pete Campbell 292359

**Approved on 12/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The walls shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the neighbouring buildings and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original buildings and shall be maintained as such thereafter.

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

**3) UNI**

The replacement second floor rear window shall be painted softwood, double hung vertical sliding sash with concealed trickle vents.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block and site location plans	TA 696/01		13/02/2013
Existing floor plans	TA696/02		13/02/2013
Existing elevations	TA696/03	A	10/04/2013
Existing sections	TA696/04		13/02/2013
Proposed floor plans	TA696/10	D	10/04/2013
Proposed elevations	TA696/11	A	10/04/2013
Proposed sections	TA696/12	A	10/04/2013
Proposed second floor plan	TA696/16	B	10/04/2013
Proposed third floor plan	TA696/17	B	10/04/2013

**BH2013/00461**

**1 Belton Close Brighton**

Erection of two storey side extension with pitched roof.

**Applicant:** Mr Steve Bustin

**Officer:** Louise Kent 292198

**Refused on 11/04/13 DELEGATED**

**1) UNI**

The proposed extension, by virtue of its size, height and proximity to the western boundary of the site, combined with the elevated site levels when compared to neighbouring properties to the west and south west of the site, would result in an overbearing and unneighbourly form of development. In addition, the applicant has failed to demonstrate that the proposed extension would not give rise to adverse loss of light to neighbouring properties to the west and south west of the site. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/00478**

**24 Albert Road Brighton**

Single storey extension to existing garage and roof alterations to facilitate creation of storage area above and associated works. (Retrospective)

**Applicant:** Mr Z Solomon

**Officer:** Anthony Foster 294495

**Refused on 23/04/13 DELEGATED**

**1) UNI**

The development would cause harm to the host property by virtue of inappropriate scale, positioning and detailing including the eaves and ridge detail and window and door designs, and as a result would detract from the character and appearance of the West Hill conservation area. The scheme is therefore considered to be contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**BH2013/00513**

**Princes House 53 Queens Road Brighton**

Certificate of lawfulness for the proposed installation of 2no external vents.

**Applicant:** Hargreaves Management Ltd

**Officer:** Louise Kent 292198

**Approved on 23/04/13 DELEGATED**

**BH2013/00540**

**13 St Pauls Street Brighton**

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

**Applicant:** Clifton Properties

**Officer:** Pete Campbell 292359

Report from: 04/04/2013 to: 24/04/2013

**Approved on 19/04/13 DELEGATED**

**1) UNI**

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

**BH2013/00554**

**18 Roundhill Crescent Brighton**

Loft conversion incorporating rooflights to rear.

**Applicant:** Mr & Mrs Slaney

**Officer:** Chris Swain 292178

**Approved on 17/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.05A**

The rooflight[\*s\*] hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing plans and elevations	1431/1669		20/02/2013
Proposed plans and elevations	1431/1670		20/02/2013

**BH2013/00595**

**Princes House 53 Queens Road Brighton**

Application for Approval of Details Reserved by Conditions 8 and 9 of application BH2012/03250

**Applicant:** Hargreaves Management Ltd

**Officer:** Jonathan Puplett 292525

**Approved on 08/04/13 DELEGATED**

**BH2013/00612**

**19A Kensington Gardens Brighton**

Replacement of first and second floor bay windows to front elevation with double-glazed units.

**Applicant:** Mr Evan Rees

**Officer:** Chris Swain 292178

**Approved on 23/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Notwithstanding the submitted elevational drawings the proposed double glazed windows shall match exactly the external details of the existing windows,



including the horn details and method of opening and shall be retained as such thereafter.

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

### **3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing window plans and elevations	OE139/SUR02		26/02/2013
Site and location plan	OE139/SUR02		26/02/2013
Proposed window plans and elevations			22/04/2013
Sash details	CSW-004		26/02/2013
Annotated photographic schedule			26/02/2013

### **4) UNI**

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

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

## **BH2013/00638**

### **Brighton Railway Station Queens Road Brighton**

Application for Approval of Details Reserved by Condition 14v of application BH2012/02454

**Applicant:** Southern Railway Ltd

**Officer:** Liz Arnold 291709

**Approved on 22/04/13 DELEGATED**

## **WITHDEAN**

## **BH2012/04076**

### **4 Tongdean Rise Brighton**

Loft conversion incorporating new hipped end, rear dormer and rooflights to front and side.

**Applicant:** Mark Blencowe

**Officer:** Adrian Smith 290478

**Approved on 16/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH03.03**

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

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

#### **3) UNI**

The development hereby permitted shall be carried out in accordance with the

approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan and existing plans			20/12/2012
Proposed plans			03/04/2013

### **BH2013/00328**

#### **1 Hillcrest Brighton**

Erection of single storey side extension to ground floor and roof extension incorporating front, rear and side dormers.

**Applicant:** Mr A Embling

**Officer:** Jason Hawkes 292153

**Refused on 04/04/13 DELEGATED**

#### **1) UNI**

The proposed side and rear dormer extensions, by virtue of their overall size and inappropriate design, would form incongruous and unsympathetic features, detrimental to the appearance of the building and the surrounding area. The proposals are therefore contrary to the objectives of policy QD14 of the Brighton & Hove Local Plan and to advice in Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

### **BH2013/00392**

#### **3 Elms Lea Avenue Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Charles Bedwin

**Officer:** Christopher Wright 292097

**Approved on 08/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH03.03**

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

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

#### **3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings, other than those expressly authorised by this permission, shall be constructed on the easterly facing flank wall of the extension hereby permitted, without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

#### **4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plans	RFA13/252/OS		7 Feb 2013
Existing Floor Plans and Elevations	RFA13/252/01		7 Feb 2013
Proposed Floor Plans and Elevations	RFA13/252/02	A	5 Apr 2013

**BH2013/00397**

**1 Blackthorn Close Brighton**

Erection of first floor extension incorporating dormers to front, sides and rear, increased roof height and external alterations.

**Applicant:** Mr & Mrs G Kent

**Officer:** Mark Thomas 292336

**Approved on 11/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

The first floor dormer window to the west facing elevation of the dwelling shall not be glazed otherwise than with obscured glass and shall be fixed shut/non-opening and shall thereafter be permanently retained as such.

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

**4) UNI**

The two first floor dormer windows to the east facing elevation of the dwelling shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.

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

**5) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing floor plans and elevations			7/02/2013
Site location plan, block plan, and proposed floor plans and elevations			14/02/2013

**BH2013/00441**

**178 Surrenden Road Brighton**

Erection of two storey front extension incorporating associated roof alterations, front dormer and side rooflight.

**Applicant:** Mr & Mrs Comer

**Officer:** Robert McNicol 292322

**Approved on 08/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and block plan			12/02/2013
Existing plans and elevations	1037/01		12/02/2013
Proposed plans and elevations	1037/02		12/02/2013

**BH2013/00497**

**16 Hillbrow Road Brighton**

Erection of part one part two storey side and rear extension with a pitched roof, an increase in ridge height and rooflights. Relocation of garage to lower ground floor level and associated alterations.

**Applicant:** Mr & Mrs Ian McFarland

**Officer:** Robert McNicol 292322

**Approved on 10/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing plans, sections and elevations	1303012/01		13/02/2013
Proposed lower ground & ground floor plans, proposed elevations	1062013/02		13/02/2013
Proposed first floor & roof plans, proposed sections, location & block plan	1062013/03		13/02/2013
Proposed street scene elevation	1052013/04		13/02/2013
Waste minimisation statement			13/02/2013

**BH2013/00529**

**15 Bates Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mr David Brook

**Officer:** Robert McNicol 292322

**Refused on 19/04/13 DELEGATED**

Report from: 04/04/2013 to: 24/04/2013

**1) UNI**

By virtue of its height along the boundary and its proximity to the ground floor rear window of no. 17 Bates Road, the proposed extension would have a detrimental impact on the outlook from this window and would be likely to cause a material loss of daylight to the room it serves. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

By virtue of its projection to both the side and rear of the property, beyond an existing outrigger, and its combination of roof forms the proposed extension would relate poorly to the form and original character of the dwelling and would detract from the overall appearance of the terrace. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2013/00535**

**Regency Court Withdean Rise Brighton**

Replacement of single glazed timber framed common-way windows and doors with UPVC double glazed units.

**Applicant:** Anstone Properties Ltd

**Officer:** Robert McNicol 292322

**Approved on 18/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block plan, site plan, existing and proposed elevations	AC/Regency Court/Windows/01		19/02/2013
Photographic schedule			19/02/2013

**BH2013/00537**

**144 Valley Drive Brighton**

Loft conversion incorporating hip to barn end side roof extensions, additional side window, rooflights to front and rear and rear Juliet balcony with pitched roof over.

**Applicant:** Mr & Mrs Mitchener

**Officer:** Steven Lewis 290480

**Refused on 18/04/13 DELEGATED**

**1) UNI**

The extensions are considered poorly designed in relation to the positive qualities of the neighbourhood and the appearance of the immediate street scene. The increase in scale and bulk fails to relate to the design of existing buildings in the immediate Valley Drive street scene and would materially harm the character and appearance of the area. In addition, the number of rooflights proposed to the front roof plane is considered excessive. The proposals are thereby contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and to advice in Supplementary Planning Guidance Note 1 (roof extensions and alterations).

**BH2013/00597****20 Westdene Drive Brighton**

Erection of two storey rear extension at ground and lower ground floor incorporating ground floor glazed balcony and formation of glazed access stairs.

**Applicant:** Mr Omer Kadir

**Officer:** Mark Thomas 292336

**Approved on 22/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

The balcony privacy screens hereby approved shall be installed before the balcony is used as an amenity area. The privacy screens shall thereafter be retained as such.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing plans and elevations			25/02/2013
Proposed elevations	NMA2013/01/02		25/02/2013
Proposed ground floor plan	NMA2013/02/01		25/02/2013
Proposed lower ground floor plan	NMA2013/03/01		25/02/2013
Proposed sections	NMA2013/04/01		25/02/2013

**BH2013/00642****26 Whitethorn Drive Brighton**

Erection of a single storey rear extension.

**Applicant:** Mr & Mrs Collis

**Officer:** Jason Hawkes 292153

**Refused on 19/04/13 DELEGATED**

**1) UNI**

Due to its scale, siting and design, the scheme would result in an incongruous and unsympathetic addition which would also give the host property an overextended appearance. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2013/00654****54 Surrenden Crescent Brighton**

Erection of car port to North elevation with associated landscaping.

**Applicant:** Mr P Lewis

**Officer:** Jason Hawkes 292153

**Approved on 22/04/13 DELEGATED**

### 1) BH01.01

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

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

### 2) BH05.10

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

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

### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan & Block Plan	RFA 13/254/OS		25/02/2013
Existing Elevations	RFA 13/254/01		25/02/2013
Proposed Elevations	RFA 13/254/02		25/02/2013
Ground Floor Plan - Existing and Proposed	RFA 13/254/03		25/02/2013
Proposed Site Plan	RFA 13/254/04		25/02/2013

## **BH2013/00663**

### **20 Regency Court Withdean Rise Brighton**

Replacement of windows from timber to double glazed UPVC units.

**Applicant:** Ms Rosemary Clarke

**Officer:** Steven Lewis 290480

**Approved on 15/04/13 DELEGATED**

### 1) BH01.01

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

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

### 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan			04/03/2013
BHW Glass Window Schedule			04/03/2013
Universal Product guide			04/03/2013
Photographic Records			04/03/2013

## **BH2013/00729**

### **10 Tongdean Rise Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to barn end side roof extensions, rear dormers and front rooflights.

**Applicant:** Mr J McCluskey

**Officer:** Christopher Wright 292097

**Approved on 16/04/13 DELEGATED**

Report from: 04/04/2013 to: 24/04/2013

## **EAST BRIGHTON**

### **BH2012/02994**

#### **Percival Mansions 7 - 10 Percival Terrace Brighton**

Installation of hand rails to front entrance.

**Applicant:** Mr Richard Romain

**Officer:** Chris Swain 292178

**Approved on 23/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan			26/11/2012
Set of three photographic image (existing)			17/09/2012
Set of three photographic image (proposed)			8/10/2013
Proposed plan 1:20			13/02/2013
Proposed elevation 1:20			18/02/2013
Profile of handrail 1:1			18/02/2013

#### **3) UNI**

The handrails hereby permitted shall be cast iron, painted black and permanently retained as such thereafter.

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

### **BH2012/02996**

#### **Percival Mansions 7 - 10 Percival Terrace Brighton**

Installation of hand rails to front entrance.

**Applicant:** Mr Richard Romain

**Officer:** Chris Swain 292178

**Approved on 23/04/13 DELEGATED**

#### **1) BH01.05**

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

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

#### **2) UNI**

The handrails hereby permitted shall be cast iron, painted black and permanently retained as such thereafter.

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



**BH2012/03909**

**39 Chesham Road Brighton**

Application for approval of details reserved by conditions 4, 5, 7, 10 and 11 of application BH2011/02949.

**Applicant:** Mr Clive Hawkins

**Officer:** Wayne Nee 292132

**Approved on 08/04/13 DELEGATED**

**BH2013/00304**

**Grass Verge South of 4 Wiston Way Fronting Wiston Road Brighton**

Removal of existing disused grassland and creation of extended hardstanding and dropped kerb to provide 2no additional off road parking spaces.

**Applicant:** Brighton & Hove Housing Centre

**Officer:** Chris Swain 292178

**Refused on 23/04/13 DELEGATED**

**1) UNI**

The proposed development would increase levels of car parking availability at the expense of an undeveloped area of land and would fail to demonstrate that the proposed development would maximise the use of public transport, walking and cycling. The proposals are thereby contrary to Policy TR1 of the Brighton & Hove Local Plan.

**BH2013/00366**

**Hamilton Lodge School 11 Walpole Road Brighton**

Application for approval of details reserved by condition 4 of application BH2012/02118.

**Applicant:** Hamilton Lodge (Brighton) Ltd

**Officer:** Robin K Hodgetts 292366

**Approved on 15/04/13 DELEGATED**

**BH2013/00367**

**51 Upper Abbey Road Brighton**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mr N Eames

**Officer:** Robin K Hodgetts 292366

**Approved on 24/04/13 DELEGATED**

**HANOVER & ELM GROVE**

**BH2013/00272**

**105 Southover Street Brighton**

Installation of retractable awning on Lewes Street elevation. (Retrospective)

**Applicant:** Enterprise Inns

**Officer:** Sonia Gillam 292265

**Refused on 08/04/13 DELEGATED**

**1) UNI**

The awning, by reason of its design, siting and high visibility, has a visually intrusive appearance which is out of keeping with the appearance of the building and adversely affects the visual amenity of the surrounding area. The development is therefore contrary to policies QD11 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document on Shop Front Design (SPD02).

