





**Brighton & Hove
City Council**

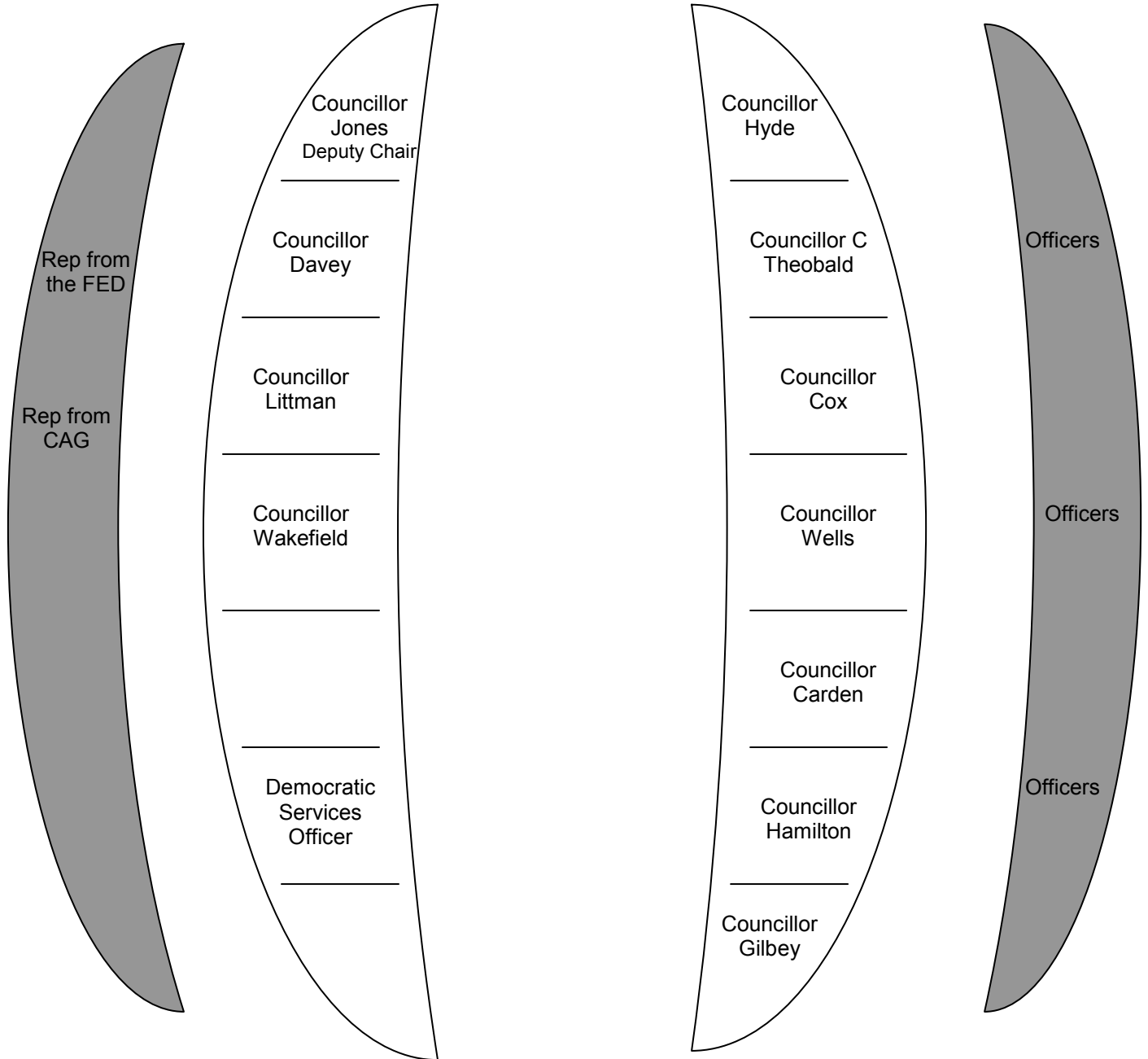
Planning Committee

Title:	Planning Committee
Date:	28 August 2013
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, C Theobald, Wells and Wakefield</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group) and Chris Kift (The FED Centre for Independent Living)</p>
Contact:	<p>Ross Keatley Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gov.uk</p>

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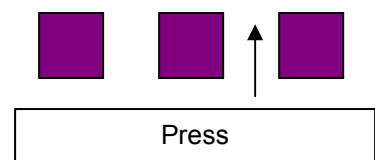
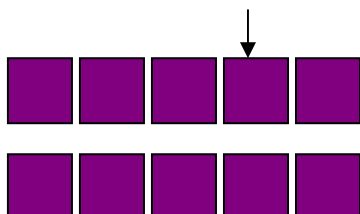
Democratic Services: Planning Committee

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



AGENDA

50. 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.

51. MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 7 August 2013 (copy attached).

PLANNING COMMITTEE

52. CHAIR'S COMMUNICATIONS

53. PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 21 August 2013.

54. 1-50 PRESTON MANSIONS, PRESTON PARK, AVENUE, BRIGHTON: REQUEST FOR A VARIATION OF S106 25 AUGUST 2004 SIGNED IN ASSOCIATION WITH BH2004/00406/FP 19 - 24

Report of the Executive Director of Environment, Development & Housing (copy attached).

55. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

56. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A. BH2013/01693 - Cardinal Newman Catholic School, The Upper Drive, Hove - Full Planning Permission 25 - 46

Erection of a new three storey detached building to the north of the existing school, alterations to existing Newman building, relocation of 40no car parking spaces to south east corner and associated works.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hove Park

B. BH2013/01720 - Aldrington C of E Primary School, Eridge Road, Hove - Council Development 47 - 64

Extensions and alterations to school building including erection of two storey block and creation of link corridor, erection of single storey extension to school hall, erection of single storey extension and creation of new main entrance to school. Internal remodelling, creation of new parking spaces, landscaping, alteration to West boundary and associated works.

RECOMMENDATION – GRANT

Ward Affected: Hove Park

PLANNING COMMITTEE

- C. BH2013/01254 - 18 Wellington Road, Brighton - Full Planning Permission 65 - 94**

Demolition of existing building and construction of two separate 3 storey high blocks comprising 31 one and two bedroom flats together with associated car parking, cycle parking amenity space and bin storage.

RECOMMENDATION – REFUSE

Ward Affected: Hanover & Elm Grove

- D. BH2013/01860 - Police Station, Holland Road, Hove - Full Planning Permission 95 - 112**

Change of use from police station (sui generis) to junior school (D1), including part two and part three storey extension to rear to create school hall and 2no classrooms, partial demolition of rear garages and alterations to fenestration, boundary fences and landscaping.

RECOMMENDATION – GRANT

Ward Affected: Goldsmid

MINOR APPLICATIONS

- E. BH2012/04035 - 43 Russell Square, Brighton - Full Planning Permission 113 - 128**

Change of use from single dwelling (C3) to House in Multiple Occupation (Sui Generis) on upper floors and 1no one bedroom basement flat. Alterations including increased roof height of rear extension and provision of slate roof. (Part Retrospective).

RECOMMENDATION – GRANT

Ward Affected: Regency

- F. BH2013/01296 - Land To Rear of 141 Stanmer Park Road, Brighton - Full Planning Permission 129 - 144**

Erection of 1no two bedroom detached dwelling.

RECOMMENDATION – GRANT

Ward Affected: Hollingdean & Stanmer

- G. BH2013/01893 - 58 Dean Court Road, Rottingdean, Brighton - Householder Planning Permission 145 - 152**

Erection of two storey side and rear extension with a loft conversion incorporating roof extensions, rooflights and associated external alterations.

RECOMMENDATION – REFUSE

Ward Affected: Rottingdean Coastal

PLANNING COMMITTEE

- H. BH2013/01566 - Woodvale Crematorium, Lewes Road, Brighton - Full Planning Permission** **153 - 162**
- Installation of 16no illuminated bollards to South driveway.
RECOMMENDATION – GRANT
Ward Affected: Hanover & Elm Grove
- I. BH2013/01855 - The Bungalow, 11 Hangleton Lane, Hove - Full Planning Permission** **163 - 172**
- Erection of single storey side, front and rear extension incorporating associated roof alterations.
RECOMMENDATION – GRANT
Ward Affected: Hangleton & Knoll
- J. BH2013/01034 - East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton - Full Planning Permission** **173 - 192**
- Extensions and alterations to the existing building to provide an additional 14no new hotel guest suites, enlargement of the one of the ground floor commercial units, refurbishment of basement car park into a multi-purpose music venue, the formation of a 3no bedroom penthouse flat, associated landscaping and alterations.
RECOMMENDATION – REFUSE
Ward Affected: St Peter's & North Laine
- K. BH2013/01035 - East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton - Conservation Area Consent** **193 - 200**
- Demolition of East House, 7 and West House, 8 Pavilion Mews, Brighton.
RECOMMENDATION – REFUSE
Ward Affected: St Peter's & North Laine
- L. BH2013/02063 - 41 Hove Park Road, Hove - Householder Planning Permission** **201 - 208**
- Remodelling and extension of main roof to facilitate loft conversion incorporating rooflights and a lantern light. Installation of lantern lights to flat roof at rear.
RECOMMENDATION – REFUSE
Ward Affected: Hove Park

PLANNING COMMITTEE

- M. BH2013/01505 - 162 Woodland Drive, Hove - Full Planning Permission 209 - 224**

Demolition of existing bungalow and erection of 2no five bedroom dwellings (Part retrospective)

RECOMMENDATION – GRANT

Ward Affected: Hove Park

- 57. 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

- 58. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 225 - 228**

(copy attached).

- 59. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 229 - 350**

(copy attached)

- 60. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 351 - 354**

(copy attached).

- 61. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 355 - 356**

(copy attached).

- 62. APPEAL DECISIONS 357 - 382**

(copy attached).

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

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

PLANNING COMMITTEE

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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. 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.

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

Date of Publication - Monday, 19 August 2013

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 7 AUGUST 2013****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Bowden, Hyde (Opposition Spokesperson), Cox, Gilbey, Hamilton, Phillips, Robins, Shanks, C Theobald and Wells

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

Officers in attendance: Jeanette Walsh (Head of Development Control), Nicola Hurley (Area Planning Manager), Anthony Foster (Planning Officer), Pete Tolson (Principal Transport Planning Officer), Annie Sparks (Environmental Health Manager), Alison Gatherer (Lawyer) and Penny Jennings (Democratic Services Officer)

PART ONE**38. PROCEDURAL BUSINESS****38a Declarations of substitutes**

38.1 Councillor Bowden was present in substitution for Councillor Davey, Councillor Phillips was present in substitution for Councillor Littman, Councillor Shanks was present in substitution for Councillor Wakefield and Councillor Robins was present in substitution for Councillor Carden.

38b Declarations of interests

38.2 Councillor Robins referred to Application BH2013/00370, 17 Hill Drive, Hove. He stated that as the applicant was known to him personally, although he remained of a neutral mind he was declaring a personal interest. He would leave the meeting during consideration of the application and would take no part in the discussion, debate voting or thereon.

38.3 Councillor Bowden referred to Application BH2013/01447, Essex Place, Montague Street, Brighton. He stated that although he had Chaired several tenants' meetings at which the proposals had been discussed he had not taken any part in those discussions nor had he expressed an opinion in respect of this application. He

confirmed that he had not predetermined the application and that he remained of a neutral mind. He would therefore remain present at the meeting during discussion debate and voting thereon.

38c Exclusion of the press and public

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

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

39. MINUTES OF THE PREVIOUS MEETING

39.1 Councillor Jones, the Deputy Chair, referred to the final sentence of Paragraph 12 on Page 13 of the minutes, the sentence should read:

“He (Councillor Jones), stated he would not be voting in support of the Officer recommendation.”

39.2 Councillor Shanks referred to Paragraph 5 on Page 7 clarifying that her concern had related primarily to the language (swearing etc) used by the students congregating outside the building.

39.3 Councillor C Theobald stated that she had indicated that she was a trustee of Brighton Race Ground and that this should be recorded.

39.4 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 17 July 2013 as amended as a correct record.

40. CHAIR'S COMMUNICATIONS

40.1 There were none.

41. PUBLIC QUESTIONS

41.1 There were none.

42. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

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

Application:	Requested by:
BH2013/01893, 58 Dean Court Road, Rottingdean – Householder Planning	Councillor Hyde

Permission	
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43. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Major Applications

A. BH2013/02219 - Veolia Environmental Services South Down Ltd, Hollingdean Lane, Brighton - Removal or Variation of Condition -Application for variation of conditions 3 and 4 (relate to opening hours), 5 and 6 (relate to HGV movements) and removal of condition 21 of application BH2011/03179 (Original application number BH2006/00900) to allow operational changes to the Materials Recovery Facility (MRF) and Waste Transfer Station (WTS), including 0700 - 2200 opening of the MRF and WTS Monday to Sunday including Bank Holidays and 0630 - 2200 for HGV movements Monday to Sunday including Bank Holidays.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Case Officer, Mr Foster introduced the application and gave a presentation by reference to photographs, plans and elevational and sectional drawings; reference was also made to additional representations received and contained in the Late Representations List. Planning permission was sought for the variation of condition conditions 3, 4, 5 and 6 of permission reference BH2011/03179 and the removal of condition 21. The variation of the conditions would allow for operational changes to the site to enable the City Council as the waste authority to have greater flexibility in terms of collecting waste and in addition, potentially introduce further communal recycling. The site tonnage and overall number of vehicle movements would not change. The site had a number of conditions of which 3, 4, 5 and 6 restrict hours of operation for the MRF, WTS, and the receipt and handling of communal bins and street cleaning loads. Condition 3 of the consent currently set out the permitted times for the receipt and removal of materials at the MRF, including the operating hours of 07:00 and 19:00 hours Monday to Friday, and 07:30 and 16:00 hours on Saturdays following a bank holiday. This application sought revised opening hours for the MRF between 07:00-22:00. Monday to Sunday including bank holidays, with no operations on Christmas Day or Boxing day unless otherwise agreed in writing with the Local Planning Authority.
- (3) The main considerations in the determination of this application related to the impact of the extended hours of operation upon the amenity of the adjoining occupiers and also the impact of the proposals upon the existing highways network. The proposed variation of the conditions would not result in a significant impact on the amenity of adjacent properties or highways safety and congestion. It was considered that the variation would allow the site to continue operating in an efficient and effective manner in accordance with local plan policies in respect of a city wide approach to waste management, approval was therefore recommended.

Public Speakers and Questions

- (4) Mr Start spoke on behalf of neighbouring objectors. He stated that residents and neighbouring objectors had challenged the assertions made in relation to the original

application and that since the plant had begun operating they had experienced noise and odour as they had feared and the agreed hours were not always adhered to. Removal of conditions 3 and 4 would simply result in greater nuisance for neighbouring residents who would suffer greater and more prolonged nuisance. Changes to the highway arrangements had also given rise to a greater degree of nuisance. The proposals were unacceptable.

- (5) Councillor Lepper spoke in her capacity as a Local Ward Councillor setting out her objections. When planning consent had been granted the hours of operation had precluded weekend and bank holiday working nor had this been permitted on evenings during week days. These conditions had been added in order to protect the amenity of nearby residents and of the locality in general. These restrictions had acknowledged concerns of residents and notwithstanding these measures she had received complaints from residents. The current application would result in increased noise and disturbances as well as increased vehicle movements at weekends when residents should be able to expect some respite.
- (6) Councillor Lepper also commented that the application had been processed very speedily in a period when a number of those who would have wished to make representations were away on holiday and had therefore been unable to do so.

Mr Key spoke on behalf of the applicants in support of their application. Mr Key explained that the proposals would improve the service and lead to savings. The amount of waste and the number of vehicle movements would not change, but would result in the material being dealt with more quickly. He indicated that the applicant's would be happy to accept a condition preventing recycled glass from being removed from the site on Saturday or Sunday, which might address some of the concern expressed by residents in relation to noise emanating from the site.

Questions for Officers

- (7) Councillors Jones and Hamilton considered that the application appeared to have been processed very speedily and asked whether/why it had been fast tracked in this instance
- (8) The Head of Development Control, Mrs Walsh explained that officers did a lot of pre-application work with applicants and the speed with an application was brought forward was usually based on the quality of the information received and the speed with which it was submitted.
- (9) The Principal Transport Planning Officer, Mr Tolson clarified the position in respect of permitted traffic movements in the vicinity of the site and in answer to further questions from Councillors Gilbey and Robins, The case officer explained that it was not anticipated that there would be an increase in noise or the overall number of vehicle movements as a consequence of the proposals.

- (10) Councillor Jones sought clarification from the objector as to whether the main source of residents concerns related to noise and odour from the Waste Transfer Station or from the Council's City Clean Depot which was located adjacent.
- (11) In answer to questions regarding complaints received in relation to the existing operation, the Environmental Health Manager, Ms Sparks responded that recent complaints received by Environmental Health had been discussed with the relevant parties but had not been such that they constituted a statutory noise nuisance. The area had a complex background noise climate and the data provided by the applicants was robust and they had indicated that neither the number of vehicles on site, nor the permitted site tonnage would change, safeguards were also proposed in relation to the number of HGV's permitted to the site in the evenings.

Debate and Decision Making Process

- (12) Councillors Bowden and Philips indicated that they had not heard a lot of noise emanating from the site when they had visited the previous day and wondered whether that was typical.
- (13) Councillor Cox sought clarification as to whether the Transfer Station processed waste from outside the city and it was explained that the facility processed waste generated within the city and a very small amount from West Sussex.
- (14) Councillor Hyde expressed concern that the noise tests had been taken from Richmond Road rather than Princes Road which was residential and was located closer to the depot. The Environmental Health Manager, Ms Sparks explained that readings had been taken from a number of locations for comparative purposes.
- (15) Councillor Wells stated that he did not feel able to support the proposals, if this was allowed he feared that there could then be another application for a 24/7 use.
- (16) Councillor Hamilton stated that he had been Chair when planning permission had been given for the facility in 2006. When approval had been given a number of conditions had been attached in order to protect the amenity of neighbouring residents. He considered that nothing had changed in the intervening years and was unable to support any changes which could in his view have a detrimental impact in the vicinity. He considered that the need for these changes had been brought about by recent changes to the Council's own collection arrangements.
- (17) Councillor Robins stated that there appeared to be confusion as on occasion the existing hours had been infringed. He noted that special arrangements appeared to be in place for Christmas Day and Boxing Day and considered that residents were entitled to periods of reduced activity from the site, anything which could result in a greater nuisance than was presently the case should be resisted.
- (18) Councillor Gilbey was also of the view that the sufficient conditions needed to be in place to protect residents from any potential additional nuisance.

- (19) Councillor C Theobald stated that the proposals would result in a better service for residents and would help to keep the city cleaner. If there were any problems she was confident that these could be resolved by the Environmental Health Department.
 - (20) Councillor Hyde stated that she was prepared to support the proposal if the condition offered by the applicants that glass would not be taken from the site at weekends was to be included as a condition of grant.
 - (21) The Legal Adviser to the Committee indicated that any additional should be deemed necessary on planning grounds.
 - (22) A vote was taken and planning permission was granted on a vote of 5 to 4 with 3 abstentions.
- 43.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report and to the additional condition set out below:

No processed glass recyclate shall be loaded and removed from the site on a Saturday or Sunday.

Reason: To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27, SU9 and SU10 of the Brighton and Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

Minor Applications

B. BH2013/00370 - 17 Hill Drive, Hove - Full Planning Permission -Demolition of existing dwelling and erection of a new 3 bed house -Demolition of existing dwelling and erection of a new 3 bed house.

- (1) The Area Planning Manager, Mrs Hurley introduced the application and gave a presentation by reference to site plans, elevational drawings and photographs showing the existing property in the context of the site and neighbouring dwellings and the proposed scheme. Plans of the existing and proposed floor plans were also shown.
- (2) Planning permission was sought for the demolition of the existing dwelling and the erection of a replacement three-storey building. The three-storey section of the building would incorporate a gabled roof with a north-south ridgeline, with projecting flat-roofed sections to the front and side of the main building. A single-storey flat roofed side section of the building would incorporate a roof terrace. The building would feature render to all elevations with a slate roof. Although some of the reasons for refusal of an earlier scheme, BH2012/01831 had been overcome (refused 28/09/2012), it was considered that the development by reason of its scale, siting and detailing would appear unduly dominant and bulky in relation to adjoining properties and the wider surrounding area. It was considered that the proposed development would harm the existing character and appearance of Hill Drive. The development therefore failed to

respond sufficiently to the scale, character and appearance of the existing built environment and refusal was therefore recommended.

Public Speakers and Questions

- (3) Ms Ralbovska spoke on behalf of the applicant spoke in support of their application. Ms Ralbovska explained that the applicant had sought to address the previous reasons for refusal, to make all of the amendments required and to provide a high quality of development. They did not consider that the scheme would be more dominant than other schemes in Hill Drive which had a variety of building styles, nor that it was out of character with the prevailing street scene. It had taken 18 months to get to this point and they were very disappointed at the Officers' recommendations.

Questions for Officers

- (4) Councillor Shanks enquired why lifetime homes standards or to the protection off on site archaeology had not been sought. The Area Planning Manager explained that conditions in respect of these matters were been sought as a condition of grant of planning permission; when planning approval was recommended, this application was however recommended for refusal. Councillor Shanks also enquired why the letter of objection from Councillors Bennett and Brown had been included as it appeared to relate to the earlier scheme. The Area Planning Manager explained that objections were included unless they were withdrawn following notification of an amended scheme.
- (5) Councillor Phillips enquired whether all necessary amendments had been made to the earlier scheme and if so, why it was still recommended for refusal, the applicants had indicated that the building line to the front of the development had been scaled back by more than 2 metres. The Development Control Manager explained that notwithstanding any discussions which had taken place Officers remained of the view that the proposals would appear unduly dominant and create an unacceptable contrast and sense of bulk in relation to the adjoining properties and within the wider surrounding area.

Debate and Decision Making Process

- (6) Councillor C Theobald stated that the configuration of the proposed dwelling within the site was unusual enquiring whether if it been aligned differently it might have been acceptable. The Area Planning Manager that the applicants had chosen to submit the scheme in its current form, concerns regarding design of the scheme had not been overcome sufficiently.
- (7) Councillor Hyde sought further clarification of the differences between the previous refused application and that before the Committee that afternoon. This information was given by reference to the relevant drawings. Councillor Hyde stated that although she considered a new development could be appropriate on for the site she did not consider this scheme was and was in agreement with the Officers' recommendation. Councillor C Theobald also concurred in that view.
- (8) Councillor Gilbey sought clarification of the extent and location of glazing to the proposed south elevation.

- (9) Councillor Cox stated that although he liked the design of the scheme he did not consider it appropriate to the application site considering that it would give rise potentially to an unacceptable degree of over looking.
- (10) Councillor Bowden sought clarification of the building line of the proposed development in relation to the neighbouring dwellings and within the context of the surrounding street scene. He did not agree that it would be detrimental or overbearing and considered that overall the scheme was acceptable.
- (11) Councillor Shanks was of the view that scheme would not have a negative impact on amenity and Councillor Phillips agreed, considering that the proposed building represented a good modern design which was in keeping with its neighbours and set on the diagonal as it was, would not be too far forward of the existing building line.
- (12) A vote was taken and the 11 Members of the Committee present when the vote was taken voted that planning permission be refused on a vote of 6 to 4 with 1 abstention.

43.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

1. The development by reason of its scale, siting and detailing would appear unduly dominant and create a contrast and sense of bulk which, in relation to adjoining properties and the wider surrounding area, would harm the existing character and appearance of Hill Drive. The development therefore fails to respond sufficiently to the scale, character and appearance of the existing built environment, and is contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

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

Plan Type Reference Version Date Received

- Site location plan L(-1) 100 06/02/2013
- Existing Site Plan L(-1) 101 06/02/2013
- Existing Ground Floor Plan L(-2) 101 06/02/2013
- Existing Sections, A-A, B-B L(-3) 101 06/02/2013
- Existing Elevations (*front and side*) L(-4) 101 06/02/2013
- Existing Elevations (*rear and side*) L(-4) 102 06/02/2013
- Proposed Site Plan L(-1) 301/2 A 10/06/2013
- Proposed Lower Ground Floor L(-2) 301/2 10/06/2013
- Proposed Ground Floor Plan L(-2) 302/2 A 10/06/2013
- Proposed First Floor Plan L(-2) 303/2 A 10/06/2013
- Site Location Plan – as proposed L(-1) 300
- Proposed Section A-A L(-3) 301/2 A 10/06/2013
- Proposed Section B-B L(-3) 302/2 A 10/06/2013

Proposed Section C-C L(-3) 303/2 A 10/06/2013
 Proposed Section D-D L(-3) 304/2 A 10/06/2013
 Proposed Side Elevation L(-4) 301/2 A 10/06/2013
 Proposed Side Elevation L(-4) 302/2 A 10/06/2013
 Proposed Front Elevation L(-4) 303/2 A 10/06/2013
 Proposed Rear Elevation L(-4) 304/2 A 10/06/2013
 Proposed Side Elevation –boundary wall elevation
 L(-4) 305/2 A 10/06/2013

Note: Having declared an interest in the above application Councillor Robins left the meeting during its consideration and took no part in the discussion, debate or decision making process.

C. BH2013/01447 - Essex Place, Montague Street, Brighton - Full Planning Permission-Removal of brick balconies and enclosure with UPVC double glazed windows. Replacement of existing windows with UPVC double glazed windows to North and East elevations. Installation of insulated render cladding, new rising gas mains pipe work and associated external alterations.

- (1) It was noted that this application had been deferred in order for a site visit to take place prior to the meeting and for sample floor plans (subsequently received) to be submitted for clarification.
- (2) It was considered that the proposed development would not detract from the surrounding area, neither was the proposal considered to impact significantly on the residential amenity, approval was therefore recommended.