**2) UNI2**

The awning, by reason of its unsatisfactory height above ground level and unsatisfactory distance from the carriageway edge, does not protect the interests

of the public using the roads and footways. The development is therefore contrary to policies QD11, TR7 and TR8 of the Brighton & Hove Local Plan and Supplementary Planning Document on Shop Front Design (SPD02).

**BH2013/00396**

**Top Flat 11 Gladstone Terrace Brighton**

Loft conversion incorporating rear dormers and front rooflight.

**Applicant:** Mr Jeremy Washington

**Officer:** Andrew Huntley 292321

**Refused on 08/04/13 DELEGATED**

**1) UNI**

Dormer windows should instead be kept as small as possible and clearly be subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof. The supporting structure for the dormer window should be kept to a minimum as far as possible to avoid a heavy appearance and there should be no large areas of cladding either side of the window or below. In addition, dormer windows should normally align with the windows below. In this instance, the two rear dormer windows situated close together on a small roof slope would appear visually dominant and would not be a subordinate addition. As such, the number of dormer windows would have a harmful impact on the host property and adversely affect the character of the area. Therefore, the proposal is contrary to Policy QD14 of the Brighton & Hove Local Plan (2005) and SPGBH1 Roof Alterations and Extensions.

**BH2013/00482**

**17 Ewart Street Brighton**

Roof alterations to facilitate loft conversion incorporating installation of juliette balcony and window to rear and 2no rooflights to front elevation.

**Applicant:** Mr Roderick Pack

**Officer:** Pete Campbell 292359

**Refused on 22/04/13 DELEGATED**

**1) UNI**

The proposed rear dormer by virtue of its excessive size, uncomplimentary design and large areas of cladding would adversely impact upon the appearance and character of the host property, the rear of the terrace and the wider surrounding area and as such is contrary to SPGBH1 and policy QD14 of the Brighton & Hove Local Plan 2005.

**BH2013/00628**

**2 Brading Road Brighton**

Certificate of lawfulness for a proposed conversion of 1no. flat and 1no. maisonette into a single residential dwelling.

**Applicant:** Silver Beach Properties Ltd

**Officer:** Liz Arnold 291709

**Approved on 23/04/13 DELEGATED**

**HOLLINGDEAN & STANMER**

**BH2012/03219**

**53 Crespin Way Brighton**

Demolition of existing garage and erection of a two storey dwelling.

**Applicant:** HVRM Property Maintenance

**Officer:** Chris Swain 292178

**Approved on 05/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.03**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) 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.*

**3) BH02.08**

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

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

**4) BH03.01**

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

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

**5) BH05.01B**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**6) BH05.02B**

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

Planning Authority.

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

**7) BH05.10**

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.*

**8) BH06.02**

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

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

**9) UNI**

The tree which is to be retained on site (annotated as T2 in drawing 539/02) is to be fully protected to BS 5837 (2005) 'Trees on Development Sites' in strict accordance with details contained in the RW Green Limited Arboricultural Report dated October 2012.

*Reason: To ensure the protection of the trees and to comply with policy QD16 of the Brighton & Hove Local Plan.*

**10) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed elevations and plans	539/02		8 October 2012
Site location and block plan	539/03		8 October 2012

**11) UNI**

The development shall not be occupied until the existing crossover has been removed, including the raising of the kerb and the replacement of the grass verge.

*Reason: To ensure the highway is restored to its original form, to maintain highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.*

**BH2012/03952**

**90 Hollingdean Terrace Brighton**

Conversion of single House in Multiple Occupation to 2no units of House in Multiple Occupation, with 1no unit on lower ground and ground floors and 1no unit on first and second floors, incorporating external alterations and loft conversion with rear dormer and rooflights to front and side.

**Applicant:** Mr Nick Malyon

**Officer:** Anthony Foster 294495

**Approved on 08/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.08**

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

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

**3) BH06.02**

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

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

**4) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site & Block Plans	020812/002		18/12/2012
Elevations & Floor Plans Existing	020812/001		11/12/2012
Elevations & Floor Plans Proposed	020812/101	A	11/03/2013

**BH2013/00192**

**8 Hawkhurst Road Brighton**

Erection of two storey side extension with associated roof alterations.

**Applicant:** Mr Nick Collins

**Officer:** Louise Kent 292198

**Approved on 04/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
As existing	7506/01		22 January 2013
As proposed	7506/02		22 January 2013

## **BH2013/00410**

### **1 Mountfields Brighton**

Change of use from dwelling house (C3) to House in Multiple Occupation (C4) and associated external alterations (part retrospective).

**Applicant:** Mr Nicholas Browne

**Officer:** Anthony Foster 294495

**Approved on 17/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH02.08**

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

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

#### **3) BH06.01**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

#### **4) BH06.02**

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

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

#### **5) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			11/02/2013
Drawing 2 - Downstairs - As is			11/02/2013
Drawing 3 - Downstairs - To be			11/02/2013
Drawing 4 - Upstairs - As is			11/02/2013
Drawing 5 - Upstairs - To be			11/02/2013
Drawing 6 - Front Elevation - As is			11/02/2013
Drawing 7 - Front Elevation - To be			11/02/2013

## **BH2013/00547**

### **52 Wolseley Road Brighton**

Application for approval of details reserved by condition 5 of application BH2012/00422.

**Applicant:** Robert Knight

**Officer:** Wayne Nee 292132

**Approved on 17/04/13 DELEGATED**

## **MOULSECOOMB & BEVENDEAN**

### **BH2011/03861**

#### **American Express Community Stadium Village Way Brighton**

Application for variation of conditions 39 and 43 of approved planning application BH2001/02418 and variation of conditions 35 and 38 of approved planning application BH2008/02732. Condition 39 of application BH2001/02418 and condition 35 of application BH2008/02732 seek to reduce the minimum number of car parking spaces from 2000 to 1500 and increase the maximum number from 2200 to 3000 and to read as follows - " Unless otherwise agreed in writing with the Local Planning Authority, no use of the Stadium for Outdoor Events shall occur unless a minimum of 1500 car parking spaces and a maximum of 3,000 car parking spaces at Sussex University and land at the former Falmer High School or at alternative locations within 1.5km of the Stadium as shown on the car parking plan within Document 6 of the Addendum to the Transport Assessment (Appendix 2.1 of Environmental Statement) which was received on the 15 March 2012, are made available for use by persons attending the said Outdoor Event. Any proposed change to the approved aforementioned parking would need to be submitted to and approved in writing by the Local Planning Authority." Condition 43 of application BH2001/02418 and condition 38 of application BH2008/02732 seek to increase the maximum number of people in attendance from 22,500 to 30,750 (additional 8,250) and to read as follows - "No event shall take place at the Community Stadium with an attendance in excess of 30,750 people".

**Applicant:** Brighton & Hove Albion Football Club Ltd

**Officer:** Kathryn Boggiano 292138

**Approved after Section 106 signed on 10/04/13 PLANNING COMMITTEE**

#### **1) UNI**

Of the additional 8,250 capacity hereby approved, only 5,991 seats of the additional capacity shall be brought into use for the 2012/2013 football season.

*Reason: As a phased approach to the increase in capacity is proposed, and in order to ensure that transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR18 and TR19 of the Brighton & Hove Local Plan.*

#### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings referenced 05099 201 Rev C, 11566 300 Rev B, 11566 301 Rev C, 11566 302 Rev B, 11566 303 Rev B received on 19 December 2012 and 11566 150 Rev E received on 09 January 2012, 11566 001 Rev D, 11566 003 Rev A (Phase 1), 11566 003 Rev A (Phase 2), 11566 004 Rev A, 22082 220, 'taxi drop off and collection point plan' received 29 March 2012, 'disabled parking plan' received on 5 April 2012.

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

#### **3) UNI**

Any trees or plants which within 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 interests of the amenity of the area in compliance with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**4) UNI**

Notwithstanding the submitted details, the additional capacity hereby approved shall not be brought into use until a scheme for the integrated provision of suitable secure covered bicycle parking facilities has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been fully implemented and retained as such thereafter.

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

**5) UNI**

The external lighting, pitch floodlighting, security fencing and CCTV cameras as set out in the approved scheme - NG Bailey titled 'The Community Stadium - Brighton - Pitch Lighting' ref: 68708/DOC/026 Rev P01 and 'The Community Stadium - Brighton - CCTV Technical Submittal' ref: 68708/DOC/028 Rev C and security fencing shall be retained as such.

*Reason: In order to ensure that the stadium operates in a safe manner and that crime prevention measures are incorporated in compliance with policy QD7 of the Brighton & Hove Local Plan.*

**6) UNI**

The pitch floodlighting shall not be used other than for an Outdoor Event and shall be turned off after each Outdoor Event no later than 11.00 pm.

*Reason: In order to minimise light pollution and avoid any harmful impact on the amenity of occupiers of adjoining properties in compliance with policies QD26 and QD27 of the Brighton & Hove Local Plan.*

**7) UNI**

No events involving motor vehicles (including static vehicles) shall take place within the Stadium.

*Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in the countryside in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.*

**8) UNI**

There shall be no laser or pyrotechnics/firework displays other than within the confines of the Stadium and none of which shall exceed the highest point of the roof, excluding the roof arches. Any such display shall be limited to no more than 4 times in any 12 month period and shall only take place between 9.00 am and 11.00 pm Monday to Saturday and between 9.00 am and 10.30 pm on Sundays and Bank Holidays.

*Reason: In order to protect the amenity of adjoining occupiers and to control noise pollution in the countryside in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.*

**9) UNI**

All external lighting, including pitch floodlighting and lighting for the Falmer High School car park, shall be of a nature and design having a zero upward lighting requirement so as to eliminate upward glare.

*Reason: In order to minimise light pollution and avoid any harmful amenity impact on occupiers of adjoining properties in compliance with policies QD26 and QD27 of the Brighton & Hove Local Plan.*

**10) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1995 (as amended) (or amendments or re-enactment thereof) the elevations of the building(s) hereby permitted shall not be painted



other than in such colours as shall be agreed in writing by the Local Planning Authority.

*Reason: The Local Planning Authority considers that any changes in the colours of the materials hereby approved could cause harm to the character and amenity of the area and would wish to control future changes in compliance with policies QD1, QD27 and NC6 of the Brighton & Hove Local Plan.*

#### **11) UNI**

Amplified sound from outdoor concerts within the Stadium shall be controlled in accordance with the guidance provided by the Code of Practice on Environmental Noise Control at Concerts, The Noise Council 1995, such that noise levels do not exceed 75 dB LAeq 15 min, 1 metre from the façade of any noise sensitive premises, which for the avoidance of doubt shall include all the University of Brighton's Falmer Campus, residential dwellings at Falmer Village and the University of Sussex's academic and residential buildings.

*Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies SU9, SU10, NC6 and QD27 of the Brighton & Hove Local Plan.*

#### **12) UNI**

At least 28 days prior to any outdoor music concert a detailed feasibility study examining the likely propagation of music noise from the proposed event shall be submitted in writing for the approval of the Local Planning Authority. The study shall have reference to the guidance of The Noise Council's Code of Practice on Environmental Noise Control at Concerts (1995) or any subsequent alternative guidance and shall include, though not necessarily be restricted to, information on timing, programme and duration of the music entertainment and sound checks the proposed maximum music noise levels within the Stadium bowl audience area and at any front of house mixing desks; the likely music noise levels at LAeq and Leq, 15 min at the 63 Hz and 125 Hz octave bands, 1 metre from the façade of the nearest noise sensitive property, which for the avoidance of doubt shall include all the University of Brighton's academic and residential buildings at the University of Brighton's Falmer Campus, residential dwellings at Falmer Village and the University of Sussex's academic and residential buildings; the location, type and directionality of all sound systems associated with the event; the measures and steps that will be in place to manage music noise levels to ensure that the music noise level criterion of 75 dB L Aeq, 15 min is unlikely to be exceeded 1 metre from the façade of the nearest noise sensitive property.

*Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies SU9, SU10, NC6 and QD27 of the Brighton & Hove Local Plan.*

#### **13) UNI**

All Outdoor Events within the Stadium shall only take place between 9.00 am and 11.00 pm Monday to Saturday, and between 9.00 am and 10.30 pm on Sundays and Bank Holidays.

*Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.*

#### **14) UNI**

The total number of Outdoor Events within the Stadium shall not exceed in any period of 12 months 50 of which not more than two shall be music concerts. Any proposed events in addition to these shall be subject to the prior written approval of the Local Planning Authority.

*Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution and disturbance in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.*

### **15) UNI**

All events within indoor bars and indoor function areas shall only take place between 8am and midnight Monday to Saturday and 8am and 11pm on Sundays, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.*

### **16) UNI**

The Public Address (PA) system (both internally and externally) shall be operated such that its Rating Level, measured or calculated at 1m from the façade of the nearest noise sensitive premises, shall not exceed a value 5 dB(A) above the existing LA90 background noise level. The Rating level of the PA noise and existing background noise levels shall be determined as per the guidance provided in BS4142:1997.

*Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies SU9, SU10, NC6 and QD27 of the Brighton & Hove Local Plan.*

### **17) UNI**

The use of the PA system shall be limited to between 9.00am and 11.00pm Monday to Saturday and 9.00am and 10.30pm Sundays and Bank Holidays, and the use of the external PA system (outside the stadium) shall be restricted to public safety announcements and shall not be used for general crowd entertainment.

*Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies SU9, SU10, NC6 and QD27 of the Brighton & Hove Local Plan.*

### **18) UNI**

No car park to the west of the stadium shall be used for events finishing after 11.00 pm.

*Reason: In order to protect the amenity of nearby residents and to minimise noise pollution in compliance with policy QD27 of the Brighton & Hove Local Plan.*

### **19) UNI**

Noise associated with plant and machinery used at the development shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed 5 dB (A) below the existing LA90 background noise level. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS4142: 1997.

*Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies SU9, SU10, NC6 and QD27 of the Brighton & Hove Local Plan.*

### **20) UNI**

Refuse collection and deliveries shall only take place between 06:00 and 18:00 daily, except at those parts of the application site forming part of the campus of the University of Sussex and Falmer School.

*Reason: In order to protect the amenity of adjoining occupiers and to avoid vehicle congestion at peak hours in compliance with policies NC6 and QD27 and TR7 of the Brighton & Hove Local Plan.*

### **21) UNI**

- a. The Link Road between Stanmer Park Road and the University of Sussex as shown on Plan No. HED/307. VWN.PP.002.REV B shall continue to be made available at all times to provide vehicular access and egress to the University of Sussex;
- b. The previous access to the University of Sussex from the A27 to Falmer House Road shall continue to be closed to all vehicular traffic.

- c. Vehicular access to the Stadium and the University of Brighton from the westbound A27 on slip shall be restricted to emergency vehicles by a locked gate or demountable bollards.

*Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4 and TR6 of the Brighton & Hove Local Plan.*

#### **22) UNI**

The new pedestrian footway/cycleway from Falmer High School (from the new junction on the A270) to the Stadium shall continue to be made available for use by the public at all times.

*Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR11, TR12, TR14 and TR15 of the Brighton & Hove Local Plan.*

#### **23) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the approved access ramp located at the western end of the footway/cycleway from the former Falmer High School to Stadium and the transportation method for people with limited mobility, shall be fully constructed and carried out in accordance with the details previously approved (by letter on 14 October 2010) and as shown on drawing nos. N71041 - FL (01) revision D, N71041 - FL (01) revision G submitted on 8 October 2010, and drawing ref: 220 submitted on 29 March 2012 by the 31 December 2012 and retained as such thereafter.

*Reason: In order to provide an accessible route between the car park and the American Express Community Stadium and to comply with policy TR1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note No.4 'Parking Standards'.*

#### **24) UNI**

The additional capacity hereby approved shall not be brought into use until a scheme detailing the interim methods of transportation and the routes from the car park at the former Falmer High School (ref: BH2012/00384) to the Stadium, for people with limited mobility has been agreed in writing with the Local Planning Authority. The details shall include a timeframe for implementation and specification for the temporary ramp and access route along with the temporary access route which will be in place while the permanent ramp detailed in condition 23 is under construction. The scheme shall be implemented fully in accordance with the approved details.

*Reason: In order to provide an accessible route between the car park and the American Express Community Stadium and to comply with policy TR1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note No.4 'Parking Standards'.*

#### **25) UNI**

No use of the Stadium for Outdoor Events shall occur unless Park & Ride facilities within a total minimum capacity of 1,300 car parking spaces are available for use by persons attending Outdoor Events at the Stadium and such spaces shall be maintained for use in accordance with the Travel Management Plan.

*Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR18 and TR19 of the Brighton & Hove Local Plan.*

#### **26) UNI**

Unless otherwise agreed in writing with the Local Planning Authority, no use of the Stadium for Outdoor Events shall occur unless a minimum of 1500 car parking spaces and a maximum of 3,000 car parking spaces at Sussex University and land at the former Falmer High School or at alternative locations within 1.5km of the Stadium as shown on the car parking plan within Document 6 of the Addendum to the Transport Assessment (Appendix 2.1 of Environmental Statement) which was received on the 15 March 2012, are made available for use by persons attending the said Outdoor Event. Any proposed change to the approved aforementioned parking would need to be submitted to and approved in writing by the Local Planning Authority.

*Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR18 and TR19 of the Brighton & Hove Local Plan.*

#### **27) UNI**

No event shall take place at the Stadium with an attendance in excess of 30,750 people.

*Reason: In the interests of public safety and to avoid excessive noise and disturbance in accordance with policies NC6 and QD27 of the Brighton & Hove Local Plan.*

#### **28) UNI**

No indoor or outdoor event(s) (which for the avoidance of doubt will include conferences and banquets) with an anticipated individual or cumulative attendance at any time of 250 or more shall take place at the Stadium other than in accordance with the Travel Management Plan or such separate Travel Management Plan as shall have been submitted to and approved in writing by the Local Planning Authority specific to that Event.

*Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.*

#### **29) UNI**

The Stadium shall operate at all times in accordance with the approved Stewarding Plan. No event with an anticipated attendance of 500 or more shall take place at the Stadium other than in accordance with the Stewarding Plan or such separate Stewarding Plan as shall have been submitted to and approved in writing by the Local Planning Authority specific to that Event.

*Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.*

#### **30) UNI**

The car parking within the stadium itself shall only be available for use by occupiers and users of the stadium.

*Reason: In order to prevent increasing the general availability of car parking spaces in the area and to meet sustainable transport objectives in compliance with policies TR1, TR2, TR19 of the Brighton & Hove Local Plan*

#### **31) UNI**

No use of the Stadium for Outdoor Events shall take place unless in accordance with the approved Outdoor Event day Controlled Parking Zone which shall be brought into operation for the duration of each Outdoor Event and for three hours either side of the start and finish times of each Outdoor Event. The area covered by the Controlled Parking Zone is identified in Application No BH2001/02418/FP inquiry documents BHA 251/253 and 252 at Plans 3 and 2 respectively, but for the avoidance of doubt shall include the village of Falmer, The Controlled Parking

Zone will in every case operate to prevent visitors to the Outdoor Event from parking their vehicles within the area controlled by the Controlled Parking Zone.

*Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan*

### **32) UNI**

The Stadium shall continue to make the following accommodation available within the Stadium building:

1. A study support centre to be operated jointly with the Learning and Skills Council or with any such other agency or agencies as may be agreed in writing with the Local Planning Authority of not less than 81 square metres.
2. A Skills Training Centre which may be operated in conjunction with such commercial or educational agencies as may wish to participate to provide such range of courses as may be agreed in writing with the Local Planning Authority of not less than 1224 square metres.
3. Such internal space as may be reasonably required and subject to the prior needs of the Company's football and other commercial activities to be provided on a not for profit basis for the agreed periods of use by the local residents and other groups to be agreed in writing by the Local Planning Authority.

*Reason: In order to ensure the delivery of the community educational benefits by the club which partly enabled the tests to be met for allowing an exception to policy to be made under policies NC6, NC7 and NC8 of the Brighton & Hove Local Plan.*

### **33) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the chalk re-profiling aftercare measures shall be carried out in accordance with the Soil Handling and Agricultural Land Restoration Method Statement set out in Appendix 7.3 of the Environmental Statement on BH2008/2732.

*Reason: In order to ensure the satisfactory handling of soils and restoration of agricultural land in accordance with policies NC6, NC7 and NC8 of the Brighton & Hove Local Plan.*

### **34) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the chalk re-profiling and soil restoration 5 year aftercare programme shall be carried out in strict accordance with the details set out in the Agricultural Method Statement.

*Reason: In order to ensure the satisfactory handling of soils and restoration of agricultural land in accordance with policies NC6, NC7 and NC8 of the Brighton & Hove Local Plan.*

### **35) UNI**

The additional capacity hereby approved shall not be brought into use until details of a minimum provision of 80 motorcycle parking spaces has been submitted to and approved in writing by the Local Planning Authority. The motorcycle parking shall be implemented fully in accordance with the approved details prior to the additional capacity being first brought into use and retained as such thereafter.

*Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan*

### **36) UNI**

No more than 5,991 seats of the 8,250 additional capacity hereby approved shall be brought into use unless details of an additional permanent park and ride solution, or an alternative transport solution, has been agreed in writing by the Local Planning Authority in consultation with the highways authorities and until the permanent park and ride solution, or an alternative transport solution has

been implemented.

*Reason: As the capacity of the Stadium will need to be restricted unless a permanent Park and Ride solution to replace the 650 space temporary car park and to ensure that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.*

### **37) UNI**

The use of the car park approved under planning application BH2012/00384 plus the use of the adjacent Brighton Aldridge Community Academy site, for parking to serve this development, shall not exceed 1,000 car parking spaces at any one time.

*Reason: Planning application BH2012/00384 has been assessed on the basis of no more than 1,000 cars being parked on the two sites and no more than 1,000 cars accessing the site from the A270 via the railway-bridge, and an increased number of trips has not been considered in terms of the impact on the local highway network and highway safety and neighbouring amenity, and in relation to policies TR1, TR7, TR19 and QD27 of the Brighton & Hove Local Plan.*

### **38) UNI**

The overall maximum attendance at an indoor event or events in the conferencing/banqueting facilities within the Stadium shall not exceed 2510.

*Reason: In order to avoid excessive noise and disturbance in accordance with policies NC6 and QD27 of the Brighton & Hove Local Plan.*

### **39) UNI**

The Transport Interchange as approved by the application to Lewes District Council ref: LW/02/1595, the development proposed in Applications C & D (ref: BH2003/02499 & LW/03/1618) and other means of access and parking for vehicles and cyclists and pedestrian facilities which form part of this permission which have been laid out, constructed and provided, including the Transport Interchange, access, parking and other facilities shall be retained as such at all times.

*Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in compliance with policies TR1, TR2, TR4, TR6, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.*

## **BH2013/00515**

### **190 Bevendean Crescent Brighton**

Change of Use from a small house of multiple occupation (C4) to house of multiple occupation (sui generis) with 7 beds.

**Applicant:** Mr John Panteli

**Officer:** Anthony Foster 294495

**Approved on 15/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH02.08**

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

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse*

and to comply with policy QD27 of the Brighton & Hove Local Plan.

### 3) BH06.02

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

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

### 4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan 1:1250			18/02/2013
Block Plan 1:500			18/02/2013
Existing & Proposed Floor Plans			18/02/2013

## QUEEN'S PARK

### BH2012/03367

#### **24 St James's Street Brighton**

Creation of fourth floor to form two bedroom flat.

**Applicant:** Mr Stuart Chalk

**Officer:** Jonathan Puplett 292525

**Refused on 04/04/13 PLANNING COMMITTEE**

#### 1) UNI

The proposed additional storey would result in a building of an excessive scale which would have an awkward and overbearing relationship with the adjoining terrace to the west and the adjoining building to the north (Dorset House, no. 30 Dorset Gardens). The proposed enlarged building would dominate views down Dorset Gardens from the north, from the east when viewed in comparison to the building in situ at nos. 25-28 St. James's Street, and from the south when viewed from Madeira Place. The proposed additional storey is of a faux traditional design; the large flat roofed bulk would appear as an incongruous addition to the roofscape, and the faux traditional form and detailing of the proposal would clash with the contemporary appearance of the existing building resulting in an inappropriate appearance. The proposed additional storey would harm the appearance of the recently constructed building, and would cause significant harm to the street scene, the setting of the listed buildings to the south of the site, and the character of the East Cliff Conservation Area. The proposal is therefore contrary to policies QD1, QD14, HE3 and HE6 of the Brighton & Hove Local Plan, and the key objective of securing good design which is set out in the NPPF.

### BH2013/00447

#### **110A St Georges Road Brighton**

Replacement of timber, steel and UPVC framed windows with anodised aluminium framed windows.

**Applicant:** 110A St Georges Road Ltd

**Officer:** Sonia Gillam 292265

**Approved on 22/04/13 DELEGATED**

#### 1) BH01.01

Report from: 04/04/2013 to: 24/04/2013

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

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

**2) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed window elevation and plan layout A	A4-QW15048-100		08/04/2013
Proposed window elevation B	A4-QW15048-101		08/04/2013
Proposed window elevation C1	A4-QW15048-102		08/04/2013
Proposed window elevation C2	A4-QW15048-103		08/04/2013
Proposed window elevation D	A4-QW15048-104		08/04/2013
Proposed window elevation and plan layout E	A4-QW15048-105		08/04/2013
Head Detail	004		08/04/2013
Head Detail	006		08/04/2013
Head Detail	007		08/04/2013
Head Detail	008		08/04/2013
Cill Detail	023		08/04/2013
Cill Detail	024		08/04/2013
Cill Detail	027		08/04/2013
Cill Detail	029		08/04/2013
Jamb Detail	041		08/04/2013
Jamb Detail	043		08/04/2013
Mullion Detail	061		08/04/2013
Transom Detail	062		08/04/2013
Mullion Detail	064		08/04/2013
Mullion Detail	065		08/04/2013
Mullion Detail	066		08/04/2013
Corner Post Detail	083		08/04/2013
Site Location Plan			12/02/2013

**BH2013/00573**

**Flats 14 & 19 Northumberland Court 62-64 Marine Parade Brighton**

Certificate of Lawfulness for proposed conversion of 2no flats into single residential dwelling.

**Applicant:** Ms Maria Boyce

**Officer:** Sonia Gillam 292265

**Approved on 24/04/13 DELEGATED**

**BH2013/00577**

**97 Freshfield Road Brighton**

Alterations to roof of rear outrigger to create additional habitable space. Replacement of existing basement window with door to front elevation.

**Applicant:** Mr N W Chrisp

**Officer:** Pete Campbell 292359



## **Refused on 18/04/13 DELEGATED**

### **1) UNI**

The proposed extension by virtue of its flat roof design and additional bulk would break the balance and form currently shared at the rear with no.99 Freshfield Road, causing undue disruption to the visual rhythm found at the rear of the terrace. The proposal as a consequence would have a detrimental impact upon the character and appearance of the host building as well as no.99 Freshfield Road and the area as a whole, contrary to policy QD14 of the Brighton & Hove Local Plan.

## **ROTTINGDEAN COASTAL**

### **BH2012/02416**

#### **107 Marine Drive Rottingdean Brighton**

Demolition of existing dwelling, with associated B&B facilities and erection of new building to provide 6no 2 bed flats and 1no 1 bed flat. Erection of 1no detached 4 bed house accessed via Chailey Avenue.

**Applicant:** Mr & Mrs R Turrell

**Officer:** Liz Arnold 291709

#### **Approved after Section 106 signed on 05/04/13**

### **1) UNI**

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

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

### **2) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the dwellinghouse hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

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

### **3) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

### **4) UNI**

The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

### **5) UNI**

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

*Reason: To reduce the risk of flooding and pollution and increase the level of*

*sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.*

**6) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

**7) UNI**

The first floor window within the southern elevation of the dwellinghouse hereby approved shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

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

**8) UNI**

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

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

**9) UNI**

Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement submitted on the 1st August 2012 shall be implemented in strict accordance with the approved details.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**10) UNI**

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

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

**11) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no development of the residential flats hereby approved shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing

that the development of the flats will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development of the flats will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

#### **12) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no development of the dwellinghouse hereby approved shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development of the dwellinghouse will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development of the dwellinghouse will achieve Code level 5 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

#### **13) UNI**

No development shall commence until a Scheme of Management of the vehicle parking, in respect of the flats hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures;

- (a) Details of how each car parking space will be allocated and managed,
- (b) Details of measures to ensure that each car parking space is for the use of its allocated owner.

The approved scheme must be implemented prior to the occupation of the development and shall be retained as such thereafter.

*Reason: To ensure that the development maintains a sustainable transport strategy and to comply with policies TR1, TR14 and TR19 of the Brighton & Hove Local Plan.*

#### **14) UNI**

Notwithstanding the cycle storage facilities shown in the drawings hereby approved the development hereby permitted shall not be commenced until revised cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first 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.*

#### **15) UNI**

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

shall thereafter be retained for use at all times.

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

**16) UNI**

Notwithstanding the information submitted, no development shall commence on site until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. The scheme shall include indications of existing hedgerows on the land together with measures for their protection during the course of the development.

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

**17) UNI**

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

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

**18) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	14		31/10/2012
Conversion to 7 Flats, Buildings as Existing	06		01/08/2012
Conversion to 7 Flats	07	Rev. B	29/10/2012
Conversion to 7 Flats - 1 Detached House Site Plan	08	Rev. D	31/10/2012
Detached House Modified Proposals	09	Rev. D	29/10/2012
Detached House + 7 Flats Contextual Elevations	11	Rev. A	05/10/2012

**BH2012/03482**

**28 Eastern Place Brighton**

Replacement of metal windows with timber double doors with associated alterations to form obscured glass Juliette balconies to rear elevation.

(Retrospective)

**Applicant:** Miss Lucy Lauener

**Officer:** Pete Campbell 292359

**Approved on 09/04/13 DELEGATED**

**1) BH01.01**

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

*Reason: To ensure that the Local Planning Authority retains the right to review*

*unimplemented permissions.*

## **2) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan			01/11/2012
Rear elevation existing			01/11/2012
Rear elevation proposed			01/11/2012
Juliette balcony detail			01/11/2012
Technical details sheet			01/11/2012
Product survey sheet and identification photo			01/11/2012

## **3) UNI**

The railings and obscure glazed panels forming the Juliette balconies hereby approved under this application shall be installed within three months of the date of the decision notice and shall be retained as such.

*Reason: To safeguard the appearance and character of the area and the residential amenity of neighbouring occupants, in accordance with policy QD14 and QD27 of the Brighton & Hove Local Plan 2005.*

### **BH2012/03858**

#### **40 Bristol Gardens Brighton**

Application for Approval of Details Reserved by Condition 16 of application BH2010/03333

**Applicant:** Mr Robin Cross

**Officer:** Anthony Foster 294495

**Approved on 17/04/13 DELEGATED**

### **BH2012/04040**

#### **25 Roedean Crescent Brighton**

Application for approval of details reserved by conditions 10, 13, 14, 15, 16, 17 and 18 of application BH2012/01117.

**Applicant:** 25 Roedean Crescent Ltd

**Officer:** Kate Brocklebank 292175

**Split Decision on 23/04/13 DELEGATED**

## **1) UNI**

Conditions 13 & 14 (landscaping and tree protection) insufficient information on the method of protection for existing trees has been provided.

### **BH2012/04049**

#### **28 Marine Drive Rottingdean Brighton**

Application for Approval of Details Reserved by Conditions 2, 4, 5, 7, 8, 10a, 13 and 15 of application BH2011/03060.

**Applicant:** Generator (Marine Drive) LLP

**Officer:** Anthony Foster 294495

**Approved on 23/04/13 DELEGATED**

**BH2013/00335**

**23 Bazehill Road Rottingdean Brighton**

Demolition of existing garage to facilitate erection of two storey side extension. Erection of single storey rear extension and associated external alterations.

**Applicant:** Mr Rowland Myers

**Officer:** Wayne Nee 292132

**Refused on 08/04/13 DELEGATED**

**1) UNI**

The proposed two storey side extension, by virtue of its eaves and ridge height, would appear as an inappropriate addition that would not have a subservient appearance and would not relate well to the character of the existing property. The prominence of the extension would also result in material harm to the street scene. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

**BH2013/00355**

**54 Nevill Road Rottingdean Brighton**

Erection of two storey rear extension.

**Applicant:** Mr Robert Middleton

**Officer:** Louise Kent 292198

**Approved on 15/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.04**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) BH03.03**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed extension	599/04		19 February 2013
Existing layout	599/05		5 February 2013

**5) UNI**

No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.*

**BH2013/00376****6 Grand Crescent Rottingdean Brighton**

Enclosure of existing porch and replacement of timber balustrading to balcony with painted timber balustrading.

**Applicant:** Mr John Hockey

**Officer:** Chris Swain 292178

**Approved on 04/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	CH516/001 PA		7 February 2013
Existing plans	CH516/002		7 February 2013
Existing elevations & sections	CH516/003		7 February 2013
Proposed plans	CH516/007		7 February 2013
Proposed elevations & sections	CH516/008	A	7 February 2013

**BH2013/00458****46 Sussex Square Brighton**

Internal alterations to layout of ground floor. (Part Retrospective)

**Applicant:** Mark Harper

**Officer:** Liz Arnold 291709

**Approved on 17/04/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

No works to create the bathroom area within the new utility room shall take place until full details of the new vent, including the external location and appearance, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2013/00508**

**19 Gorham Avenue Rottingdean Brighton**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Mr Robert Fodor

**Officer:** Louise Kent 292198

**Refused on 19/04/13 DELEGATED**

**1) UNI**

There are no permitted development rights for works involving altering the profile of land by excavation, embanking or tipping, which are engineering or other operation and constitute operational development defined by Section 55 of The Town and Country Planning Act 1990. The proposed engineering or other operation as detailed on the plans to accommodate the extension along with the proposed raised plant beds and retaining walling therefore requires planning permission and such permission is not granted under any of the provision of The Town and County Planning (General Permitted Development Order) (Amendment) (No.2) (England) Order 2003.

**BH2013/00525**

**33 Chailey Avenue Rottingdean Brighton**

Loft conversion incorporating formation of pitched roof with increased ridge height, front and rear balconies and side rooflights. Formation of hardstanding to replace garage.

**Applicant:** Mr & Mrs Jim & Sarah Lawrence

**Officer:** Anthony Foster 294495

**Refused on 19/04/13 DELEGATED**

**1) UNI**

The development, by reason of bulk, massing, design and elevational treatment would appear as an excessively dominant and incongruous addition that would relate poorly with the existing built form to the western side of Chailey Avenue, harming the appearance and character of the building and the surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2013/00546**

**8 Beacon Court Greenways Brighton**

Application to extend time limit for implementation of previous approval BH2010/00862 for erection of conservatory to rear.

**Applicant:** Mr Bruce Whiting

**Officer:** Louise Kent 292198

**Approved on 23/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.02**

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

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

**3) UNI**

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

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



Plan Type	Reference	Version	Date Received
Site plan			19th March 2010
Block plan			19th March 2010
Existing dwelling			21st April 2010
Proposed new conservatory			21st April 2010
Design and Access statement			19th March 2010

**BH2013/00568**

**41 Westfield Avenue North Saltdean Brighton**

Erection of a single storey side extension and a single storey rear extension.

**Applicant:** Mr Dean Edwards

**Officer:** Pete Campbell 292359

**Approved on 18/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan and block plan			21/02/2013
Existing floor plan, section and elevations	01		21/02/2013
Proposed floor plan, section and elevations	02A		17/04/2013

**BH2013/00582**

**41 Chailey Avenue Rottingdean Brighton**

Certificate of Lawfulness for proposed orangery to replace existing rear conservatory.

**Applicant:** Mr & Mrs Edmunds

**Officer:** Chris Swain 292178

**Refused on 22/04/13 DELEGATED**

**1) UNI**

The eaves height of the proposed single storey addition, which is sited within 2m of the boundary of the site, would be higher than 3m above ground level and as such is not considered permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**BH2013/00723**

**26 Saltdean Drive Saltdean Brighton**

Installation of steel balcony to the rear and alterations to fenestration.

**Applicant:** Barry Mather

**Officer:** Wayne Nee 292132

**Refused on 17/04/13 DELEGATED**

Report from: 04/04/2013 to: 24/04/2013

### **1) UNI**

The proposed balcony, due to its size, elevated height and design, would result in over dominant structure that would detract from the character and appearance of the existing property. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

### **2) UNI2**

The balcony, due to its elevated height and its location close to neighbouring boundaries, would represent an un-neighbourly and overbearing addition for nearby residents by reason of increased overlooking, loss of privacy, and the potential for noise and disturbance. This would be to the detriment of residential amenity; therefore the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

### **BH2013/00733**

#### **6 Chiltington Way Saltdean Brighton**

Certificate of Lawfulness for proposed single storey rear extension, loft conversion incorporating rear dormer, erection of cabin and conversion of existing garage into a study.

**Applicant:** Mr & Mrs Whitely

**Officer:** Pete Campbell 292359

**Withdrawn on 05/04/13**

### **WOODINGDEAN**

### **BH2013/00009**

#### **562 Falmer Road Brighton**

Erection of two storey side and single storey rear extension to replace exiting single storey garage and conservatory.

**Applicant:** Miss Michelle Standen

**Officer:** Andrew Huntley 292321

**Approved on 08/04/13 DELEGATED**

### **1) BH01.01**

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

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

### **2) BH03.03**

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

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

### **3) UNI**

No development shall take place until a scheme for the boundary treatment where the existing garage is located has 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 extensions and shall thereafter be retained for use at all times.

*Reason: To ensure the provision of satisfactory boundary wall/fence in order to protect neighbouring amenity.*

### **4) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	16.12.12		10.01.2013
Proposed Elevations	15.12.12		10.01.2013
Proposed Elevations	14.12.12		10.01.2013
Proposed Floor Plans	13.12.12		10.01.2013

**BH2013/00083**

**45 & 45A Downs Valley Road Brighton**

Erection of 2no. 3 bedroom detached dwellings with garages to the rear of existing property.

**Applicant:** Mr Michael Evans

**Officer:** Andrew Huntley 292321

**Refused on 18/04/13 DELEGATED**

**1) UNI**

The site layout does not reflect the original development of the area and fails to create a sense of place and integrate well with existing development. The proposal fails to enhance the positive qualities of the key neighbourhood principles of the area and does not respect the spacing characteristics of the neighbourhood. Consequently the proposal represents a poorly designed, over-development of the site, out of keeping with its surroundings, to the detriment of the character of the area and the visual appearance of the street scene. As such it would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

**2) UNI2**

The design of the proposed 2 storey dwellings is at odds with the surrounding properties, which are predominantly bungalows. The dwellings are significantly cut into the slope to minimise the height of the ridge. However, this cutting in would appear incongruous when viewed from the access way. In addition, the vista from the new driveway would appear visually poor by reason of the long straight access drive, hardstanding for parking and turning area and the fencing and retaining walls. As such it would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

**3) UNI3**

Vehicle parking and turning areas should not dominate areas but be designed so to maintain the character of the overall setting. In this instance, the front of both 45 and 45A would be dominated by car parking and the new access drive to the visual detriment of the host dwellings and the wider street scene. In addition, the resultant useable private amenity space for the new dwellings and both host dwellings would be inadequate, providing reduced amenity value and out of character with the large mature gardens, which the majority of properties in the area have. Therefore, the proposal would be contrary to policies QD1, QD2, QD3 and HO5 of the Brighton & Hove Local Plan.

**4) UNI4**

The proposal, by virtue of the access driveway would cause an unacceptable level of noise and disturbance to the occupiers of no. 45 and 45A Downs Valley Road. The first floor bedroom windows on the two dwellings would cause overlooking into neighbouring properties 43, 45, 45A and 47 Downs Valley Road. Therefore, the proposal would cause significant harm to neighbouring amenity by reason of overlooking and loss of privacy. Therefore, the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

## **BH2013/00315**

### **3 Rudyard Road and Land to Rear of 31 and 33 The Ridgway Brighton**

Demolition of existing bungalow and erection of 2no three bedroom semi-detached town houses and 2no two bedroom detached chalet bungalows with associated car parking, landscaping and ancillary buildings.

**Applicant:** Mr Jason Raynsford

**Officer:** Andrew Huntley 292321

**Refused on 08/04/13 DELEGATED**

#### **1) UNI**

The proposed townhouses would be clearly visible from Rudyard Road and their overly dominant scale, mass, form and bulk combined with them being cut into the ground, would cause harm to the established character of the surrounding area and appear visually incongruous within the street scene. The site layout does not reflect the original development of the area and fails to create a sense of place and integrate well with existing development. The proposal fails to enhance the positive qualities of the key neighbourhood principles of the area and does not respect the spacing characteristics of the neighbourhood. Consequently the proposal represents a poorly designed, over-development of the site, out of keeping with its surroundings, to the detriment of the character of the area and the visual appearance of the street scene. As such it would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan (2005), as well as emerging policy CP12 of the City Plan.

#### **2) UNI2**

The townhouses would appear visually cramped with the access road squeezed onto the western side and as such would result in overdevelopment of the site. As such it would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan (2005), as well as emerging policy CP12 of the City Plan.

#### **3) UNI3**

The proposed bungalows by reason of their design would fail to provide a suitable standard of design and appearance for new development. In particular their large bulky roofs, fail to relate to the fenestration below or the character of the area and result in a 'top heavy' appearance. As such it would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan (2005), as well as emerging policy CP12 of the City Plan.

#### **4) UNI4**

The proposal, by virtue of the access driveway would cause an unacceptable level of noise and disturbance to the occupiers of no. 1 Rudyard Road. The first floor gable windows on the two bungalows would cause overlooking into neighbouring properties and the first floor window on the western elevation of the townhouse would also cause overlooking in to the rear garden of No.1 Rudyard Road. Therefore, the proposal would cause significant harm to neighbouring amenity and thus would be contrary to policy QD27 of the Brighton & Hove Local Plan (2005).

## **BH2013/00404**

### **42 Warren Avenue Brighton**

Erection of single storey side extension with balcony above including replacement of existing window with French Doors.