Debate and Decision Making Process

- (3) Councillor Bowden stated that he was aware that the tenants had differing views about the proposals, some supported them and some did not. Councillor Wells indicated that he did not feel able to support them and would be voting against.
- (4) A vote was taken and of the 11 Members present when the vote was taken planning permission was granted on a vote of 10 to 1.

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

Note: Councillor Shanks was not present when the vote was taken in respect of the above application.

D. BH2013/01655 - 15 Lenham Avenue Saltdean, Brighton - Removal or Variation of Condition Application for variation of condition 3 of application BH2012/00752 (Demolition of existing dwelling and erection of 2no detached dwellings.) to state that no extension, enlargement or other alteration of the dwelling houses excluding works covered by Class B of the Town and Country Planning (General

Permitted Development) Order 1995, shall be carried out without planning permission obtained from the Local Planning Authority.

- (1) The Area Planning Manager, Mrs Hurley explained that there was an error in the final sentence of Paragraph 4.2 of the report. It should read, "Part B of the Town and Country Planning General Permitted Development) order 1995 refers to *roof alterations*."
- (2) The Area Planning Manager gave a presentation detailing the scheme by reference to site plans and photographs and by reference to the previous planning history of the site. The main considerations in determining the application related to the impact of the proposed variation of condition 3 on neighbouring residential amenity. Condition 3 of the original planning permission had removed permitted development rights as it had been considered that further development could cause detriment to the amenities of the residents of nearby properties and had therefore sought to control future development by that means. Officers' remained of the view that they would wish to control any future development to the roof of the property on the basis that roof extensions could cause material harm to neighbouring amenity and could result in overlooking and refusal of request to vary Condition 3 was therefore recommended. Removal of permitted development rights did not preclude further works properties but did ensure that planning permission had to be sought for any future development and that it complied with policies QD4 and QD27 of the Local Plan.

Public Speakers and Questions

- (3) Mr O'Connell spoke on behalf of the applicant in support of their application. He referred to the configuration of the site which sloped downwards. Various amendments had been made to the scheme in order to address objections in relation to overlooking which had been received from some neighbours. Given the configuration of the site and distance of the development from some of the neighbouring properties he did not agree that there overlooking would occur, particularly as obscured glazing had been proposed.
- (4) Councillor Hyde asked the applicant why they sought to vary existing conditions rather than submitting a new application, Mr O'Connell explained that a variation had been sought in preference to submitting a new planning application which they believed would be a longer process.

Questions for Officers, Debate and Decision Making Process

- (5) Councillor Robins stated that he was confused by references to properties abutting the site, particularly by references to nos 12 and 17 Eileen Avenue, there did not appear to be a no17. It was confirmed that this was not so and references on some of the applicant's drawings actually related to no 12 Eileen Avenue.
- (6) Councillor Hyde stated that she supported the recommendations contained in the officer's report considering that Condition 3 had been included in the original permission in order to protect neighbouring amenity and to ensure that the Local Planning Authority was able to control any future development.
- (7) A vote was taken and planning permission was refused on a vote of 9 to 2 with 1 abstention.

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

Reasons for Refusal:

The Local Planning Authority would wish to control any future development to the roof of the property on the basis that roof extensions could cause material harm to neighbouring amenity by way of overlooking contrary to QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

Plan Type Reference Version Date Received

Proposed plan, elevations and site plan 1124-21 A 22 May 2013

Existing plans, elevations and site plan

- E. BH2013/01112 - Land Rear of 37 & 38 Cromwell Road, Hove - Full Planning Permission- Erection of two storey three bedroom eco house with associated improvements.**
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager, Mrs Hurley, gave a presentation and detailed the proposed scheme by reference to plans and block plans and photographs showing the site, including from above showing it in relation to the rear of neighbouring properties and in relation to the neighbouring plots. The site comprised open land to the rear of 37 and 38 Cromwell Road with the street frontage onto Wilbury Villas. Ground levels across the site fell away from Wilbury Villas to an considerable extent with the rear of the site being considerably below street level. At the present time the site was enclosed by fencing and was overgrown. The adjoining buildings in Cromwell Road, to the south of the site, were large Victorian gault brick semi-detached villas with slate roofs. To the north was a 1960's 4/5 storey block of flats, Stirling Court. The site adjoined the Willett Estate Conservation Area and lay to the west of a Grade II Listed building, 39 Cromwell Road.
- (3) As a result of ground level changes across the site the dwelling would be single storey above the level of Wilbury Villas and two storey to the side and rear and would incorporate a flat roof form accommodating angled photovoltaic panels and a green roof. Hedgerow planting was proposed to the front and side boundaries of the site.
- (4) The planning history of the site was important because although the applicant had identified the site as being vacant land with no previous use, there appeared to be some previous landscaping of the site but based on the information submitted, the planning

authority considered the land to be private open space. Policy QD20 of the Brighton & Hove Local Plan did not support development of an open space unless there were exceptional circumstances for developing the area. The proposal would involve the loss of open space which was considered important to the setting of the Willett Estate Conservation Area and the wider street scene. It was also considered to be contrary to policy QD20 of the Brighton & Hove Local Plan. It was also considered to be contrary to QD1, QD3, QD4 and HE3 and HE6 to virtue of its bulk form and massing in close proximity to neighbouring boundaries and that it would result in an excessive, overbearing and un neighbourly form of development, both within the neighbouring street scene and in the context of the adjacent listed building. It was considered that the scheme represented a cramped form of development.

- (5) The decision of the Planning Inspectorate in relation to an earlier appeal was important as it had been dismissed and in doing so the Inspector had agreed with the grounds on which planning permission had been refused with the exception of those relating to the quality of the development and private amenity space. It was considered that the proposed form of development would result in a harmful loss of openness which contributed to the neighbouring street scene, conservation area and listed building and would constitute a contrived form of development. The proposal would fail to emphasise and enhance the positive qualities of the local neighbourhood, nor preserved the character or appearance of the conservation area and refusal was therefore recommended.

Public Speakers and Questions

- (6) Mr Hedley spoke on behalf of the applicants in support of their application. He explained that the applicant did not agree that the site was represented an open space. It was currently an overgrown eyesore and the proposal represented the opportunity to provide a high quality sustainable modern building which would meet lifetime homes standards and would achieve Code Level 5. The building would be small scale, would have a low impact on neighbouring dwellings and would be effectively screened as a result of the changes in level across the site. Local Ward Councillors had also indicated their support for the scheme.

Questions for Officers

- (7) Councillor Gilbey sought clarification regarding objections received, particularly from those occupying basement flats to the rear of the site in Wilbury Villas.
- (8) Councillor Robins queried whether the site would constitute loss of open space, given that there was no public access to the site. The Area Planning Manager stated that the land was considered to be private open space and as such provided a space between all of the neighbouring properties.

Debate and Decision Making Process

- (9) Councillor Bowden stated that he considered that the site was a weed choked eyesore which did not contribute positively to the character of the neighbouring street scene. The proposal represented a good use of the site and a significant improvement on its current

state and would provide a high quality modern dwelling which would provide much needed accommodation.

- (10) Councillor Phillips stated that all of the Local Ward Councillors supported the scheme and was in agreement that the application would improve the site and provide a much needed additional property in the area. Currently the site was a complete mess.
- (11) Councillor Robins stated that he was concerned that if approval was given in this case other developers might put forward proposals for housing development on back land sites which had become overgrown.
- (12) Councillor Gilbey stated that she considered that it was important to protect the amenity of neighbouring residents by maintaining a gap between the properties. The proposed form of development would be overbearing and would overshadow the basement flats in Wilbury Villas.
- (13) Councillor Wells concurred in that view considering that that the amenity of neighbouring residents should be protected.
- (14) Councillor Shanks stated that it had been clear at the site visit that the site was completely overgrown. Also, CAG supported the principle of the development albeit that they would have preferred a pitched roof development. She considered that an exception should be made to policy in this instance and did not agree that the development would have the negative impact suggested.
- (15) Councillor Jones stated that he considered the proposals represented clever use of an awkward site. The form of the development could be controlled by condition.
- (16) The Development Control Manager stressed that it was important for Members to set to one side their views regarding the current condition of the site and to consider the application in the context of the Brighton & Hove Local Plan.
- (17) A vote was taken and following an initial vote of 7 to 5 for the grant of planning permission the proposer, Councillor Bowden and seconder Councillor Jones put forward the reasons for grant which were then agreed and voted on by the Committee. Following a recorded vote planning permission was granted on a vote of 7 to 5 as set out in Paragraph 43.4 below.

- 43.4 **RESOLVED** - That the Committee is **MINDED TO GRANT** planning permission as the proposed scheme was considered to be of a good design, represented good use of an awkward site, that it had no value as an open space and that it had an acceptable impact on residential amenity. The Committee were satisfied with the visual impact on the listed building and that it would enhance the visual amenity of the area. Conditions for grant of planning permission to be agreed by the Chair, proposer and seconder in consultation with the Development Control Manager.

This decision is based on the drawings listed below:

Plan Type Reference Version Date Received

Proposed Floor Plans & Sections AD100 - 08/04/2013

Proposed Elevations AD101 - 08/04/2013.

Note 1 : A vote was taken and it was agreed that planning permission be granted on a vote of 7 to 5.

Note 2 : Following proposal of the grounds for approval of planning permission by Councillor Jones which were seconded by Councillor Shanks a recorded vote was taken. Councillors Mac Cafferty (Chair), Councillor Jones (Deputy Chair), Bowden, Cox, Phillips, Shanks and Wells voted that planning permission be granted. Councillors Gilbey, Hyde, Hamilton, Robins and C Theobald voted that planning permission be refused therefore planning permission was granted on the grounds set out above.

F. BH2013/01296 - Land to Rear of 141 Stanmer Park Road, Brighton - Full Planning Permission- Erection of 1no two bedroom detached dwelling.

- (1) The Area Planning Manager gave a presentation detailing the scheme by reference to site plans, block plans and an aerial view of the site. Except for a slight extension on the south-eastern side, the footprint of the dwelling now proposed was the same as the previously approved ground floor level and would accommodate the provision of two bedrooms, a living room/dining room, a kitchen and bathroom across one floor level.
- (2) The application related to land to the rear of properties on Stanmer Park Road and Stanmer Villas. The site adjoined the rear garden areas of 141 Stanmer Park Road and 109, 117, 119 and 121 Stanmer Villas. Access to the site was gained via a pathway/driveway located between 141 Stanmer Park Road and 109 Stanmer Villas formerly linked to 117 Stanmer Villas Road. This small plot of land lay behind properties in the northern section of the site and comprised a steep slope, which was located adjacent to Hollingbury Rise West, as a result of the topology of the area.
- (3) It was considered that the development would make efficient and effective use of the site and that its height, design and bulk would relate well to that of the other properties within the vicinity of the site and would not have a significant adverse effect on the amenities of neighbouring properties, approval was therefore recommended.

Public Speakers and Questions

- (4) Ms Stephens spoke as an objector. Ms Stephens referred to the weight of local opposition to the application and to number of neighbouring residents who would be affected. In her view a number of neighbouring residents had been misinformed regarding their right of access to the right of way, details of the width of the access way were also incorrect. She explained that she had sold access to the site to the applicant in order for them to use it as storage for a boat, not as building land. Rights of way to the land were clearly set out in deeds relating to the site and were not ambiguous as had been indicated by the applicant. The loss of trees would also have a detrimental impact as they would remove screening and privacy from neighbouring dwellings.
- (5) Councillor Lepper spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. She stated that this small plot of land lay behind properties in Stanmer Park and Stanmer Villas. The development would have a detrimental impact and would give rise to overshadowing and loss of privacy. Councillor

Lepper was also concerned that a number of trees which had a tree preservation order were to be felled, as the land was on an incline with a steep road at the back. This would have a detrimental impact on properties in Hollingbury Rise West and could also have a detrimental impact on the bank itself.

- (6) Mr Carter spoke on behalf of the applicant in support of their application. He stated that the application represented an improvement on the extant scheme which had been granted in 2010 and which could still be built. The scheme had been well designed and would offer a high standard of accommodation which would respect the neighbouring properties. Trees to be removed from the site were poor specimens which had been the subject of a full arboriculturist's report.

Questions for Officers and Debate

- (7) Councillor Phillips sought confirmation regarding the number and variety of species of trees on site and was informed that there were currently 30 Sycamore/Ash trees, 2 Beech Trees and 1 oak tree.
- (8) Councillor Shanks referred to the access/right of way issues referred to by the objector. The Legal Adviser to the Committee confirmed however that these were separate from consideration of the planning application before the Committee and were not a relevant planning consideration.
- (9) Councillor C Theobald expressed concern regarding access arrangements to the site by emergency vehicles given the configuration and steep nature of the site.
- (10) Councillor Robins referred to the steep incline of the neighbouring bank asking whether there was a danger that these works could undermine the bank which had been referred to.
- (11) Councillor Hyde that she considered that the site was an awkward one and that it would be beneficial to carry out a site visit prior to determining the application. A vote was taken and Members concurred in that view.
- (12) Members concurred with Councillor Hyde's suggestion that it would be beneficial to carry out a site visit prior to determining the application and consideration of the application was therefore deferred.
- (13) The Chair confirmed for the record that as the decision to carry out a site visit had been taken after each of the public speakers had the opportunity to speak that there would be no further public speaking in respect of this application.