**Applicant:** Mr Mark Vanoli

**Officer:** Pete Campbell 292359

**Approved on 09/04/13 DELEGATED**

#### **1) BH01.01**

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

*Reason: To ensure that the Local Planning Authority retains the right to review*

*unimplemented permissions.*

## **2) BH03.03**

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

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

## **3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan, existing planning layout & roof plan	526.100		11/02/2013
Proposed planning layout & roof plan	526.101		11/02/2013
Existing floor plans & section a-a	526.102		11/02/2013
Existing elevations	526.103		11/02/2013
Proposed floor plans & section a-a	526.104		11/02/2013
Proposed elevations	526.105		11/02/2013

## **BRUNSWICK AND ADELAIDE**

### **BH2013/00152**

#### **52 Brunswick Road Hove**

Application for approval of details reserved by conditions 1, 2, 3, 4 and 5 of application BH2012/00493.

**Applicant:** Andrew Kitching

**Officer:** Guy Everest 293334

#### **Split Decision on 16/04/13 DELEGATED**

##### **1) UNI**

The details pursuant to conditions 1, 3 and 5 subject to full compliance with the submitted details.

##### **1) UNI**

The details pursuant to conditions 2 and 4 are NOT APPROVED for the reasons set out below.

The submitted details indicate different double-door designs and opening widths. Whilst the general design and proportions indicated on drawing no. 4367/8C are acceptable there should be horizontal glazing bars to divide the large areas of glass and a rounded beading profile is not appropriate. Furthermore whilst the general design and proportions of the replacement windows are acceptable the submitted details indicate horns which would not be appropriate to the building. The details in respect of condition 2 cannot therefore be approved.

##### **2) UNI2**

No details have been submitted outlining whether the ducting route is within the floor void or the room itself. In the absence of this information the details in respect of condition 4 cannot be approved.

### **BH2013/00156**

#### **52 Brunswick Road Hove**

Application for Approval of details reserved by conditions 1, 2 and 3 of application BH2012/00492.

**Applicant:** Andrew Kitching

**Officer:** Guy Everest 293334

#### **Split Decision on 15/04/13 DELEGATED**

Report from: 04/04/2013 to: 24/04/2013

**1) UNI**

APPROVE the details pursuant to conditions 1 and 3 subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to condition 2 are NOT APPROVED

**2) UNI2**

The submitted details indicate different double-door designs and opening widths. Whilst the general design and proportions indicated on drawing no. 4367/8C are acceptable there should be horizontal glazing bars to divide the large areas of glass and a rounded beading profile is not appropriate. Furthermore whilst the general design and proportions of the replacement windows are acceptable the submitted details indicate horns which would not be appropriate to the building. The details in respect of condition 2 cannot therefore be approved.

**BH2013/00337**

**2 Brunswick Road Hove**

Installation of 3no external vents to rear elevation.

**Applicant:** Brunswick Road Dental Practice

**Officer:** Helen Hobbs 293335

**Refused on 16/04/13 DELEGATED**

**1) UNI**

The number and size of the proposed vents are considered excessive and would form incongruous features, to the detriment of the appearance and historic character of this listed building. Furthermore the applicant has failed to demonstrate the need for three vents of this size in support of the application. Therefore the proposal is contrary to policy HE 1 of the Brighton & Hove Local Plan.

**BH2013/00339**

**2 Brunswick Road Hove**

Installation of 3no external vents to rear elevation.

**Applicant:** Brunswick Road Dental Practice

**Officer:** Helen Hobbs 293335

**Refused on 16/04/13 DELEGATED**

**1) UNI**

The number and size of the proposed vents are considered excessive and would form incongruous features, to the detriment of the appearance and historic character of this listed building and the surrounding conservation area. Furthermore the applicant has failed to demonstrate the need for three vents of this size in support of the application. Therefore the proposal is contrary to policy HE 1 of the Brighton & Hove Local Plan.

**BH2013/00415**

**Flat 4 12 Brunswick Square Hove**

Conversion of existing three bedroom flat into 1no two bedroom flat and 1no studio flat.

**Applicant:** Mr Nasser Tag-El-Din

**Officer:** Jason Hawkes 292153

**Refused on 18/04/13 DELEGATED**

**1) UNI**

Due to its limited size, the proposed studio flat would be a small and cramped space which would not provide an appropriate standard of accommodation. The scheme therefore results in an inadequate habitable space and is contrary to policy QD27 of the Brighton & Hove Local Plan.

## 2) UNI2

The proposal would result in the loss of an existing family sized small unit of residential accommodation from the City's housing stock. The existing maisonette is unsuitable for conversion into smaller units of accommodation by virtue of an original floor area of less than 115 sq metres and less than four bedrooms as originally built. The proposal is therefore contrary to policy HO9 of the Brighton & Hove Local Plan.

### **BH2013/00416**

#### **Flat 4 12 Brunswick Square Hove**

Internal alterations to convert existing three bedroom flat into 1no two bedroom flat and 1no studio flat.

**Applicant:** Mr Nasser Tag-El-Din

**Officer:** Jason Hawkes 292153

**Approved on 18/04/13 DELEGATED**

#### 1) BH01.05

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

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

#### 2) BH13.13

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

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

#### 3) UNI

No development shall commence until full details, including layout plans and elevations drawing, of any ventilation and drainage required for the scheme are submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

### **BH2013/00424**

#### **38-39 Western Road Hove**

External alterations and refurbishment works to public house. (Part Retrospective)

**Applicant:** Inn Brighton Ltd

**Officer:** Mark Thomas 292336

**Approved on 10/04/13 DELEGATED**

#### 1) BH01.01

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

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

#### 2) UNI

Within three months of the date of this consent the two carriage lights to the front elevation and the up-lighter to the southern end of the west side elevation shall be removed, and any damage to the surface to which they are affixed repaired,

including the restoration of the mosaic to the front elevation.

*Reason: To safeguard the appearance and character of the listed building and the wider area in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

### **3) UNI**

Within three months of the date of this consent the repainting works hereby permitted shall be completed in their entirety.

*Reason: To safeguard the appearance and character of the listed building and the wider area in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

### **4) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Design and access statement			11 February 2013
Existing and proposed elevations	10	A	10 April 2013
Proposed front elevation	11	A	10 April 2013
Proposed side elevation	12	A	10 April 2013
Site location and block plan			11 February 2013

### **5) UNI**

Within three months of the date of this consent, the trough lights hereby approved shall be painted to match the colour of the surrounding elevation to which they are affixed and permanently retained as such.

*Reason: To safeguard the appearance and character of the listed building and the wider area in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

## **BH2013/00425**

### **38-39 Western Road Hove**

Internal and external alterations and refurbishment works to public house including display of new externally illuminated signs. (Part Retrospective)

**Applicant:** Inn Brighton Ltd

**Officer:** Mark Thomas 292336

**Approved on 10/04/13 DELEGATED**

#### **1) BH01.05**

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

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

#### **2) UNI**

Within one month of the date of this consent, full details of the proposed skirting board and architrave including 1:1 scale joinery profiles shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented within 3 months of such written approval in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient and inaccurate information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

#### **3) UNI**

Within three months of the date of this consent the repainting works hereby permitted shall be completed in their entirety.

*Reason: To safeguard the appearance and character of the listed building and*



*the wider area in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**4) UNI**

Within three months of the date of this consent the two carriage lights to the front elevation and the up-lighter to the southern end of the west side elevation shall be removed, and any damage to the surface to which they are affixed repaired, including the restoration of the mosaic to the front elevation.

*Reason: To safeguard the appearance and character of the listed building and the wider area in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**5) UNI**

The internal alterations hereby permitted, with the exception of the works of which details are reserved by condition 6, shall be completed in their entirety within three months of the date of this consent.

*Reason: To safeguard the appearance and character of the listed building and the wider area in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**6) UNI**

Within three months of the date of this consent, the trough lights hereby approved shall be painted to match the colour of the surrounding elevation to which they are affixed and permanently retained as such.

*Reason: To safeguard the appearance and character of the listed building and the wider area in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**BH2013/00426**

**38-39 Western Road Hove**

Display of 1no externally illuminated fascia sign and 1no externally illuminated mural sign. (Part Retrospective)

**Applicant:** Inn Brighton Ltd

**Officer:** Mark Thomas 292336

**Approved on 10/04/13 DELEGATED**

**1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

**2) BH10.02**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

**3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

**4) BH10.04**

Where an advertisement is required under these Regulations to be removed, the

site shall be left in a condition that does not endanger the public or impair visual amenity.

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**8) UNI**

Within 3 months of the date of this consent, the trough lights hereby approved shall be painted to match the colour of the surrounding elevation to which they are affixed and permanently retained as such.

*Reason: To safeguard the appearance and character of the listed building and the wider area in accordance with policies QD12 and HE9 of the Brighton & Hove Local Plan.*

**BH2013/00459**

**Flat 1 49 Brunswick Square Hove**

Installation of air vent to front elevation. (Retrospective).

**Applicant:** Dr Robert Towler

**Officer:** Mark Thomas 292336

**Refused on 22/04/13 DELEGATED**

**1) UNI**

The vent as installed is visually prominent within the street scene. The alien appearance of the vent, together with its positioning, level of projection and materials/finish is inappropriate to its context and has caused significant harm to the special historical and architectural character and significance of the Grade I Listed Building. The development is thereby contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Document 09 'Architectural Features.'

**BH2013/00465**

**33 Selborne Road Hove**

Certificate of Lawfulness for existing use of basement flat as a self-contained one bedroom flat.

**Applicant:** Thirty Three Holland Park Ltd

**Officer:** Guy Everest 293334

**Approved on 08/04/13 DELEGATED**

**BH2013/00475****Rear Basement Flat 22 Brunswick Square Hove**

Replacement of existing timber windows and doors with double glazed timber windows and doors.

**Applicant:** Ms L Waterman

**Officer:** Helen Hobbs 293335

**Approved on 15/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed	LW/04C		15/04/13
Windows and doors details	LW/05B		15/04/13
Windows and doors	LW/06B		15/04/13
Section - windows 1, 2, & 3	LW/07A		15/04/13
Section - Window 5 and Door ED3	LW/09A		15/04/13
Plans - windows 1,2 &3	LW/11A		15/04/13
Plans - Windows 5, 6 & 7	LW/12A		15/04/13

**BH2013/00543****Flat 8 18-19 Adelaide Crescent Hove**

Internal alterations to layout of flat.

**Applicant:** Mrs Roz Green

**Officer:** Mark Thomas 292336

**Approved on 15/04/13 DELEGATED**

**1) BH01.05**

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

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

**CENTRAL HOVE****BH2012/03464****Land to rear of 1-2 Victoria Terrace Kingsway & Spa Court Kings Esplanade Hove**

Application for variation of condition 2 of application BH2011/03375, (Refurbishment of building including replacement of existing roof with new copper roof and rooflights, external rendering and construction of boat store adjacent to entrance ramp) to permit revisions to approved drawings to relocate memorial cross and enlargement of canoe store.

**Applicant:** Mr Hoveco

**Officer:** Guy Everest 293334

**Approved on 10/04/13 PLANNING COMMITTEE**

**1) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Plan	11813/001	A	30/10/2012
Floor Plan / Roof Plan Proposed	11813/020	G	30/10/2012
Sections AA / BB Proposed	11813/021	G	30/10/2012
North / South / West Elevations - Proposed	11813/023	H	30/10/2012
Sections AA / BB / CC / DD Proposed	11813/024	J	30/10/2012
Historic Building Analysis Method Statement			06/02/2012

## 2) UNI

The repairs to the existing walls shall be carried out using a lime : aggregate mortar mix.

*Reason: To ensure the satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

## 3) UNI

The boat store enlargement hereby approved shall not be commenced until the Verner memorial cross, as identified on drawing no. 11813/011 Rev B, has been relocated in accordance with drawing no. 11813/023 Rev H and the Method Statement prepared by 'Historic Building Analysis' dated 4th February 2013.

*Reason: To ensure the satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

## 4) UNI

The plant and rooftop grilles hereby approved shall be implemented in accordance with the details approved under application BH2013/00020 on 1st March 2013, including the approved means of treating the plant against the transmission of sound.

*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.*

## 5) UNI

The development hereby approved shall be implemented in accordance with the bollards approved under application BH2012/00318 on 28th February 2012.

*Reason: To ensure the satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

## **BH2012/03702**

### **Flat 1 54-55 Ventnor Villas Hove**

Replacement of existing ground floor rear bay window with UPVC french doors and windows

**Applicant:** Mr Markus Haverstock

**Officer:** Robert McNicol 292322

**Approved on 08/04/13 DELEGATED**

### 1) BH01.01

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

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

### 2) UNI

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing plan and elevations	0001		19/11/2012
Proposed plan and elevations	002		19/11/2012
Photograph of existing window			11/12/2012
Product image and description of proposed replacement doors and windows			11/12/2012

### **BH2013/00068**

#### **Kings House Grand Avenue Hove**

Installation of new roller shutter and brick pier.

**Applicant:** Mr David Bond

**Officer:** Mark Thomas 292336

**Approved on 15/04/13 PLANNING COMMITTEE**

#### **1) BH01.05**

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

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

#### **2) BH03.03**

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

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

### **BH2013/00120**

#### **38 Medina Villas Hove**

Alterations to front boundary wall including installation of matching pier to form access to new parking space.

**Applicant:** Stephen Oxley

**Officer:** Guy Everest 293334

**Refused on 09/04/13 PLANNING COMMITTEE**

#### **1) UNI**

The front boundary wall, railings and garden contribute positively to the character of the street scene and of the Cliftonville Conservation Area. The partial loss of the front wall and railings would further erode the front boundary treatment in this section of the street and would detract from the historic character of Medina Villas. In addition the hardstanding, when in use, would disrupt the front elevation and bay window of the building which would further detract from the character of the area. The proposal would fail to preserve the character or appearance of the Cliftonville Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Document 09, Architectural Features.

### **BH2013/00201**

#### **45 Osborne Villas Hove**

Replacement of existing timber sash window with larger double glazed timber window to basement level.

**Applicant:** David Franklin-Johnson

**Officer:** Steven Lewis 290480

**Refused on 22/04/13 DELEGATED**

### **1) UNI**

The replacement window, by reason of its size and detailing, is considered poorly designed and historically inaccurate and would not preserve or enhance the character and appearance of the building or the wider Cliftonville conservation area. This is contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 9 - Architectural features.

### **BH2013/00303**

#### **20 The Drive Hove**

Application for approval of details reserved by conditions 10i, ii, iii, iv, vi, vii, 8 and 9 of application BH2012/00832.

**Applicant:** Richmond Hotels Ltd

**Officer:** Adrian Smith 290478

**Approved on 24/04/13 DELEGATED**

### **BH2013/00375**

#### **75 George Street Hove**

Installation of replacement shop front (Retrospective).

**Applicant:** Caffe Nero

**Officer:** Jason Hawkes 292153

**Refused on 08/04/13 DELEGATED**

### **1) UNI**

Due to its atypical design with a deep recess, the shopfront stands out in the street scene as a visually inappropriate and incongruous feature and does not respect the style, proportions, detailing and materials of the parent building and surrounding shopfronts/buildings. The recessed form of the shopfront also creates unattractive dead frontage when not in use as a covered seating area, such as during the evening hours. The development is therefore contrary to policies QD1, QD14, QD10 of the Brighton & Hove Local Plan and Supplementary Planning Document 2: Shopfront Design.

### **2) UNI2**

The submitted drawings show the provision of a shutter box to the front of the building. However, no details have been given regarding the appearance any external shutters that may be proposed to be installed at the premises. In the absence of details of the appearance and design of the shutters it is not possible to assess their visual impact on the appearance of the building and overall street scene to ensure that no harm to visual amenity would be caused. The scheme is thereby contrary to policies QD1 and QD8 of the Brighton & Hove Local Plan.

### **BH2013/00489**

#### **17 Sussex Road Hove**

Conversion of existing residential unit (C3) use into two 2no bedroom flats (C305).

**Applicant:** Hanson Capital Management Limited

**Officer:** Christopher Wright 292097

**Approved on 18/04/13 DELEGATED**

### **1) BH01.01**

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

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

### **2) UNI**

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

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

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan 2005.*

### 3) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Home standards prior to its first occupation and shall be retained as such thereafter.

*Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan 2005.*

### 4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	449(PL)1		14 Feb 2013
Proposals	449(PL)1		14 Feb 2013

### 5) UNI

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

*Reason: To safeguard the appearance of the building and the visual amenities of the conservation area locality and to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan.*

## GOLDSMID

### BH2011/03836

#### **St Agnes Church Newtown Road Hove**

Application to extend the time limit for implementation of previous approval BH2008/01824 for the conversion of existing roof void to form 5 maisonettes with associated alterations. Continued use of ground and lower ground floors as gymnasium.

**Applicant:** Dudley Sizen

**Officer:** Adrian Smith 290478

**Approved after Section 106 signed on 12/04/13 DELEGATED**

#### 1) UNI

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

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

#### 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site and block plan	TA292/01	A	13/02/2009
Proposed plan	TA292/02	A	13/02/2009
	TA292/09	A	13/02/2009
	TA292/10	A	13/02/2009
	TA292/11	B	12/09/2012
	TA292/12	A	13/02/2009

	TA292/13	A	13/02/2009
	TA292/14	A	13/02/2009
	TA292/15	A	13/02/2009
	TA292/16	B	09/03/2012
	TA292/17	A	13/02/2009
	TA292/18		12/09/2012

### 3) UNI

The flat roof (excluding the dedicated patio areas) at first floor level on the southern side of the building shall be used for access, emergency and maintenance purposes only, and shall not be used as a terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise and disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan 2005.*

### 4) UNI

The staircase at the south-eastern corner of the building, linking the ground floor entrance hall to the first floor level flat roof, shall be used only in case of emergency and for no other purpose.

*Reason: In order to protect adjoining properties from overlooking and noise and disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan 2005.*

### 5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

*Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan 2005.*

### 6) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the measures for the recovery and re-use of demolition and construction waste shall be implemented in strict accordance with the submitted Site Waste Management Plan.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document 03 Construction & Demolition Waste.*

### 7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Domestic Refurbishment (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved an BREEAM Domestic Refurbishment rating 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 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.*

### 8) UNI

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the



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

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan 2005.*

#### **9) UNI**

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

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan 2005.*

#### **10) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- a. evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Domestic Refurbishment (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve a BREEAM Domestic Refurbishment rating have been submitted to the Local Planning Authority; and
- b. a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.*

#### **11) UNI**

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

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan 2005.*

#### **12) UNI**

No development shall take place until details (including materials and finishes) of the proposed first floor level balcony on the western elevation of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan 2005.*

#### **13) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development,

indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan 2005.*

**BH2013/00056**

**Flat 2 26 Cromwell Road Hove**

Internal alterations to layout of flat.

**Applicant:** Mrs Louise Heath

**Officer:** Robert McNicol 292322

**Refused on 08/04/13 DELEGATED**

**1) UNI**

By virtue of insufficient information having been supplied with the application, it has not been able to fully assess the impact of the proposal on the historic character and appearance of the grade II listed building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan.

**BH2013/00264**

**West View The Drive Hove**

Creation of additional floor above existing to provide 4no new flats with additional car parking at ground floor level.

**Applicant:** Anstone Properties Limited

**Officer:** Steven Lewis 290480

**Approved on 11/04/13 PLANNING COMMITTEE**

**1) UNI**

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

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

**2) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Plan	A2212/01	B	29/01/2013
Block Plan	A2212/02	B	29/01/2013
Existing Floor Plan	A2212/03	B	29/01/2013
Existing South Elevation	A2212/05	B	29/01/2013
Existing East Elevation	A2212/06	B	29/01/2013
Existing West Elevation	A2212/07	B	29/01/2013
Proposed Floor Plan	A2212/08	B	29/01/2013
Proposed North Elevation	A2212/09	B	29/01/2013
Proposed South Elevation	A2212/10	B	29/01/2013
Proposed East Elevation	A2212/11	B	29/01/2013
Proposed West Elevation	A2212/12	B	29/01/2013
Existing roof Plan	A2212/13	B	29/01/2013
Proposed roof Plan	A2212/14	B	29/01/2013
Lifetime Homes	A2212/15	B	29/01/2013

**3) UNI**

No development shall take place until samples of the materials (including colour

of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

#### **4) UNI**

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

#### **5) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

#### **6) UNI**

Notwithstanding the details shown on the approved drawings, the residential unit labelled as 'Flat 20' (as detailed on drawing no. A2212/02 Rev.B) of the development hereby permitted shall not be occupied until an obscure glazed privacy screen at a suitable height to preclude overlooking of neighbouring properties has been provided along the entire western edge of the roof terrace serving this unit in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The approved privacy screen shall thereafter be retained in situ.

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

#### **7) UNI**

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

*Reason: To ensure that 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.*

#### **8) UNI**

No development shall commence on site until a Scheme of Management of the vehicle parking has been submitted to and been approved in writing by the Local Planning Authority. The scheme must include the following measures:

- a. Details of how each car parking space will be allocated and managed

b. Details of measures to ensure that each car parking space is for the use of its allocated owner:

The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.

*Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR14 and TR19 of the Brighton & Hove Local Plan.*

#### **9) UNI**

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

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

#### **10) UNI**

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

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

#### **11) UNI**

No development shall take place until a scheme for providing suitable soundproofing between the existing top floor of the building and the proposed additional storey hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The soundproofing measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

#### **12) UNI**

Notwithstanding the approved floor plans, the development hereby permitted shall not commence until revised floor layout drawings incorporating lifetime home standards have been submitted and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and retained thereafter.

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

### **BH2013/00282**

#### **88 Goldstone Road Hove**

Erection of single storey rear extension at lower ground floor level and loft conversion incorporating rear dormer and 2no rooflights to the front.

**Applicant:** Squires Property

**Officer:** Jason Hawkes 292153

**Refused on 05/04/13 DELEGATED**

### 1) UNI

The proposed rear dormer extension, by virtue of its size, positioning and inappropriate window design, would form an incongruous and unsympathetic feature, detrimental to the appearance of the building and the surrounding area. The proposal is therefore contrary to the objectives of policy QD14 of the Brighton & Hove Local Plan and to advice in Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

### 2) UNI2

Given the lack of rooflights on the front roofslopes of the adjacent houses, the proposed 2 no. rooflights would be out of character with the street and would stand out as inappropriate additions. The unsympathetic positioning of one of the rooflights immediately adjacent a party wall would also make the rooflight appear as an incongruous addition to the roof. The proposal is therefore contrary to the objectives of policy QD14 of the Brighton & Hove Local Plan and to advice in Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

### 3) UNI3

The proposed rear extension would further extend an existing single-storey rear addition which already forms an imposing extension to the property. Extending this addition would result in an overextended appearance to the property resulting in an incongruous and inappropriate addition to the detriment of the character of the property and surrounding area. The proposal is therefore contrary to the objectives of policy QD14 of the Brighton & Hove Local Plan.

## **BH2013/00295**

### **Flat 7 5 Cromwell Road Hove**

Replacement of existing timber single glazed casement windows with timber double glazed sash windows.

**Applicant:** Brighton & Hove Securities Ltd

**Officer:** Adrian Smith 290478

**Approved on 15/04/13 DELEGATED**

### 1) BH01.01

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

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

### 2) UNI

The dormer window shall be hung with natural slate tiles to match the originals to the building and shall be retained as such thereafter.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.*

### 3) UNI

The dormer's new window frames and fascia should be painted dark grey (BS18.B.25) and retained as such thereafter.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.*

### 4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan			29/01/2013
Existing & proposed elevations	PL01	B	29/01/2013
Window details	PL03	C	09/04/2013

## 5) UNI

The horns and frame dimensions to the new sliding sash windows shall match exactly those to the original windows within the building and shall have chamfered fixing beads without any steps or rebates and shall not have visible trickle vents, and the sealed double glazing units shall have white spacer bars.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.*

### **BH2013/00296**

#### **Flat 7 5 Cromwell Road Hove**

Replacement of existing timber single glazed casement windows with timber double glazed sash windows.

**Applicant:** Brighton & Hove Securities Ltd

**Officer:** Adrian Smith 290478

**Approved on 15/04/13 DELEGATED**

#### **1) BH01.05**

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

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

#### **2) UNI**

The dormer window shall be hung with natural slate tiles to match the originals to the building and shall be retained as such thereafter.

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

#### **3) UNI**

The dormer's new window frames and fascia should be painted dark grey (BS18.B.25) and retained as such thereafter.

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

#### **4) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan			29/01/2013
Existing & proposed elevations	PL01	B	29/01/2013
Window details	PL03	C	09/04/2013

## 5) UNI

The horns and frame dimensions to the new sliding sash windows shall match exactly those to the original windows within the building and shall have chamfered fixing beads without any steps or rebates and shall not have visible trickle vents, and the sealed double glazing units shall have white spacer bars.

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

### **BH2013/00378**

#### **48A Highdown Road Hove**

Erection of front and rear extensions to ground floor. Alterations to fenestration.

**Applicant:** Mr Jasper Kent

**Officer:** Jason Hawkes 292153

**Approved on 09/04/13 DELEGATED**

Report from: 04/04/2013 to: 24/04/2013

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Planning Submission	18201.04		7/02/2013

**BH2013/00472**

**5 Chanctonbury Road Hove**

Erection of single storey side extension.

**Applicant:** Mr Martin McCurdy

**Officer:** Mark Thomas 292336

**Approved on 11/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan	0228-13-04		14 February 2013
Block plan	0228-13-05		14 February 2013
Existing floor plans	0228-13-01		14 February 2013
Proposed floor plans	0228-13-02		14 February 2013
Existing & proposed elevations	0228-13-03		14 February 2013

**BH2013/00636**

**Hove Station Goldstone Villas Hove**

Installation of LCD information screen in ticket hall.

**Applicant:** Network Rail

**Officer:** Robert McNicol 292322

**Approved on 23/04/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

The electrical box and cable hereby permitted shall be painted to match the colour of the wall behind, and shall thereafter be so retained.

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

Informatives:

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

Report from: 04/04/2013 to: 24/04/2013

Plan Type	Reference	Version	Date Received
Block & site location plans	HOV/NWR/ISC/PLAN/100000/T910 C01		26/02/2013
Perspective view	HOV/NWR/ISC/PLAN/100000/Y644 C01		26/02/2013
Screen mount details	ENG/NWR/ISC/DWG/000196/644 C01		26/02/2013

### **BH2013/00786**

#### **Eaton Manor Eaton Gardens Hove**

Non-material amendment to application BH2012/02391 to change the colour of the proposed replacement windows from light grey to dark grey.

**Applicant:** Dorrington PLC

**Officer:** Jason Hawkes 292153

**Approved on 11/04/13 DELEGATED**

### **HANGLETON & KNOLL**

### **BH2012/03446**

#### **Court Farm House Court Farm Devils Dyke Road Hove**

Demolition of existing buildings and construction of 5no two storey detached dwelling houses and a 58 bed space, part two and part three storey nursing home with associated landscaping and access works and provision of 28 new car parking spaces and 15 cycle spaces.

**Applicant:** Thornton Properties Ltd

**Officer:** Steven Lewis 290480

**Refused on 11/04/13 PLANNING COMMITTEE**

#### **1) UNI**

The site lies outside the present Built-up Area boundary defined by the Brighton & Hove Local Plan and the application fails to demonstrate that the development would justify a countryside location contrary to policies NC5 and NC6 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The application, due to its proposed uses, density, timing, access and relationship to the remainder of the Toad's Hole Valley allocated site fails to demonstrate that it would not prejudice an emerging strategic land designation for the comprehensive delivery of housing, employment and infrastructure vital to the sustainable growth of the city. This is contrary to Policy DA7 of the emerging Brighton & Hove City Plan - Part One.

#### **3) UNI3**

The application, in the absence of detailed measures to promote and encourage sustainable transport and provide a legal obligation for highway improvements, fails to provide for the travel demand it creates. As such, the proposal is contrary to policies TR1 and QD28 of the Brighton & Hove Local Plan.

### **BH2013/00341**

#### **29 Lynchets Crescent Hove**

Erection of single storey rear extension incorporating alterations to fenestration.

**Applicant:** Ian Lovelidge

**Officer:** Robert McNicol 292322

**Refused on 08/04/13 DELEGATED**

#### **1) UNI**

By virtue of its form, scale, depth, width and projection beyond the existing side



elevation of the recipient property, the proposed extension would relate poorly to the existing dwelling and would dominate the appearance of the rear of the property. It would also cause the building to appear overextended and would be an incongruous and unusual feature in the street scene. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2013/00343**

**The Martlets Hospice Wayfield Avenue Hove**

Demolition of existing conservatory and erection of a single storey extension to North elevation, replacement entrance canopy and associated alterations.