43.6 **RESOLVED** - That determination of the above application be deferred pending a site visit.

- G. BH2013/01893 - 58 Dean Court Road, Rottingdean, Brighton - Householder Planning Permission-Erection of two storey side and rear extension with a loft conversion Incorporating roof extensions, rooflights and associated external alterations.**

- (1) Members were of the view that it would be appropriate to carry out a site prior to determining this application.
- 43.7 **RESOLVED** - That consideration of the above application be deferred in order to enable a site visit to take place.
- H. **BH2013/00491 - Westview, Cornwall Gardens, Brighton - Householder Planning Permission Extensions and alterations to existing chalet bungalow to form a two storey house.**
- (1) It was noted that consideration of this application had been deferred by the Committee at its meeting on 5 June 2013. The report had been updated to include further submissions from the applicant, comments from the Heritage Team and an additional representation.
- (2) The Area Planning Manager, Mrs Hurley gave a presentation by reference to site plans photographs of neighbouring properties, including Cinderford to the north and Brunswick, immediately opposite, in the context of the proposed development as amended. Following the Committees' decision to defer the application, further discussions had taken place between officers, the applicants and their agent and amendments had been submitted. The revised scheme differed in two primary respects, the design of the first floor front windows by introducing traditional proportions and the palette of materials for the building which had been rationalised, with the timber cladding removed. The proposed scheme was now considered to have an acceptable impact on the character and appearance of the recipient property and the wider Preston Park Conservation Area, as well as the amenity of neighbouring residents; approval was therefore recommended subject to the Conditions and Informatives set out in the report.

Questions for Officers, Debate and Decision Making Process

- (3) Councillor Cox sought confirmation that the although originally recommended for refusal, as a result of the amendments made to the scheme, the grounds for refusal had now been overcome and in consequence it was recommended that planning permission be granted. It was confirmed that was the case.
- (4) A vote was taken and Members voted unanimously that planning permission be granted as set out below.
- 43.8 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.
44. **TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**
- 44.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2013/01893, 58 Dean Court Road, Rottingdean - Householder Planning Permission	Councillor Hyde
BH2013/01296, Land to rear of 141 Stanmer Park Road, Brighton – Full Planning Permission	Councillor Hyde

45. APPEAL DECISIONS

45.1 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.

46. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

47. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

48. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Strategic Director of Place. The register complies with legislative requirements.]

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

The meeting concluded at 5.50pm

Signed

Chair

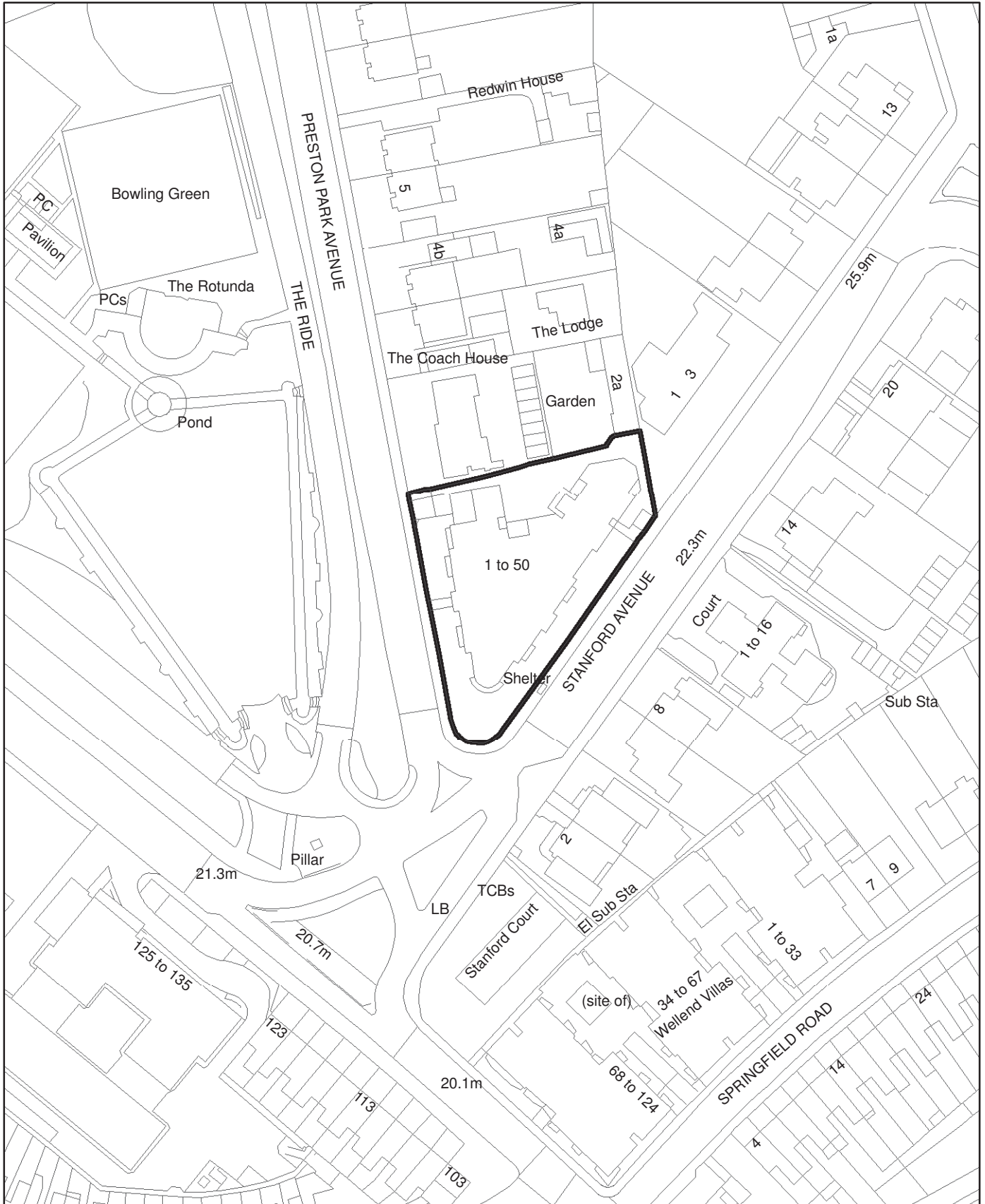
Dated this

day of

**I-50 Preston Mansions, Preston Park
Avenue, Brighton**

**Request for a variation of s106
25 August 2004 signed in association with
BH2004/00406/FP**

28 AUGUST 2013



**Brighton & Hove
City Council**



Scale : 1:1,250

Subject:	1-50 Preston Mansions, Preston Park Avenue, Brighton Request for a variation of s106 25 August 2004 signed in association with BH2004/00406/FP		
Date of Meeting:	28 th August 2013		
Report of:	Head of Planning & Public Protection		
Contact Officer:	Name: Adrian Smith	Tel: 290478	
	E-mail: adrian.smith@brighton-hove.gov.uk		
Wards Affected:	Preston Park		

1. PURPOSE OF THE REPORT:

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

2. RECOMMENDATIONS:

- 2.1 That the Committee resolves to allow the completion of a variation to the s106 planning agreement dated 15th August 2004 relating to 1-50 Preston Mansions, Preston Park Avenue, Brighton to allow residents of the development to apply for residents' parking permits

3. BACKGROUND INFORMATION:

- 3.1 Application BH2004/00406/FP granted planning permission for the redevelopment of the site to provide a part-four part-five storey block of flats comprising 50 units (of which 20 were to be affordable) together with 35 parking spaces (including 5 disabled spaces). Approval was subject to conditions and a Section 106 Obligation to include provision for a car sharing scheme, transport initiatives, and the exclusion of residents from eligibility for parking permits in the event a residents' parking scheme is introduced in the area. At the time the planning application was determined in 2004 there was no controlled parking zone ("CPZ") in place in the relevant area. A CPZ was however subsequently implemented in 2010, having been consulted on in 2009.

4. PROPOSAL

- 4.1 The managing agents for 1-50 Preston Mansions have requested a variation of the s106 attached to application BH2004/00406/FP to remove the requirement for occupants of the development to be ineligible for parking permits.

5. CONSULTATION:

- 5.1 **Sustainable Transport:** No objection.

The Highway Authority has no objections to the proposed variation of the S106 agreement signed in association with planning approval BH2004/00406/FP. As per current legal advice, in order to restrict eligibility of CPZ parking permits, under policy HO7 of the Local Plan, a proposed development needs to be within an existing CPZ. In this scenario this was not the case as no CPZ was

operational from the time the development was approved and occupied. The application was approved and then occupied in late 2006. The extension of CPZ J was consulted upon in 2009 and implemented in 2010.

- 5.2 Given the length of time since the permission being granted and the consultation on a CPZ coming forward it cannot be deemed that making the residents ineligible for parking permits successfully mitigates the impact of the development as approved. Therefore in this case and as per current legal advice the Highway Authority has no objections to the proposed variation of the S106.

6. COMMENT:

- 6.1 The application was granted on 24 September 2004 following completion of a Section 106 agreement that, amongst other provisions, restricted the eligibility of residents for parking permits in the event a CPZ was established around the site. This requirement followed the advice of the Traffic Manager.
- 6.2 The rationale for the clause was based on the scheme providing only 35 onsite parking spaces (5 of which were disabled bays) for a development of 50 residential units in an area identified as already being under significant parking pressure. The applicant's Transport Assessment had sought to address parking concerns by promoting the sustainability of the site location (close to two railway stations, and on main bus and cycle routes) and incorporating a 'car club' scheme into the development. The establishment of the car club was also secured in the Section 106 Obligation.
- 6.3 The development was completed and occupied in 2006.
- 6.4 In 2009 consultation was undertaken for an extension to zone J that included Preston Park Mansions. The extension to zone J was subsequently implemented in 2010, with residents becoming ineligible for parking permits as per the clause in the signed s106.
- 6.5 At the time of approval, completion and occupation the development at Preston Mansions sat outside a CPZ and provided onsite parking for 35 vehicles. The extension to zone J was implemented 4 years after the completion of the development, allowing any overspill parking generated by the development within the surrounding streets to 'bed down'. Given the degree of separation between the completion of the development and the establishment of a CPZ around the site, it cannot be reasonably argued that making residents ineligible for parking permits mitigated the impacts of the development as approved in 2004, as such impacts had already been dissolved into the area. Further, the provision of onsite parking for the development means that the development can not be said to be genuinely car-free as required under policy HO7.
- 6.6 The Councils' Sustainable Transport Team have agreed that the removal of the clause requiring residents to be ineligible for parking permits in the event a Controlled Parking Zone is established around the site is appropriate in this instance given the information above.
- 6.7 Advice has been sought from the Head of Law on the proposed variation and the Senior Planning Solicitor has advised as follows:

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

6.8 Given the intervening years following the completion of the development and the mitigation of the impact of the development during that period, it is not considered that restricting residents of the development from obtaining parking permits is now reasonable or supportable.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

None identified.

7.2 Legal Implications:

Lawyer Consulted: Hilary Woodward

Section 106A of the Town and Country Planning Act 1990 provides that section 106 obligations may be modified or discharged either by agreement between the parties at any time or by formal application in accordance with statutory criteria. There is no statutory guidance on what tests should be applied by a local planning authority when determining the less formal type of application to discharge or modify but the test on the more formal application is whether the obligation serves a useful purpose. It would therefore seem to be appropriate that the “useful purpose” test could be applied to the current application.

7.3 Moreover, legislation introduced in 2010, namely the Community Infrastructure Levy Regulations 2010, Regulation 122, requires, inter alia, that a planning obligation may only be imposed when it is necessary to make the development acceptable in planning terms. Although the obligation in question is now of course being reconsidered as opposed to being “imposed” it would be reasonable to consider the application to vary in the context of whether the obligation is “necessary”.