**Applicant:** The Martlets Hospice

**Officer:** Christopher Wright 292097

**Approved on 04/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The external finishes of the pitched roof to the new entrance canopy hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing block plan for Outpatient Suite	120906B/BP1a		5 Feb 2013
Existing - main entrance area - elevations	120906B/E1		5 Feb 2013
Existing floor plan	120906B/EX1a		5 Feb 2013
The OutPatient Suite Existing and proposed elevations and plan	120906B/EX3revD		7 Feb 2013
The OutPatient Suite Existing and proposed section throughs	120906B/SEC1/rev B		5 Feb 2013
Location Plan for Outpatient suite	120906B/LP1a		5 Feb 2013
Outpatient Suite	120906B/GR4		5 Feb 2013
Proposed block plan	120906B/BP2reva		7 Feb 2013
Draft proposal - main entrance area - elevations	120906B/SKO7e/rev2		5 Feb 2013
Draft proposal - main entrance area - Plan	120906B/SKO7/rev3		5 Feb 2013

**BH2013/00446****41 Wrenne Road Hove**

Erection of conservatory to rear and front porch.

**Applicant:** Mr John Morrall

**Officer:** Robert McNicol 292322

**Approved on 15/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed plans and elevations	13/130 SK1	C	8 March 2013
Site location and block plans	A		19 February 2013

**BH2013/00470****19-20 Queens Parade Hove**

Change of use from retail (A1) to restaurant/café/take-away (A3/A5).

**Applicant:** Kamlax Company

**Officer:** Christopher Wright 292097

**Refused on 12/04/13 DELEGATED**

**1) UNI**

Policy SR6 of the Brighton & Hove Local Plan seeks to resist the loss of A1 units within designated Local Centres unless it can be demonstrated that: the number of non-retail units would not exceed 35% of the centre; a Class A1 retail use is no longer economically viable in that particular unit; the proposed use would make a positive contribution to the vitality and viability of the centre; the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area; and the proposed use would not lead to a significant break of more than 10 metres in the frontage. The proposed A3/A5 use would result in the proportion of non-retail units in the centre exceeding 35%. Furthermore insufficient evidence has been supplied to demonstrate that the premises are economically unviable, or that the A3/A5 use would not have a detrimental impact on the amenities of adjacent residents, contrary to the above policy.

**2) UNI2**

Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan require proposals for development to minimise the impact of pollution on the surrounding environment, particularly in instances where it would cause material nuisance and loss of amenity to adjacent occupiers. Insufficient information has been submitted to demonstrate that the proposed extract system and flue would not result in significant harm to the amenities of adjacent occupiers by way of noise and odour disturbance, contrary to the above policies.

**BH2013/00512****102A Hallyburton Road Hove**

Loft conversion incorporating velux windows to the side and rear of the property.  
Installation of chimney flue to the rear annex.

**Applicant:** Ms Katherine Browne

**Officer:** Helen Hobbs 293335

**Approved on 09/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed loft conversion	BR/01	Rev A	18/02/2013
3D Rear elevation			18/02/2013
Flue details			18/02/2013

**BH2013/00555****2 West Way Hove**

Certificate of Lawfulness for proposed widening of existing driveway and creation of cross over.

**Applicant:** Mrs Pearcey

**Officer:** Robert McNicol 292322

**Refused on 17/04/13 DELEGATED**

**1) UNI**

The development is not permitted under Schedule 2, Part 1, Class F or Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**BH2013/00731****59 Holmes Avenue Hove**

Demolition of existing conservatory and erection of new conservatory to the rear.

**Applicant:** Mr & Mrs Galvin

**Officer:** Steven Lewis 290480

**Approved on 16/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Floor Plans	4099/1		05/03/2013
Existing elevations	4099/2		05/03/2013
Proposed elevations	4099/3		05/03/2013

## **NORTH PORTSLADE**

### **BH2013/00138**

#### **Portslade Aldridge Community Academy Chalky Road Portslade**

Re-landscaping of existing enclosed external courtyard including installation of new canopies (part retrospective).

**Applicant:** Brighton & Hove City Council

**Officer:** Jason Hawkes 292153

**Approved on 10/04/13 DELEGATED**

#### **1) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan	HKS-A-L-20-001	A	16/01/2013
Detail Layout Plan	PL.90.204	C4	16/01/2013
Proposed Block Plan	HKS-A-L-20-003	B	11/02/2013
Existing Ground Floor Plan	HKS-A-L-20-005	A	11/02/2013
Existing Roof Plan	HKS-A-L-20-007	A	11/02/2013
Proposed Ground Floor Plan	HKS-A-L-20-011	M	11/02/2013
Proposed First Floor Plan	HKS-A-L-20-012	L	16/01/2013
Proposed Second Floor Plan	HKS-A-L-20-013	L	16/01/2013
Proposed Roof Plan	HKS-A-L-20-014	F	16/01/2013
Existing Elevations to Courtyard	HKS-A-L-20-038	A	13/02/2013
Proposed Canopy Sections	HKS-A-L-20-X07	B	11/02/2013

#### **2) UNI**

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

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

#### **3) UNI**

Notwithstanding the submitted landscaping proposals, within three months of the date of this permission a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The scheme shall indicate that no Ash trees shall be used in the proposed landscaping.

*Reason: To ensure that no Ash trees are used in the landscaping, 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.*

**BH2013/00380**

**85 Mile Oak Road Portslade**

Demolition of existing industrial unit and erection of 1no. two bedroom dwelling house and 4no. three bedroom dwelling houses with associated parking.

**Applicant:** Mrs Linda Ford

**Officer:** Guy Everest 293334

**Approved on 04/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwellinghouses shall be carried out, or outbuildings, swimming or other pools erected or installed, without planning permission having first been obtained from the Local Planning Authority.

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

**3) UNI**

The first and second floor windows to the northern (rear) elevation shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.

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

**4) UNI**

Access to the flat roof over the single-storey rear projections 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.*

**5) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**6) UNI**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

**7) UNI**

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

within the curtilage of the property.

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

**8) UNI**

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

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

**9) UNI**

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

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

**10) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

**11) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**12) UNI**

- (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
  - (a) a desk top study documenting all the previous and existing land uses of

the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress; and
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

### **13) UNI**

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

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

### **14) UNI**

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

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

### **15) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	979/08		07/02/2013
Ground Floor Plan / Site Plan	979/10		07/02/2013
First & Second Floor Plans	979/11		07/02/2013
North & South Elevations	979/12		07/02/2013
East & West Elevations	979/13		07/02/2013
Existing Elevations	979/14		07/02/2013

**BH2013/00517**

**420 Mile Oak Road Portslade**

Erection of a single storey rear extension with associated external alterations.

**Applicant:** Stuart Wraige

**Officer:** Robert McNicol 292322

**Refused on 15/04/13 DELEGATED**

**1) UNI**

By virtue of projecting to the side of the recipient property, the proposed extension would dominate and would not be sympathetic to the appearance of the building. By virtue of projecting to the side of the property and having a mismatch in eaves height with the recipient property, the proposed extension would be an incongruous and unusual feature in the street scene. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan 2005.

**BH2013/00635**

**229 Valley Road Portslade**

Enclosure of rear balcony to form habitable accommodation incorporating new rendered wall and UPVC window.

**Applicant:** Mr Daniel Towse

**Officer:** Christopher Wright 292097

**Approved on 15/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Map			6 March 2013
Proposed Enclosure of Balcony and Internal Modifications	01		25 Feb 2013



## **SOUTH PORTSLADE**

### **BH2012/03365**

#### **3 Burlington Parade Portslade**

Erection of single storey rear extension.

**Applicant:** A R Evans Plumbing & Heating

**Officer:** Guy Everest 293334

**Approved on 08/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

Notwithstanding the details as shown on the submitted plans, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

#### **3) UNI**

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.*

#### **4) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Elevations & Floor Plans, Site and Block Plan	51012/Evans/001		22/10/2013
Proposed Elevations and Floor Plans	25213/Evans/001	Revision 2	25/02/2013

### **BH2013/00438**

#### **36 Highlands Road Portslade**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Mr & Mrs Barnard

**Officer:** Mark Thomas 292336

**Approved on 09/04/13 DELEGATED**

### **BH2013/00466**

#### **251 Old Shoreham Road Portslade**

Erection of single storey rear extension.

**Applicant:** Mrs Samantha Welsh

**Officer:** Helen Hobbs 293335

**Approved on 19/04/13 DELEGATED**

#### **1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan	PD/S1/01		13/02/2013
Block Plan	PD/S1/02	A	13/02/2013
Existing ground floor plan	PD/S1/03		13/02/2013
Existing First floor Plan	PD/S1/04		13/02/2013
Existing rear elevation	PD/S1/05		13/02/2013
Proposed ground floor plan	PD/S1/06	B	13/02/2013
Proposed first floor plan	PD/S1/07	A	13/02/2013
Proposed rear elevation	PD/S1/08	B	13/02/2013
Existing east rear elevation	PD/S1/09		22/02/2013
Proposed east rear elevation	PD/S1/10		22/02/2013

**BH2013/00501**

**36 Deacons Drive Portslade**

Replacement of existing single storey rear conservatory with new single storey conservatory.

**Applicant:** Lee & Nicola Bryan

**Officer:** Robert McNicol 292322

**Approved on 12/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block plan, site plan, existing and proposed floor plans & elevations			15/02/2013

**BH2013/00586**

**1 - 5 Franklin Road Portslade**

Application for approval of details reserved by conditions 4, 5a, b and c, 6, 7, 8, 9, 10 and 11 of application BH2012/00025.

**Applicant:** Nova Developments

**Officer:** Guy Everest 293334

**Split Decision on 19/04/13 DELEGATED**

### **1) UNI**

The details pursuant to conditions 7, 8, 9, 10 & 11 subject to full compliance with the submitted details.

### **1) UNI**

The details pursuant to condition 5 & 6 are NOT APPROVED for the reasons set out below.

1. Further information is needed in order for the desk top study to be considered robust, and in advance of a scheme for remedial works being prepared. The details in respect of condition 5 cannot therefore be agreed at the present time.

### **2) UNI2**

The Method Statement / Health & Safety Plan requires additional information in respect of phasing, working hours, delivery arrangements and liaison between contractors and residents. The details in respect of condition 6 cannot therefore be agreed at the present time.

## **HOVE PARK**

### **BH2013/00078**

#### **10 Barrowfield Drive Hove**

Erection of single storey rear/side extension to replace existing side extension. Erection of porch to front/side elevation. Demolition of existing garage and construction of new drive way incorporating new wall, gates and separate entrance and exit. Creation of decked area in front garden. Alterations to front ground floor windows and re-cladding of existing roof and front fenestration.

**Applicant:** Mr Ben Fielder

**Officer:** Helen Hobbs 293335

**Refused on 05/04/13 DELEGATED**

### **1) UNI**

The proposed side / rear extension, due to its size, design and siting would result in overly bulky addition that would relate poorly to the existing property, to the detriment of the existing property and the character and appearance of the surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

### **2) UNI2**

The proposed replacement cladding to the bays and dormer windows, by reason of its material would appear out of character within the surrounding area, to the detriment of the existing property and the Barrowfield street scene. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

### **BH2013/00102**

#### **Park House Old Shoreham Road Hove**

Application for approval of details reserved by condition 12 of application BH2012/00114.

**Applicant:** Denne Construction

**Officer:** Christopher Wright 292097

**Approved on 16/04/13 DELEGATED**

### **BH2013/00187**

#### **14 Shirley Road Hove**

Installation of timber clear glazed opening window to replace obscured fixed shut window to rear elevation.

**Applicant:** Mr A Spicer

**Officer:** Robin Hodgetts 292366

**Approved on 08/04/13 DELEGATED**

### 1) UNI

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

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

Plan Type	Reference	Version	Date Received
Plans and elevations	0118.PL.101	A	25/01/13

### **BH2013/00317**

#### **309 Dyke Road Hove**

Refurbishment of existing vacant dwelling house incorporating conversion of garage into living space, roof conversion incorporating installation of front dormers, rear velux rooflights and new perimeter wall.

**Applicant:** Mr Stephen McCorkell

**Officer:** Steven Lewis 290480

**Approved on 08/04/13 DELEGATED**

#### 1) BH01.01

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

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

### 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan			01/02/2013
Block Plan			04/04/2013
Existing Ground Floor Plan			04/04/2013
Existing First Floor Plan			04/04/2013
Proposed Second Floor plan	DRG05		04/04/2013
Existing North elevation	DRG06		04/04/2013
Proposed North Elevation	DRG07		05/04/2013
Existing South Elevation	DRG08		04/04/2013
Proposed south elevation	DRG09		04/04/2013
Proposed East Elevation	DRG10		04/04/2013
Proposed West Elevation	DRG11		04/04/2013
Existing Site Plan	DRG12		08/04/2013
Proposed Site Plan	DRG13		08/04/2013
Proposed Ground Floor Plan	DRG20		04/04/2013
Proposed First Floor Plan	DRG21		04/04/2013
Boundary Details	DRG22		08/04/2013
Block Plan			04/04/2013
Perimeter Walling			08/04/2013

### 3) UNI

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture the samples submitted with the application.

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

#### **4) UNI**

Access to the flat roof over the front portion of the dwelling and former garage section 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.*

#### **5) UNI**

Within three months of the commencement of the development the applicant shall reinstate the redundant vehicle crossover back to footway by raising the existing kerb and footway. The works shall be completed and shall thereafter be retained.

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

### **BH2013/00334**

#### **79 Hove Park Road Hove**

Erection of 1no three bedroom detached dwelling with access from Hove Park Way.

**Applicant:** Mr Spencer Orman

**Officer:** Helen Hobbs 293335

**Refused on 04/04/13 DELEGATED**

#### **1) UNI**

The proposed dwelling is considered an inappropriate and cramped form of development that would result in an uncharacteristic subdivision of the existing plot and represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The applicant has failed to demonstrate that Level 5 of the Code for Sustainable Homes cannot reasonably be achieved. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08, Sustainable Building Design.

#### **3) UNI3**

The scheme does not include a fully accessible entrance to the house from the highway which would make it difficult to enter the house for a person with limited mobility. The scheme is therefore contrary to policy HO13 of the Brighton & Hove Local Plan 2005, which requires new residential dwellings to be built to a lifetime homes standard without major structural alterations.

### **BH2013/00395**

#### **Unit 4 Newtown Road Estate Newtown Road Hove**

Application for Approval of Details Reserved by condition 5 of application BH2012/02513.

**Applicant:** Hargreaves Management Ltd

**Officer:** Steven Lewis 290480

**Refused on 05/04/13 DELEGATED**

#### **1) UNI**

The submitted information fails to demonstrate acceptable details of cycle parking facilities to serve the development, the proposed parking does not demonstrate a lit, secure, covered or accessible facility contrary to policies TR1, TR14 and TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4 (Parking Standards)

**BH2013/00408****Hove Park Upper School 38 Nevill Road Hove**

Installation of 2no. metal storage containers within school grounds (retrospective).

**Applicant:** Hove Park Upper School

**Officer:** Robert McNicol 292322

**Approved on 08/04/13 DELEGATED**

**1) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Product specification			11/02/2013
Site location plan	A-100	A	11/02/2013
Block plan	A-101	A	11/02/2013
Block plan showing photograph positions	A-102	A	11/02/2013
Photographs 1 - 5			11/02/2013

**2) UNI**

The two no. storage containers hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before 8th April 2016.

*Reason: The building hereby approved is not considered suitable as a permanent form of development to safeguard urban open space and to comply with policies QD20 and SR20 of the Brighton & Hove Local Plan.*

**BH2013/00436****19 Onslow Road Hove**

Application for approval of details reserved by conditions 3, 4, 7, 8, 9, 10, 11, 12 and 14 of application BH2012/03494.

**Applicant:** Mrs Adele Lias

**Officer:** Jason Hawkes 292153

**Approved on 19/04/13 DELEGATED**

**BH2013/00528****215 Nevill Road Hove**

Application for variation of conditions 9 and 13 of application BH2011/03314 (Erection of a detached 2no storey dwelling to rear of existing property with associated landscaping and new access) to require the development to achieve level 4 rather than 5 of the Code for Sustainable Homes.

**Applicant:** Mr & Mrs Durrant

**Officer:** Christopher Wright 292097

**Approved on 15/04/13 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced before the expiration of 16 February 2015.

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Plans & Elevations	847/01		28/10/2011
Elevations	847/02		28/10/2011
Site Plan	847/03		28/10/2011
Contextual Elevations	847/04		28/10/2011
Site & Location Plans	847/05		28/10/2011
Code for Sustainable Homes Design Stage Assessment			18/02/2013
Interim Certificate for Code Level 4			18/02/2013
two supporting documents			18/02/2013
Thermal Solutions SAP/Dwelling Emissions Rate check			18/02/2013

### 3) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Home standards prior to first occupation and shall be retained as such thereafter.

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

### 4) UNI

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

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

### 5) UNI

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

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

### 6) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

### 7) UNI

The development shall not be occupied until parking areas have been provided in

accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

*Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1, TR19 and SPG4.*

#### **8) UNI**

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

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

#### **9) UNI**

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

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

#### **10) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

#### **11) UNI**

No development shall commence until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum, 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 thereafter be implemented in accordance with the approved level details.

*Reason: To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, and QD27 of the Brighton & Hove Local Plan.*

#### **12) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code Level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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



### **13) UNI**

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

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

## **WESTBOURNE**

### **BH2013/00294**

#### **39 & 39A Cowper Street Hove**

Extension of existing ground floor studio flat into existing lock up shop to create a 1no bedroom and conversion of basement store into a self contained studio flat with new front access stair, extended bay window and associated external alterations.

**Applicant:** Downside Developments (Brighton) Ltd

**Officer:** Christopher Wright 292097

**Refused on 24/04/13 DELEGATED**

#### **1) UNI**

The proposed change of use and conversion of the ground floor and basement to self contained residential units is not acceptable in principle because the commercial premises are not vacant and the applicant has not demonstrated the commercial use is genuinely redundant. As such the proposal is contrary to the requirements of policy EM6 of the Brighton & Hove Local Plan 2005 and the premises should be retained for employment purposes.

#### **2) UNI2**

The proposed basement level residential unit would not provide a standard of living accommodation reasonably expected by the local planning authority by reason of the limited natural light likely to reach the rear areas of living accommodation through the front window and narrow lightwell and due to the poor outlook from within the proposed dwelling unit. As such significant harm to the amenity of future occupiers would result, contrary to the requirements of policy QD27 of the Brighton & Hove Local Plan 2005.

### **BH2013/00331**

#### **5 Pembroke Gardens Hove**

Erection of single storey rear extension and alterations to fenestration. Conversion of garage to artists studio including installation of rooflights and replacement of garage doors with glazed door and obscured glazed screens and window above.

**Applicant:** Mr Keith Gordon

**Officer:** Guy Everest 293334

**Approved on 10/04/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

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

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

#### **3) UNI**

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

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

#### **4) UNI**

The hereby approved first floor windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

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

#### **5) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location & Block Plans	AL-100	A	04/02/2013
Existing Basement Ground & First Floor Plans	AL-101		04/02/2013
Existing Roof Space & Roof Plans	AL-102		04/02/2013
Existing Elevations	AL-103		04/02/2013
Proposed Basement Ground & First Floor Plans	AL-104	C	13/02/2013
Proposed Roof Space & Roof Plans	AL-105	A	04/02/2013
Proposed Elevations	AL-106	D	10/04/2013

#### **6) UNI**

The detached garage shall not be used other than for purposes incidental to the residential use of 5 Pembroke Gardens.

*Reason: In order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

### **BH2013/00423**

#### **43 Lawrence Road Hove**

Certificate of Lawfulness for proposed loft conversion incorporating dormer and rooflights to side elevations.

**Applicant:** Mr Tony Franco

**Officer:** Robert McNicol 292322

**Approved on 17/04/13 DELEGATED**

#### **1) UNI**

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

### **BH2013/00821**

#### **Flat 1 & 4 Hogarth Court 214 Portland Road Hove**

Application for approval of details reserved by condition 3 of application BH2009/00080.

**Applicant:** Morris Davis

**Officer:** Christopher Wright 292097

**Approved on 16/04/13 DELEGATED**

## **WISH**

### **BH2012/04041**

#### **Hove Lagoon Kingsway Hove**

Installation of 1no additional cable wakeboarding system. Erection of single storey side extensions and associated alterations to store buildings.

**Applicant:** Lagoon Watersports Ltd

**Officer:** Steven Lewis 290480

#### **Approved on 11/04/13 PLANNING COMMITTEE**

##### **1) UNI**

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

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

##### **2) UNI**

The Wakeboarding Equipment shall only be used between the hours of 08:00 and 22:00 and not at any other time.

*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.*

##### **3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan			20/12/2012
Existing Site Plan	B.064.09.10		21/12/2012
Proposed Site Plan	B.064.09.11		21/12/2012
Site Sections	B.064.09.12		21/12/2012
Store Buildings	B.064.09.13		21/12/2012
Existing Store Buildings	B.064.09.14		15/01/2013
Planning Statement			15/02/2013

##### **4) UNI**

No development shall commence upon site until a scheme of travel plan measures to promote sustainable transport to and from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include by not be limited to the following measures

- a. Providing public transport information to people when they book
- b. Promotion of sustainable transport travel for staff trips including personal travel planning
- c. Sustainable transport promotional material being made available to both staff and customers including cycle, bus routes and timetable brochure and car club information

The approved details must be implemented prior to the commencement of use of the new wakeboarding cable and thereafter be maintained.

*Reason: to ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR4 and TR14 of the Brighton & Hove Local Plan.*

##### **5) UNI**

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

permitted and shall thereafter be retained for use at all times.

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

**BH2013/00379**

**19 Glebe Villas Hove**

Erection of two storey rear extension.

**Applicant:** Mr & Mrs D Francis

**Officer:** Guy Everest 293334

**Approved on 04/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Ground & First Floor Plans and Location Plan	164GV19/01		07/02/2013
Existing Elevations	164GV19/02		07/02/2013
Existing Roof Plan, Section & Block Plan	164GV19/03		07/02/2013
Proposed Ground & First Floor Plans	164GV19/04		07/02/2013
Proposed Elevations	164GV19/05		07/02/2013
Proposed Roof Plan, Section & Block Plan	164GV19/06		07/02/2013

**BH2013/00467**

**31 Grange Road Hove**

Erection of first floor rear extension.

**Applicant:** Mr & Mrs David & Rae Turrell

**Officer:** Robert McNicol 292322

**Approved on 10/04/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of*

*the Brighton & Hove Local Plan.*

### **3) UNI**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan and block plan			13/02/2013
Existing and proposed floor plans, section and elevations			13/02/2013

### **BH2013/00599**

#### **Land adjacent to 53-55 Boundary Road Hove**

Change of use of yard to accommodate burger van (A5) for a temporary period of 12 months. (Part retrospective).

**Applicant:** Roseview Homes Ltd

**Officer:** Jason Hawkes 292153

**Refused on 24/04/13 DELEGATED**

#### **1) UNI**

The van is sited in a visually prominent position at the junction of several busy roads. The van stands out as an inappropriate and unsympathetic addition which detracts from the character and appearance of neighbouring properties and the surrounding area. The scheme is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan which requires new development to be of a high standard of design and make a positive contribution to the surrounding area.

#### **2) UNI2**

The van is in close proximity to residential uses within the neighbouring building at no.53-55 Boundary Road and is also near to adjacent residential properties on New Church Road. The van is also located close to windows serving an education centre at no.55 Boundary Road and blocks light to a window serving a teaching room. Given the use of the van for the cooking of hot food and its proximity to residential uses and the education centre, the scheme results in an unneighbourly form of development in relation to the potential for noise disturbance, odours, and loss of light and outlook. The scheme is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

### **BH2013/00977**

#### **246 Portland Road Hove**

Non material amendment to BH2012/02973 to change the escape stairs from metal to wooden staircase.

**Applicant:** Mr Yuan Zhang

**Officer:** Helen Hobbs 293335

**Refused on 23/04/13 DELEGATED**

#### **1) UNI**

The proposed revisions to the scheme approved under application BH2012/02973 are considered to be material and would require the submission of a further application for planning permission.

### **BH2013/01060**

#### **331 Kingsway Hove**

Application for approval of details reserved by condition 28 of application BH2012/00988.

**Applicant:** Denne Construction Limited

**Officer:** Guy Everest 293334

**Approved on 16/04/13 DELEGATED**

## **WITHDRAWN APPLICATIONS**

### **BH2013/00464**

#### **331 Kingsway Hove**

Application for approval of details reserved by condition 31 of application BH2012/00988.

**Applicant:** Denne Construction Limited

**Officer:** Guy Everest 293334

**WITHDRAWN ON 05/04/13**

### **BH2013/00495**

#### **20 Rothbury Road Hove**

Erection of single storey side and rear extensions.

**Applicant:** Miss J Higgins

**Officer:** Helen Hobbs 293335

**WITHDRAWN ON 16/04/13**

### PLANS LIST 15 May 2013

#### PATCHAM

**Application No: BH2013/01062**  
**9 The Square, Brighton**

Silver Birch - crown reduce by approx. 30% and shape.

Applicant: Trees Understood  
**Approved on 15 Apr 2013**

**Application No: BH2013/01079**  
**32 Windmill View**

2no Elm (T1, T2) - reduce by 20-30% and thin by 10%.

Applicant: Mr Charles Irving  
**Approved on 15 Apr 2013**

#### PRESTON PARK

**Application No: BH2013/01076**  
**83 Waldegrave Road**

Fell 2no Sycamore in rear garden (T1,T2) and poison stump. Fell 1no Damson (T3) and poison stump. Due to bark corroding away from roots. (Although the trees have some public amenity value, their position means that they are of only short-term potential.)

Applicant: Ed Haunton  
**Approved on 15 Apr 2013**

**Application No: BH2013/01150**  
**Nestor Court, Preston Road, Brighton**

Cedrus atlantica - crown lift 2.5m; 2no Prunus spp - crown thin 25% and reduce from property to give up to 3m clearance; Carpinus betulus - crown lift 3m over car park.

Applicant: Mr C Robson  
**Approved on 19 Apr 2013**

## **REGENCY**

**Application No: BH2013/01047**  
**Heather Court 15 Montpelier Terrace Brighton**

Fell 1no Maple (T1) in spiral decline. (Although the tree has some public amenity, it is not of sufficient quality to justify a tree preservation order.)

Applicant: Countrywide Estate Management  
**Approved on 15 Apr 2013**

**Application No: BH2013/01087**  
**9 Vernon Terrace, Brighton**

Purple Plum & Persian Ironwood - reduce and re-shape crown by approx. 20%.

Applicant: Miss Susie Dove  
**Approved on 15 Apr 2013**

**Application No: BH2013/01152**  
**28 Clifton Road, Brighton**

Fell one Holly (T1 on plan).

Applicant: Mr H Mason  
**Approved on 15 Apr 2013**

**Application No: BH2013/01153**  
**28 Clifton Road, Brighton**

2no Sycamore (T4 & T5 on plan) - reduce and re-shape crown by approx. 30%.

Applicant: Mr H Mason  
**Approved on 15 Apr 2013**

## **WITHDEAN**

**Application No: BH2013/00911**  
**68 Surrenden Park, Brighton**

1no Horse Chestnut (T4) - reduce to live buds above last cuts.

Applicant: Mr J Hatch  
**Approved on 19 Apr 2013**



**Application No: BH2013/01077**  
**Woodlands, Tivoli Copse, Woodside Avenue**

1no Elm (T1) - remove one main limb leaning over drive and remove three other smaller limbs over the drive.

Applicant: Mr Charles Irving  
**Approved on 15 Apr 2013**

### **ROTTINGDEAN COASTAL**

**Application No: BH2013/01210**  
**34 Rowan Way, Rottingdean**

Horse Chestnut (T1) - remove five lower branches that are growing out over Falmer Road, thin remaining tree by approx. 15%; Horse Chestnut (T2) - thin crown by approx. 20%.

Applicant: Henry Mason  
**Approved on 19 Apr 2013**

### **BRUNSWICK AND ADELAIDE**

**Application No: BH2013/01154**  
**Flat 1, 37 Cambridge Road, Hove**

Elm - remove two arterial limbs overhanging garden.

Applicant: Mr T Gallagher  
**Approved on 15 Apr 2013**