7.4 Equalities Implications:

None identified

7.5 Sustainability Implications:

None identified

7.6 Crime & Disorder Implications:
None identified

7.7 Risk and Opportunity Management Implications:
None identified

7.8 Corporate / Citywide Implications:
None identified.

8. CONCLUSION

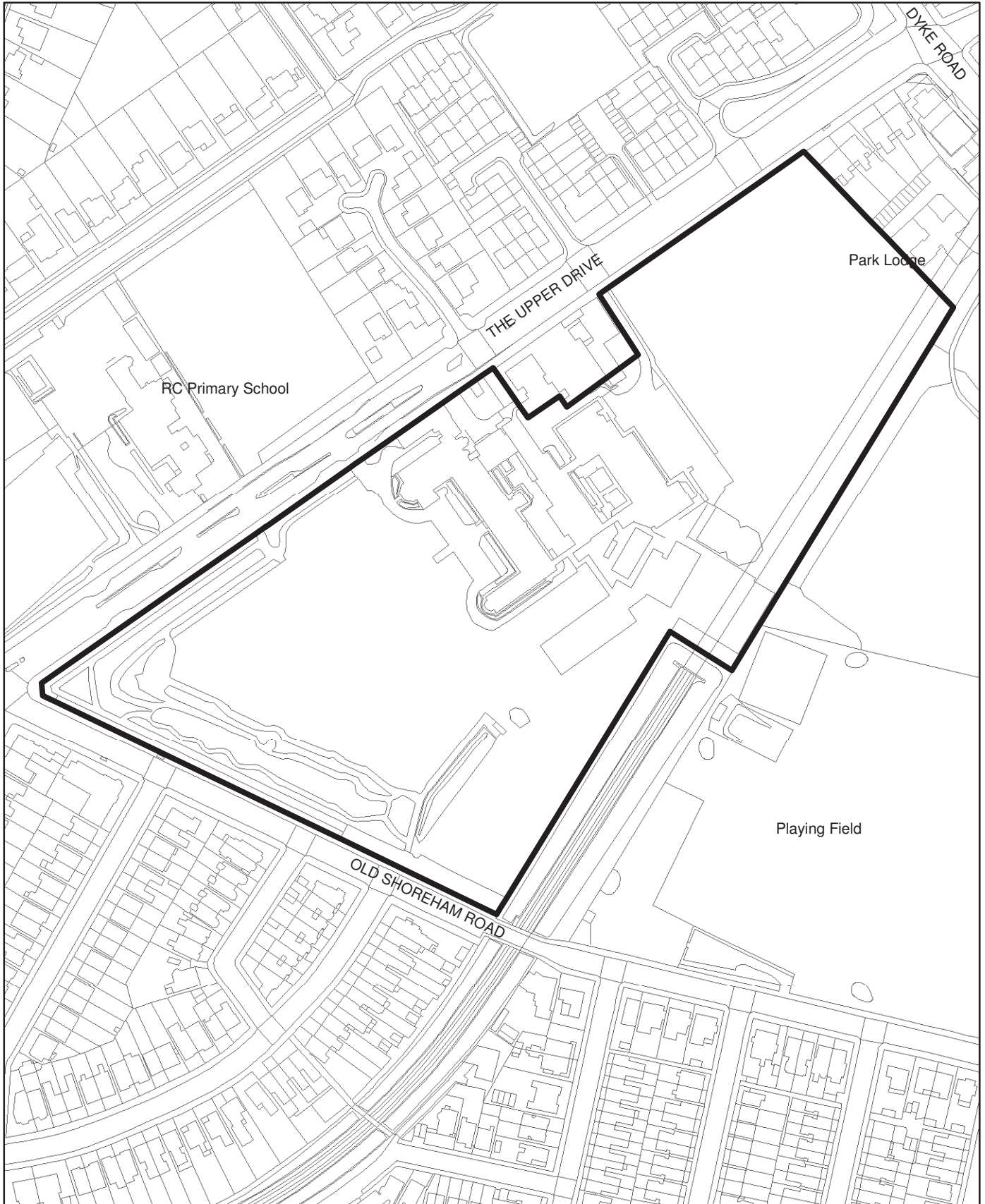
- 8.1 The applicant has applied to vary the signed s106 agreement as set out at 4.1 of this report.
- 8.2 The proposed amendments are considered to be acceptable for the reasons as detailed above.
- 8.3 Therefore, the recommendation is for the s106 agreement be varied to allow residents of the development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

ITEM A

**Cardinal Newman Catholic School,
The Upper Drive, Hove**

**BH2013/01693
Full Planning**

28 AUGUST 2013



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01693	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Cardinal Newman Catholic School The Upper Drive Hove		
<u>Proposal:</u>	Erection of a new three storey detached building to the north of the existing school, alterations to existing Newman building, relocation of 40no car parking spaces to south east corner and associated works.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	05/06/13
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04 Sept 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House 7, 9 Stanford Avenue, Brighton, BN1 6FA		
<u>Applicant:</u>	The Governors of Cardinal Newman School, Cardinal Newman Catholic School, The Upper Drive, Hove, BN3 6ND		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to the completion of a Section 106 agreement and the conditions and informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to the Cardinal Newman Catholic School, which is located on the south east side of The Upper Drive. The school has 2,173 students and is an 11-18 Catholic mixed comprehensive school. The school is on the local list of buildings of interest. The local list states that the building is comprised of a 'dignified, brick and stone collegiate building with a strong sense of place. Impressive chapel and a calm setting.' The front of the school to the south has maintained its historic character where the chapel is situated. In contrast, the majority of the rest of the school has been extended with a number of modern extensions and alterations. This includes a new modern detached two-storey Design and Technology block which was recently constructed to the rear.
- 2.2 The school is flanked by two large playing fields to the north and south and is surrounded by a large boundary wall. On the opposite side of the school on the other side of The Upper Drive are detached dwellinghouses. Immediately to the east of the school site is Dyke Road Park and the playing fields of Brighton & Hove Sixth Form College.

3 RELEVANT HISTORY

BH2013/00003: Erection of proposed infill extension to accommodate escape stair core incorporating the provision of an internal lift in existing stair core. Approved 21st February 2013.

BH2012/03459: Erection of proposed infill extension to accommodate escape stair core incorporating the provision of an internal lift in existing stair core. Refused 10th January 2013.

BH2009/01722: Erection of a new detached two storey Design and Technology teaching block. Approved 9th February 2010.

BH2009/00511: Replacement of existing windows and glazing to rear of link block. Approved 1st May 2009

BH2007/00312: Construction of new first floor to provide changing room facilities. Granted 21st March 2007.

BH2006/3979: Single storey sixth form common room extension. Granted 5th February 2007

BH2004/03221/FP: Single storey extension within inner courtyard to form a toilet block. Granted 2nd December 2004.

BH2001/0217/FP: Construction of new library above the existing gym. Granted 3rd December 2001.

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of a three-storey detached building to form a new sixth form building for the Cardinal Newman Catholic School. The proposed building is proposed mainly on an existing car park located on the north side of the school. The building would be adjacent to the northern playing field and takes up part of the field area. The new building is required to accommodate an increase in the numbers of sixth form students (an additional 150 students) and to provide better facilities. The building will include classrooms, a lecture theatre / exam hall, common room, café, plant room, offices, media room and a library / learning resource centre.
- 4.2 The scheme includes alterations to the existing Newman Building which comprise a proposed canopy and photovoltaic panels at roof level. The scheme also includes the relocation of 40 car parking spaces to the south east corner of the school where there is a hard surface area.
- 4.3 The scheme has been amended to indicate a new pedestrian access adjacent the main entrance and space for additional cycle parking.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** **Three (3)** letters of representation have been received from **10 Park Lodge, Dyke Road, 1 Merlin Close** and **1 Kestrel Close** objecting to the application for the following reasons:
- It is not entirely clear if the views south from Park Lodge to the north of the school is going to be restricted or not. The scheme could block views of the coast from the building.
 - The scheme would result in more traffic noise, loss of privacy, parking problems and disturbance. There are already issues with students parking in nearby streets as they are not allowed to park on school premises. The 6th form will increase this problem.

5.2 **One hundred and eight (108) letters of representation have been received from 182 Nevill Road, 86 Brighton Road, 17 Sandringham Drive, 28 Temple Street, 61 Rugby Place, 14 Woodland Drive, 3 The Florets, Hyde Street, Upper Beeding, 57 Walsingham Road, Rushfield Paddock, Henfield Road, Poynings, 17 Wilbury Gardens, 13 Amesbury Crescent, 15 Withdean Road, 2 Hangleton Manor Close, 10 Fullwood Avenue, Newhaven, 6 Downsway, Southwick, 11 Greenways Crescent, Shoreham-by-Sea, 63 North Road, 125 Godwin Road, 124 The Gardens, Southwick, 48 Warrren Way, 75 Rodmell Avenue, Saltdean, 311 Upper Shoreham Road, Shoreham-by-Sea, 71B Telscomb Road, Peacehaven, 14 Tivoli Crescent, 61 The Upper Drive, 27 Osmond Road, 27 Broad Rig Avenue, 39 Langdale Road, 26 Aymer Road, 37 Lenham Avenue, Saltdean, 34 Downsview Road, 48 Woodhouse Road, 1 York Court, Nizells Avenue, 279 Hangleton Road, 3 Ferndale Road, 58 Highdown Road, 10 Wellington Road, 7 Sompting Court, St Giles Close, 12 Mile Oak Crescent, 26 Upper Hamilton Road, 188 Church Green, Shoreham-by-Sea, 5 Midhurst Rise, 57 Saltdean Vale, 12 Wigmore Close, 9 Monument View, 70 Berriedale Avenue, 12 Valley Gardens, Worthing, 6 Orchard Gardens, 116 Warren Road, 42 Neville Road, 50 Stonecross Road, 35 Brangwyn Drive, 2 Clarendon Mansions, 80 East Street, 17 Windelsham Gardens, Shoreham-by-Sea, 1 Wicklands Avenue, Saltdean, 51 Standford Avenue, 3 Lee Bank, Grove Hill, 3 Bates Road, 37 Valley Road, 12 Gregory Close, Eastbourne, 5 Nyetimber Hill, Bevendean, 3 Grange Close, Flat 5, 51-52 Grand Parade, 1 Park Lodge, 2 The Woodlands, London Road, Flat 4, 4 North Road, 50A Clarendon Road, 23 Sheldale Avenue, Flat 4, 58 Ventnor Villas, 3 Mill Avenue, Shoreham-by-Sea, 209 Wiston Road, Flat 1, Hurst Court, 36 Reigate Road, 10 Hangleton Manor Close, Pickwell Estate, Buncton Lane, Bolney, 92A Blatchington Road, Flat 2, 89 Church Road, 24 Underdown Road, Southwick, 5 St Leonards Gardens, 70 Wayland Avenue, 70 Westbourne Gardens, 3 Kingston House, Gardner Road, 31 Mandalay Court, 31 Carden Crescent, 61 Carden Avenue, 48 Valley Drive, 45 Applesham Way, 44 Westbourne Gardens, 28 Norway Street, 29 Terminus Road, 52 Burlington Gardens, 153 Ringmer Road, Flat 2, 11 Elder Place, 8 Redhill Drive, Robinia Lodge, Station Road, 90 Greenways, Ovingdean, 9 Hunston Close, 15 Princes Square, 41 Bramble Way, 53 Findon Road, 40 Franklin Road, 77 Sandhurst Avenue, Woodingdean, 51 Chichester Drive West, Saltdean, 19 Hove Park Road, 29 Elder Close, 42 Brittany Road, 209 Nevill Road, 6 Hartington Villas, 67 Foredown Drive, 97 Ditchling Road, 51 Tongdean Avenue and Flat 2, 12 Eaton Road supporting the application for the following reasons:**

- Given the pressure on secondary education places, this seems an entirely appropriate proposal. The proposal appears sympathetic to the surroundings with negligible impact on any neighbouring premises.
- The scheme will provide a high quality provision for sixth form catholic education.
- With children in this school, this is a fantastic opportunity for them and other children in the community to get the best possible sixth form experience. The scheme will increase standards further and be within walking distance for students.

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- The students of the school support the application on the grounds that it will create more space and will provide more modern facilities and better resources.
- 5.3 **Brighton & Hove Archaeological Society:** The Upper Drive is known to have produced a collection of Neolithic flintwork in the past. The society suggests the County Archaeologist is contacted for his recommendations.
- 5.4 **East Sussex County Council Archaeologist:** No objection subject to the following:
- No development shall commence until the developer 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 by the Local Planning Authority.
 - The development shall not be brought into use until an 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 the above condition and that provision for analysis, publication and dissemination of results and archive deposition has been secured.
- 5.5 **East Sussex County Council Ecologist:** No objection.
- 5.6 **East Sussex Fire & Rescue Service:** No objection subject to sufficient fire hydrants and the installation of sprinkler systems.
- 5.7 **Environment Agency:** No comment.
- 5.8 **Gas Networks:** No objection.
- 5.9 **Southern Water:** No objection subject to the applicant entering into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.
- 5.10 **Sport England:** No objection.
- 5.11 **UK Power Networks:** No objection.
- Internal:**
- 5.12 **Children and Young Peoples Trust:** The scheme is supported.
- 5.13 **Economic Development:** No objection subject to the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction.
- 5.14 **Environmental Health:** No objection.
- 5.15 **Heritage:** No comment.

5.16 **Planning Policy:** Support. Further information required to satisfy policy WMP3d of the Waste & Minerals Plan and consideration given to relocating the car parking area around the building.

5.17 **Sustainability:** No objection subject to the following:

- The application should be approved with standard planning conditions to secure a BREEAM 'very good' standards as a minimum, and 60% in energy and water sections.
- A feasibility study should be undertaken with potential to install some form of rainwater capture for irrigation as a minimum.

5.18 **Sustainable Transport:** No objection subject to the following:

- 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 employees of and visitors to the development hereby approved.
- The development hereby permitted shall not be commenced until full details of secure cycle parking facilities for the students and staff of, and visitors to, the sixth form college and the school as a whole 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.
- The development hereby approved shall not be occupied until details of a pedestrian gate entrance in the vicinity of the existing southern vehicular entrance have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development.
- 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.
- To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £45,600 to help finance off-site highway improvement schemes such as pedestrian infrastructure improvements on and around the Upper Drive and/ or pedestrian and cycle infrastructure improvements on Dyke Road.

6 MATERIAL CONSIDERATIONS

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

- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) 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
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD19	Greenways
QD20	Urban open space
QD27	Protection of Amenity
HO19	Provision of new community facilities
SR20	Protection of public and private outdoor recreation space
HE10	Buildings of local interest

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
SO21	Strategic Objective to provide additional primary and secondary school places
CP16	Open Space

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principal of development, loss of open space, whether the proposal is appropriate in terms of design and the wider street views, residential amenity, sustainability, archaeological considerations and transport / highway considerations.

Principle of the development:

- 8.2 Policy HO19 of the Brighton & Hove Local Plan states that planning permission will be granted for community facilities where it can be demonstrated that certain criteria can be met. The criteria include ensuring the design and use of the facility is accessible to all members of the community, no unacceptable impact on residential amenity and addressing transport highway concerns.
- 8.3 Cardinal Newman Catholic School has an existing sixth form located in the Newman Building which is located to the north of the school. The school currently has 450 sixth form students and struggles to accommodate this number in the existing building. The school is expanding the number of sixth form students to 600 and requires more space and better facilities to accommodate this increase. The proposed sixth form building would provide for this need and the scheme is considered to be in accordance with the above policy. It provides a community facility and, as outlined below, is appropriate in respect of its impact on the amenity of adjacent properties and transport / highway concerns.
- 8.4 The scheme is also in accordance with Strategic Objective SO21 of the Brighton & Hove Submission City Plan Part One. The objective is to provide additional primary secondary school places in response to growing demand and future increases in population by working with not for profit organisations, to build new schools and by expanding successful schools. This is to assist in the long term planning of higher and further education establishments and ensure that they play a full part in the city's economic, social and environmental development. Given the above, the principle of providing a purpose built unit to meet the current and future educational needs of the school is welcomed and accords with policy HO19 and strategic objective SO21.

Loss of open space:

- 8.5 Policy QD20 seeks to protect areas of private or public open space. Policy SR20 also states that planning permission will not be granted for development on areas of outdoor recreation space, other than that which incidental and appropriate to the respective recreation uses, unless it can be demonstrated that the land is not an important open space. Policy CP16 of the emerging city plan also seeks to prevent the loss of urban open space and protected outdoor recreation space.
- 8.6 The proposed building would replace an existing car park. It also involves the partial loss of some of the existing playing field to the north of the school. This area of the playing fields is used for sport and includes a rugby pitch. The new extension would project into the playing fields by approximately 4m. This equates to approximately 159m² or 1% of the total area of the playing field. The scheme includes a reinforced grass route adjacent the extension. This also cuts into the playing fields. This area is for emergency vehicles and would not be used on a regular basis. As this area is grassed it would be mostly be used as part of the playing fields.
- 8.7 The scheme results in the loss of a small proportion of the playing field. The Policy Team has commented the small encroachment onto the playing field is considered to be inconsequential to its continued use as it would not adversely affect its ability to host activities it is currently used for. The scheme would not affect the existing rugby pitch and the loss of this small section of playing fields is considered to be acceptable.
- 8.8 Sport England has also commented that the vast majority of the proposal does not encroach onto the playing field and does not result in the loss of playing field land. As such, Sport England does not wish to raise any objection to this application.
- 8.9 The Policy Team has queried the loss of the hardstanding to car parking in the south east corner of the site. This area has the potential to be used as play area which would benefit the school. The school has stated that this area is not readily used as a play area and is sometimes used as an overspill car park. The school has better outside hard standing play courts within the site for the students. There are also limited options around the school for an alternative site for the car parking spaces. Additionally, the proposal would only take up half the hardstanding area leaving the rest to remain as a play area. Given the above, the use of the existing hardstanding as a car park is deemed acceptable and the scheme is considered to be in accordance with policies SR20 and QD20 of the Local Plan and policy CP16 of the emerging city plan.

Design:

- 8.10 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.

- 8.11 In terms of its design, the building has a modern appearance with a mix of brick, render, areas of cladding and an aluminium standing seam roof. The building is three-storeys high and involves the excavation of the ground level and the construction of a retaining wall with new areas of hardstanding. It includes areas of cladding and glazing and has a stepped entrance facing The Upper Drive. The building is shown 9m from the existing sixth form. It has a length of over 38m, a width of approximately 18m and a height up to 12.8m.
- 8.12 The existing sixth form, together with the other buildings to the north east elevation, has a functional appearance and these are not part of the historic part of the school. These buildings are modern additions to the school. The Cardinal Newman School is included in the Council's Local List of Building's of Interest. The historic part of the school faces south west where the school has retained an attractive frontage. The proposed sixth form building is to the north of the school and would not affect the setting or historic character of the building.
- 8.13 Recently a detached two-storey Design and Technology teaching block (approved in 2010) was completed to the south east elevation of the school. It should be noted that the new sixth form centre is similar to the modern design and appearance of the approved Design and Technology Block.
- 8.14 Given the position of the proposed sixth form centre to the north elevation, there is no objection to the modern design which would be sympathetic to the appearance of the existing sixth form and other school extensions and buildings facing north.
- 8.15 The scale of the building is also considered appropriate. The plans indicate that the eaves level of the new building would not be appreciably higher than the existing sixth form building or any other buildings within the school. The proposed sixth form building would be visible from The Upper Drive and will be a prominent addition when viewed from the properties to north. To reduce the presence of the extension when viewed from the north, the scheme involves partly sinking the extension into the ground through excavation and the construction of retaining walls. This would give the extension the appearance of a two-storey building when viewed from the north and would make the building an appropriate and sympathetic addition.
- 8.16 The scheme includes fencing in front of the school adjacent the playing fields. The fencing is required to protect the school from stray balls. No details have been given of the fencing and it is understood that the fencing will match the existing green chain link metal fencing which is similar to existing fencing around tennis courts within the site. Given the lack of details, a condition is recommended requiring details of fencing to be submitted prior to commencement of the development.
- 8.17 The applicant has submitted a materials board which shows the following materials:
- Roof covering of polyester powder coated aluminium.

- Aluminium windows, soffits, fascias, doors, brise soleil and louvres in light grey.
- Light cream render.
- Green coloured copper cladding.
- Stratford red bricks.

The materials proposed are similar to those used on the recently constructed Benedict building and are considered appropriate.

- 8.18 Given its design and scale, the building is considered appropriate and would not stand out as an inappropriate addition in relation to the existing school and in the context of The Upper Drive.
- 8.19 The scheme also includes alterations to the Newman Building which comprise the installation of a canopy entrance to the north elevation and the installation of photovoltaic panels to its roof. These alterations would not significantly affect the appearance of the building and are also considered appropriate.

Impact on Amenity:

- 8.20 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.21 The proposed sixth form centre is positioned adjacent the existing school and is set a significant distance from the nearest residential properties. It is separated from the nearest properties to the north by the existing playing field and from the properties to the west by The Upper Drive and a distance of over 80m. Given its position and distance from the nearest residential properties, the proposal would not result in a significant impact on the amenity of any adjacent residential properties in relation to loss of light, outlook, privacy, noise disturbance or an increased sense of enclosure.

Sustainable Transport:

- 8.22 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.23 The applicant has submitted a Transport Statement and Travel Plan to support the expansion of the school. The statement outlines that the site is located near to bus stops and rail stations which provide links to the surrounding areas. The travel survey in the statement indicates that almost three quarters of sixth form students travel by non-car modes, although the Travel Plan aims to further reduce reliance on the private car.
- 8.24 The statement outlines that trip generation has been calculated using existing travel mode data provided by pupils in Year 12 (lower sixth). This indicated that approximately one quarter of sixth form students travel by car and if this proportion is applied to the new 150 pupils, there will be an additional 39 students travelling to and from the site by car. It is probable that most of these

trips will be parents dropping off their children, as only a small proportion of sixth formers are likely to drive. Additionally, sixth formers are not permitted to park on site which is likely to limit demand by this mode given parking restrictions along the Upper Drive.

- 8.25 The new building would retain and use the existing vehicle accesses to the site. As outlined above, the applicant is proposing to relocate all of the existing parking spaces from the north of the site to the south in order to accommodate the new build. This will mean additional vehicles will use the existing southern vehicular entrance to access the relocated 40no spaces. This entrance is currently also used by school children as a form of pedestrian access, as stated in the transport statement submitted by the applicant.
- 8.26 The Transport Manager expressed concerns that there was no separate pedestrian access at the main entrance. Given the increase in use of the main entrance by vehicles, the Transport Manager requested that a pedestrian entrance was provided adjacent to the vehicular entrance. This would mitigate the likely increased risk of collisions occurring between vehicles using the south entrance and school children and offer a suitable pedestrian entrance and safer option for school children entering the site in that vicinity.
- 8.27 In accordance with the Transport Manager's comments, the applicant has amended the scheme to indicate an additional pedestrian access at the main entrance. No details have been given of the appearance of this access. Consequently, a condition is recommended requiring the submission of details of the appearance of the new pedestrian access and gates.
- 8.28 The proposed pedestrian entrance to the new 6th Form block is via an access road that is to be used by emergency services only. The Transport Manager has commented that this access is satisfactory if vehicles other than the emergency services are not permitted to use it. The applicant is also providing a pedestrian gate by the side of the access. Again details of this access can be secured by condition.
- 8.29 In respect of cycle parking, SPG04 states that the minimum standard for a school is 1 cycle parking space per 250m² or part thereof. Within the submitted Transport Statement the applicant forecasts that 3% of sixth formers are likely to cycle to the site. Given that the proposed number of sixth formers will be 565 there is forecast to be 17 students cycling to the development. Therefore the Highway Authority would look for an adequate level of provision to cater for the forecast demand identified within the Transport Statement.
- 8.30 Within the submitted Travel Plan the applicant states that they intend to investigate the provision of 200 cycle parking spaces. In order to ensure that the additional cycle parking provision for the sixth form development, a condition is recommended stating that the development hereby permitted shall not be commenced until full details of secure cycle parking facilities for the students and staff of, and visitors to, the sixth form college and the school as a whole have been submitted to and approved in writing by the Local Planning Authority.

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- 8.31 The applicant does not appear to be proposing any additional disabled parking spaces. However, the Transport Manager has commented that the existing provision for disabled parking spaces meets required standards.
- 8.32 The proposed amount of standard car parking is as existing. Students are not permitted to park vehicles on the school site therefore it is acceptable for the onsite car parking provision to remain the same amount. The relocation of the 40 standard spaces from the north to the south of the site does not appear to significantly impact on the highway network and is therefore acceptable.
- 8.33 Additionally, the increase to the site of students that may drive is also not likely to impact significantly on the surrounding network due to the site being in a controlled parking zone and the cost of parking there will be a deterrent.
- 8.34 To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions the Transport Manager has commented that the applicant should make a financial contribution of £45,600 to help finance off-site highway improvement schemes such as pedestrian infrastructure improvements on and around the Upper Drive and/ or pedestrian and cycle infrastructure improvements on Dyke Road. The applicant has agreed to this contribution and a Section 106 agreement has been drafted.
- 8.35 Overall, subject to the provision of cycle parking and the implementation of the Travel Plan, it is felt that the scheme will not result in an unacceptable demand on traffic or parking in the area.

Sustainability:

- 8.36 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials.
- 8.37 Under supplementary planning document SPD08 major new built development is expected to achieve BREEAM 'excellent' and 60% in energy and water sections. The applicant has submitted a BREEAM Pre-assessment report and justification for achieving a lower standard of 'very good'. Justification relates to technical constraints and financial viability.
- 8.38 The Pre-assessment report indicates that the scheme will achieve over 60% in the energy and water sections, and that the scheme overall takes a robust approach to sustainability delivering a building that addresses local sustainability issues as set out in Local Plan Policy SU2.
- 8.39 The Council's Sustainability Officer has commented that the scheme includes positive aspects which include good fabric performance, a photovoltaic array, an air source heat pump for cooling, solar shading, water efficiency measures, use of sustainable materials and provision for composting.
- 8.40 As the new sixth form building is proposed within the existing school, there are certain BREEAM credits which are not available or would be harder to score, making the achievement of BREEAM 'excellent' problematic. Having regard to

the justification submitted, the Sustainability Officer has agreed to the lower standard.

- 8.41 It is therefore recommended that the application be approved with standard planning conditions to secure a BREEAM 'very good' standards as a minimum, and 60% in energy and water sections.
- 8.42 The Sustainability Officer has commented that it is disappointing that rainwater harvesting has been ruled out, with no evidence to support this decision. It is therefore recommended that in accordance with SPD08 and SU2, this be further examined and a feasibility study be undertaken with potential to install some form of rainwater capture for irrigation as a minimum. A standard planning condition is recommended to secure this.

Archaeological Considerations

- 8.43 The East Sussex County Archaeologist has commented that the site is within an Archaeological Notification Area defining an area of prehistoric activity, identified by past finds of significant concentration of flint tools. The site is located on a south facing spur of the South Downs, a location favoured by agricultural settlements from the Neolithic period through to the Saxon period.
- 8.44 The location of the proposed new building appears to have received little disturbance during the construction of the school. This is therefore a high potential that any archaeological remains survive in good condition.
- 8.45 In light of the potential for loss of heritage assets, the archaeologist recommends a condition stating that no development shall commence until the developer 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 by the Local Planning Authority.

Ecology/Nature Conservation:

- 8.46 The applicant has submitted an Ecology Report which addresses the ecological considerations for this development. The East Sussex County Council Ecologist has commented that the proposed development is within an area of low ecological value and, given the nature, scale and location of the proposed development, there are unlikely to be any significant impacts on any designated sites or protected species.
- 8.47 The scheme does not involve the loss of any significant trees on site. The Ecologist has commented that to avoid disturbance to birds, any removal of shrubs or trees that could provide nesting habitats should be carried out outside the breeding season. An informative is to be added to the decision notice informing the applicant of this requirement.
- 8.48 The scheme includes the installation of 6 bird boxes throughout the site. The Ecologist has commented that this is entirely appropriate and would enhance opportunities within the site for biodiversity. A condition is therefore recommended requiring the installation of the bird boxes.

Other Considerations:

- 8.49 Southern Water has commented that there is currently inadequate capacity to provide foul water sewage disposal to service the proposed development. Should this application be granted, South Water require the applicant to enter into a formal agreement with them to provide the necessary sewerage infrastructure required.
- 8.50 It should be noted that on receipt of these comments, the applicants have subsequently commenced discussions with Southern Water with regards to water sewerage disposal. One of the options to deal with Southern Water's concerns is to reduce the water currently discharging into the sewer via the combined system which can offset the water sewerage from the new building. Notwithstanding these discussions, an informative is recommended to be attached to the decision notice informing the applicant of their obligations to Southern Water.
- 8.51 Gas Networks have also included a copy of an extract showing the position of gas mains in this location is included for the benefit of the applicant.

9 CONCLUSION

- 9.1 The application has been assessed against relevant policies. It would not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character and appearance of the school and the surrounding area. The scheme involves the enhancement of educational facilities on the site and is also considered appropriate in terms of sustainability, its impact on highway safety and demand for travel in the area.

10 EQUALITIES

- 10.1 The proposal provides adequate access for people with disabilities and would have to comply with Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

- 11.1 Section 106 agreement to secure:
- An employment strategy to secure up to 20% local labour during construction of the project.
 - Contribution of £45,600 to help finance off-site highway improvement schemes such as pedestrian infrastructure improvements on and around the Upper Drive and/ or pedestrian and cycle infrastructure improvements on Dyke Road.

and subject to the following Conditions and Informatives:

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.

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1228_P_001	P2	5 th June 2013
Block Plan	1228_P_002	P3	31 st July 2013
Parking Provision	1228_P_005	P3	31 st July 2013
Existing Site Plan	1228_P_009	P1	24 th May 2013
Proposed Site Plan	1228_P_010	P2	31 st July 2013
Ground Floor Plan	1228_P_110	P2	24 th May 2013
First Floor Plan	1228_P_111	P2	24 th May 2013
Second Floor & Roof Plan	1228_P_112	P2	24 th May 2013
Modifications to Newman Building	1228_P_113	P1	5 th June 2013
Proposed Elevations	1228_P_200	P3	24 th May 2013
Elevation from the Upper Drive	1228_P_300	P2	24 th May 2013
Section 1-1	1228_P_150	P3	24 th May 2013
Cardinal Newman Catholic School – New Sixth Form Centre Material Samples			6 th August 2013

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

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

- 4) 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 employees 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.

11.3 Pre-Commencement Conditions:

- 5) No development shall commence until details showing the type, number, location and timescale for implementation of the compensatory bird boxes 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 ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

- 6) No development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM

assessment within overall 'Very Good' of relevant BREEAM assessment 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.

- 7) No development shall commence until a feasibility study for rainwater harvesting has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed details.

Reason: To ensure the development is sustainable in terms of rain water harvesting and in accordance with policy SU2 and SPD8: Sustainable Building Design of the Brighton & Hove Local Plan.

- 8) The development hereby permitted shall not be commenced until full details of secure cycle parking facilities for the students and staff of, and visitors to, the sixth form college and the school as a whole 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) No development shall commence until full details of the new pedestrian access onto The Upper Drive, including elevation drawings, have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed details and thereafter retained as such.

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

- 10) No development shall commence until full details of the existing and proposed land levels of the proposed building in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

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.

- 11) 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, boundary treatments (including new fencing), 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.

- 12) 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. The development hereby permitted shall not be brought into use until the archaeological site investigation has been completed in accordance with the approved programme.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 13) 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.

- 14) The non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall '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.

- 15) Within 3 months of occupation of the new sixth form building hereby approved, the school or developer shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, residents & suppliers).

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

11.5 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 application has been assessed against relevant policies. It will not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character and appearance of the school and the surrounding area. The scheme involves the enhancement of educational facilities on the site and is also considered appropriate in terms of sustainability, its impact on highway safety and demand for travel in the area.
- 3) The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
- 4) The applicant is advised that 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).
- 5) The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html.
- 6) The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal

offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

- 7) The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
- i. Measures to promote and enable increased use of active and sustainable transport modes, including walking, cycling, public transport use, car sharing and Park & Stride, as alternatives to individual motor vehicle use;
 - ii. Identification of a nominated member of staff to act as School Travel Plan Co-ordinator to become the individual contact for the council's School Travel Team relating to the School Travel Plan; to convene a School Travel Plan (STP) Working Group.
 - iii. Use of the BHCC STP guidance documents to produce and annually review the STP.
 - iv. Production of a SMART action and monitoring plan, which shall include a commitment to undertake annual staff, parent/carer and pupil travel surveys to enable the STP to be reviewed and to update the SMART actions to address any issues identified;
 - v. A commitment to take part in the annual 'Hands Up' Mode of Travel Survey co-ordinated by the council's School Travel Team.
 - vi. Identification of mode-use targets focussed on reductions in the level of individual motor vehicle use by staff and parent/carers.
 - vii. A commitment to reduce carbon emissions associated with nursery and school travel.
 - viii. Initiatives to increase awareness of and improve road safety and personal security.
 - ix. Evidence of dialogue and consultation with neighbouring residents and businesses.
 - x. Submission of an annual STP review document, following the annual travel surveys, to the Council's School Travel Team to demonstrate progress towards the identified targets.

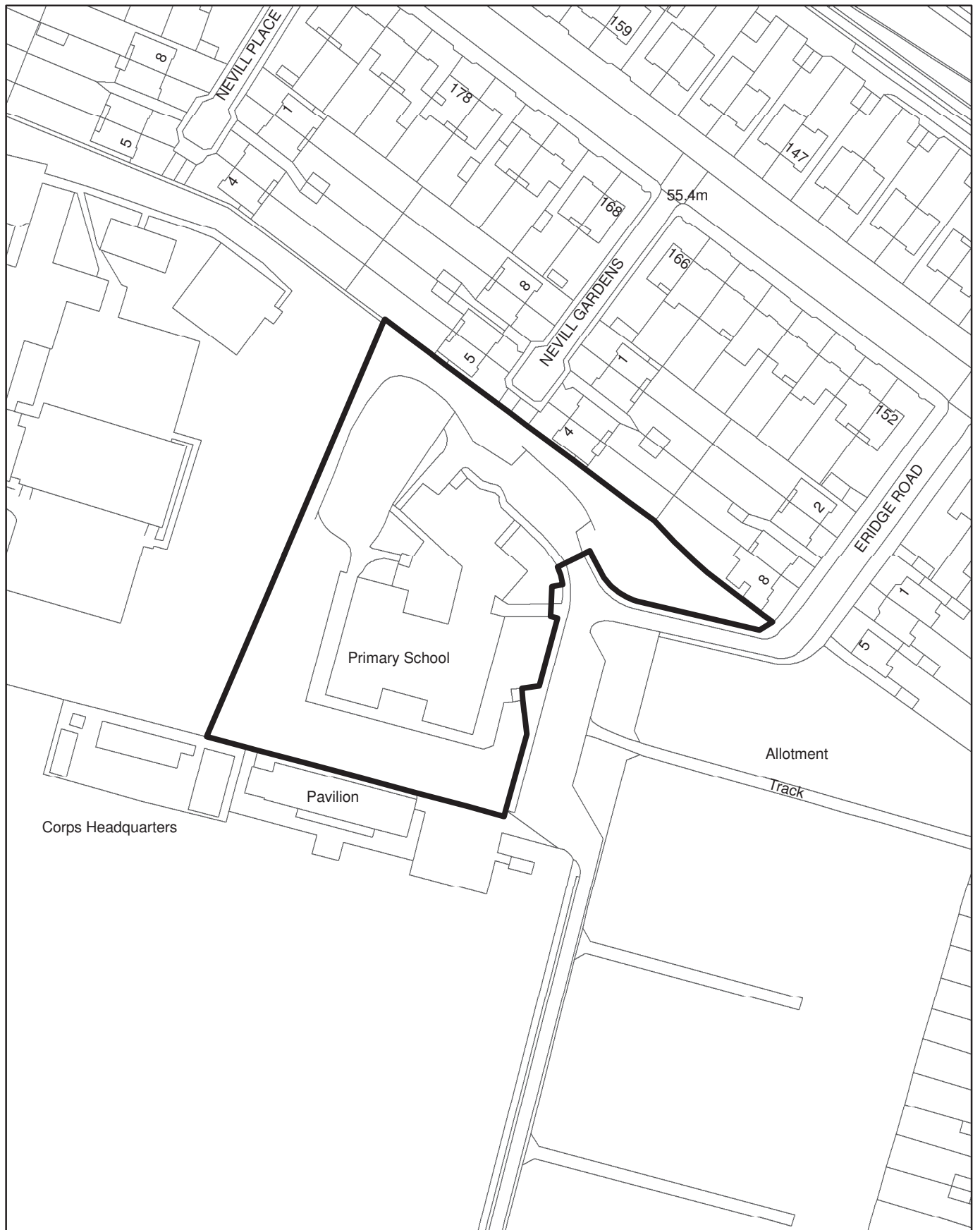
ITEM B

**Aldrington C of E Primary School, Eridge
Road, Hove**

**BH2013/01720
Council Development (Full Planning)**

28 AUGUST 2013

BH2013/01720 Aldrington C of E Primary School, Eridge Road, Hove



Scale: 1:1,250

<u>No:</u>	BH2013/01720	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Aldrington C of E Primary School Eridge Road Hove		
<u>Proposal:</u>	Extensions and alterations to school building including erection of two storey block and creation of link corridor, erection of single storey extension to school hall, erection of single storey extension and creation of new main entrance to school. Internal remodelling, creation of new parking spaces, landscaping, alteration to West boundary and associated works.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	19/06/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 Sept 13
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Brighton & Hove City Council, Room 210, Property & Design, Kings House, Grand Avenue, Hove, BN3 2LS		
<u>Applicant:</u>	Brighton & Hove City Council, Kings House, Grand Avenue, Hove, BN3 2LS		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to Aldrington Church of England Primary School located on Eridge Road, Hove. The school sits to the south of residential properties on Eridge Road and Nevill Gardens, with Blatchington Mill School adjacent to the west, allotments to the east, and Nevill Playing Field and clubhouse to the south. Access to the school is via the east of the site along Eridge Road, which passes through the site and links with Nevill Avenue to the south as a one-way system.
- 2.2 The school currently comprises a mix of largely single storey buildings with outside play space to the north and west sides.

3 RELEVANT HISTORY

- BH2011/00999-** Erection of single storey extension. Approved 31/05/2011
- BH2009/01337-** Erection of canopy outside reception classroom. Approved 15/09/2009
- BH2004/02650/FP-** Re-roofing of library area. Approved 27/08/2004

4 THE APPLICATION

- 4.1 The application seeks planning permission for extensions and alterations to the school to enlarge its capacity from a single form of entry to a two form of entry. This would raise the number of pupils attending the school over a seven year period from 218 to 436, employing 14 new full-time staff (48 in total). The additional form of entry would require the addition of 6 classrooms to the 6 existing, and additional associated works including the enlargement of the school staff room and hall. The development is detailed to be completed in three phases commencing summer 2013 readied for September 2014 (subject to planning permission being granted).
- 4.2 The proposals include:
- The construction of a new two-storey teaching block comprising six classrooms, with a new link corridor to the existing school
 - A front extension to the existing school reception to accommodate an enlarged staff room and reception area
 - The enlargement of the school hall
 - The remodelling of the outside play areas, including the expansion of the site into areas currently within the demise of Blatchington Mill School.
- 4.3 The proposed works would expand the floor area of the school from 1355sqm to 2300sqm.
- 4.4 The application is supported by an Ecological Appraisal Report and a Transport Statement.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One (1)** letter of representation has been received from **182 Nevill Road**, supporting the application as it would provide additional school places with minimal impact on surrounding properties.
- 5.2 **One (1)** letter of representation has been received from **1 Eridge Road**, raising no objection to the school extension, but commenting that there are some inaccuracies in the proposal, namely:
- The first section of Eridge Road is two-way, not one-way as claimed
 - Not all properties on Eridge Road have off-street parking
 - Eridge Road is 30mph, not 20mph as is Nevill Road
 - Workers from Legal and General offices on Hove Park heavily park the street
 - There is no information on how construction traffic will be managed given the narrow access road with parked vehicles
- 5.3 **Environment Agency: No objection.**
- 5.4 **Sport England Local Office: No objection.**
- 5.5 **EDF Energy: No comment.**

- 5.6 **Southern Water:** No comment.
- 5.7 **Sussex Police:** No objection
- 5.8 **East Sussex Fire and Rescue Service:** No objection
- 5.9 **County Ecologist:** No objection. The level of surveys undertaken is adequate. The surveys demonstrate that the risk of protected species (bats and reptiles) being encountered during the works is low. However, the precautionary approach of undertaking destructive searches under ecological supervision of both the roof and the nature area is welcomed and should be supported. Should protected species be encountered during these searches, work should stop and advice sought from Natural England (in the case of bats) or a suitably qualified and experienced ecologist on how to proceed.
- Internal:**
- 5.10 **Planning Policy:** No objection. Policy HO19 of the Local Plan states the planning permission will be granted for new community facilities, including schools, where it can be demonstrated that four criteria are met. The scheme is considered to meet all four of the criteria.
- 5.11 Strategic Objective SO21 of the emerging City Plan states that additional primary school places will be provided in response to growing demand. The growing demand is set out in the Brighton & Hove School Organisation Plan 2012 – 2016, which forecasts that the number of children entering primary education in the city will grow from 2,711 in 2011/12 to 2,850 in 2016/17. The need for new places is particularly acute in the west of the city.
- 5.12 The annexation of part of the adjoining school grounds will reduce the open space area available to that school, and there will be therefore an overall loss of open space across the two sites. Confirmation should be sought that the loss of secondary school grounds will not have an adverse impact on it meeting its future open space/sports requirements.
- 5.13 **Environmental Health:** No objection.
- 5.14 **Public Art:** No objection. It is not considered that this application falls within the definition of major development for the purposes of public art as defined in policy QD6, therefore a public art contribution will not be requested in this instance
- 5.15 **Sustainability Officer:** No objection
- 5.16 **Sustainable Transport:** No objection. Recommend approval subject to the applicant entering into a S106 agreement to contribute towards sustainable transport provision and the inclusion of the necessary conditions on any permission granted.
- 5.17 While the Highway Authority does not agree with the modal splits forecast by the applicant in order to calculate the likely transport impact of the development,

subject to the inclusion of the necessary conditions, including the need to produce a robust travel plan and that the applicant contributes to the necessary off-site highway works, the Highway Authority are of the view that these measures can successfully mitigate the forecast impact of the development.

5.18 In terms of contributions, based on the information submitted by the applicant the additional total daily person trips generated by the development would be 1050 trips, creating an overall contribution of £157,500. The applicant has stated that they are willing to contribute up to a maximum of £60,000 towards sustainable transport measures in the local vicinity. The Highway Authority deems that this along with the provision of a robust Travel Plan is adequate provision to mitigate the transport impact of the development in this instance.

5.19 The Highway Authority would look for the applicant to provide a scheme of works detailing the proposed improvements in the local area prior to occupation of the development. The works shall include footway improvements in the local area, improvements to crossing facilities on Nevill Road and public transport improvements in the vicinity of the site.

5.20 **Arboriculturalist:** No objection

5.21 **Access:** No comment

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

6.3 The National Planning Policy Framework (NPPF) 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
TR7	Safe Development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD6	Public art
QD14	Extensions and Alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities

Supplementary Planning Documents

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impacts of the proposed extensions and alterations on the appearance of the school and the amenities of adjacent residences, sustainability and ecology

issues, and the impact of the intensification of use of the site on transport and highway safety in the area.

Principle of Development:

- 8.2 The site as existing comprises a primary school with a single form of entry, which the application seeks to double to a two form of entry with the addition of extensions to the site. The application identifies that the number of school age children in each year group within the city has risen by 21% since 2001, with the number of school age children in the central Hove area (defined as postcodes BN3 1, BN3 2 & BN3 3) rising by 101% to 397 in each year group over the same period. The expansion of Aldrington School has been identified as a means to help meet this increased demand for school places.
- 8.3 There are no policies within the Brighton & Hove Local Plan that directly address the enlargement of existing schools, however Strategic Objective SO21 of the Submission City Plan Part One and paragraph 72 of the NPPF explicitly encourage the provision of new schools or the expansion of existing to meet needs of existing and new communities. On this basis it is considered that the principle of development can be supported, subject to it having a satisfactory impact on highway safety and the amenities of adjacent occupiers.

Design and Appearance:

- 8.4 The school as existing comprises a series of single storey pitch roofed buildings set central within the site. The main access to the site is from the east, with the school play areas located to the west side. A bank of grassland and 2m high fencing separates the school from residential properties to the north, whilst dense boundary vegetation screens the school from the adjacent Blatchington Mill School to the west and Nevill Playing Field to the south.
- 8.5 The proposed extensions comprise two main elements. The first comprises a 7.5m by 13.3m single story flat roofed extension to the east side of the building to expand the main reception and staffroom to the school. This extension would square off the north east corner of the school and be completed to match the orange brick detailing of the existing building.
- 8.6 The main works comprise the addition of a 12.4m by 33m two-storey classroom block to the northwest of the site. This building would be completed in brickwork to match the existing school buildings, with a mono-pitch roof above finished in a terracotta membrane. It would link to the main school via a link corridor set adjacent to the south of the main school hall, itself to be extended south by 6.2m. Although the two storey building would be taller than the existing single storey school buildings, it would not be excessively scaled or out of context in the site. The building would be set amongst the cluster of school buildings central to the site and approximately 12m from the northern site boundary. Its matching brickwork finish and terracotta roof finish would complement that of the existing buildings, and would not dominate or otherwise detract from the setting of the school. For these reasons the proposed extensions would relate positively to the existing building and site in general, in accordance with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

Landscaping and Site Boundary Alterations:

- 8.7 The proposed two storey building would be located on the existing hard play areas to the northwest of the site. To compensate for the loss of this outdoor play space, the application proposes the re-alignment of the west site boundary to transfer 1,720sqm of play area from the adjacent Blatchington Mill School to the site. The transfer of this space has not been objected to by Blatchington Mill School, which would retain good quality open play space for its pupils. Similarly Sport England have not objected to the loss of playing field capacity within either school. The new site area is detailed to form two netball courts and a grassed play area, and would be separated from Blatchington Mill School by a new chain link fence with new hedgerow planting.
- 8.8 The existing western boundary hedge and trees are to be removed as part of the expansion, along with two trees within the site and further vegetation at the site entrance to form three disabled parking bays. The council's arboriculturalist has raised no particular concerns with the loss of the trees and boundary vegetation, subject to a landscaping plan detailing compensatory planting for the site, in particular along the new western site boundary. A plan detailing the hard and soft landscaping finishes of development has been submitted which includes suitable replacement hedgerow/scrub boundary planting and grassed play areas.

Impacts on Residential Amenity:

- 8.9 The nearest residential properties are located to the north of the site along Nevill Gardens. These properties are on higher ground level approximately 12m from the nearest corner of the new building and 18m from the other school buildings. This separation is such that the scale of the building would not oppress outlook to, or otherwise compromise, the amenities of these properties, which sit perpendicular to the site. There are no other residential properties in the area that would be impacted by the development. In terms of noise disturbance from use of the playground, the proposed extension would largely replace the existing hard play area to the north west of the site, with the main outside play areas moved to the extended south west part of the site, away from the adjacent residential properties. Although a small hard play area would remain to the north side of the extension, its scale is considerably smaller than the existing hard play area. As such, although a greater number of children would be attending the school, their outside space would in the main be located further away from residential properties than current. For these reasons no significant amenity harm is identified and the proposed development accords with policy QD27 of the Brighton & Hove Local Plan.
- 8.10 The plans detail that a new external lighting column is proposed adjacent to the three new disabled parking bays. The column would be 4m in height and set approximately 25m from the nearest residential property to the north at 4 Nevill Gardens. The details submitted show that the column would have minimal light spillage at this distance, to the satisfaction of Environmental Health officers.

Sustainable Transport:

- 8.11 Brighton & 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. A Transport Statement has been submitted with the application that includes an audit of existing transport infrastructure and the estimated trip generation for the expanded school.

- 8.12 The site as existing is accessed via a one-way system leading from Eridge Road through the site and exiting on Nevill Avenue to the south. This access is shared by users of the adjacent Nevill Playing Fields, clubhouse and cadet building, and by users of the allotments. A small car park is set within the school grounds that accommodates 9 vehicles and one disabled space specifically for use by staff/parents/visitors to the school. A further 18-20 communal spaces are available fronting the site, with further informal parking for approximately 15 vehicles at the southern end of the exit route onto Neville Avenue. Cycle parking for 8 bicycles is located within a compound to the north of the site, adjacent to the 9 parking bays. The school currently operates a walking bus which collects children from a drop-off point within the Co-Op supermarket car park off Neville Road approximately 400m to the east of the site and escorts them into the school grounds.
- 8.13 The application proposes three new disabled parking bays adjacent to the main school entrance and a new cycle store along the northern site boundary to expand the bicycle capacity to 12 spaces. The 12 onsite parking spaces, including three disabled spaces, complies with Supplementary Planning Guidance 04 'Parking Standards' which requires a maximum of 50 general parking spaces and at least 3 disabled spaces for a site of this scale. No additional on-site parking spaces are proposed other than the three disabled bays identified, whilst the transport statement as submitted identified no alterations to pedestrian, bicycle or vehicular routes external to the site.
- 8.14 The proposed doubling of the school capacity would result in increased trip generation to and from the site. The Transport Statement forecasts an additional 1050 trips throughout the day, (525 inbound trips and 525 outbound trips) with 168 additional car movements (equating to approximately 40 vehicles entering the site and 40 exiting the site at the start and end of the school day). The Statement calculates that the forecast increase in car trips over the busiest 20 minute period is likely to be an average of 2 cars per minute which it states would have no material or detrimental effect on the junction of Eridge Road and Nevill Road, or on the wider highway network. The report identifies that any disruption to local residents would be alleviated by the continuation of the walking bus from the Co-Op supermarket, and that such schemes will be paramount to reducing disruption and inconvenience to the wider residential area from mass parking on local roads at the beginning and end of the school day.
- 8.15 The Sustainable Transport Officer is concerned at the achievability of the forecasted modal split, which anticipates 60% of trips to/from the site post development will be via walking and scooting, with 25% via car. This compares with the current split recorded by the school of 29% walking/scooting, and 68% by car. The admissions criteria for the school (which is not based on home-to-school distance) is such that car-based trips will likely be greater than for other

schools in the area which have a defined local catchment. Consequently it would be expected that car volumes to the site will increase as a result of this development. It is clear from the site visit that the existing school grounds cannot physically cater for more vehicles than proposed, whilst there is no practicable scope for increasing off-site parking provision. Consequently measures to improve sustainable transport modes and existing walking bus schemes should be explored to encourage vehicle trips away from the site and meet the requirements of development plan policy.

- 8.16 To help offset any increase in vehicular trips, the applicants have subsequently committed to contributing towards the improvement of footways, pedestrian crossing facilities and public transport in the vicinity of the site, including those on the Nevill Road corridor, the area to the north of Nevill Road, Nevill Avenue and the area to the south and the area to the west of Holmes Avenue. These improvements have been agreed in consultation with Transport Planning officers and would improve pedestrian linkages to the site, bus access, and access via the school's walking bus scheme from the Co-Op car park. This, in combination with an upgraded School Travel Plan, will suitably encourage both more sustainable transport usage and encourage parents to use the walking bus scheme rather than driving directly to the school. The above measures are therefore secured by condition, and would be broadly up to a value of £60,000.
- 8.17 It has not been possible to secure the full contribution (of £157,500) as originally sought by the Sustainable Transport Officer however the contribution secured is proportionate on a per-pupil basis to recent permissions for extensions at other schools in the area, notably St Nicolas C of E Junior School (BH2012/02548) and St Peters Community Infants School (BH2012/02546). The degree of contribution secured would not therefore warrant the refusal of this application as the full sum is not considered necessary in this instance to make the proposed development acceptable in planning terms. Subject to the identified highway improvements and further conditions securing a construction management plan to minimise highway and public safety risk along the one-way access to the site and seeking an upgraded School Travel Plan, the development would accord with policies TR1, TR2, TR4, TR7, TR8, TR11 and TR14 of the Brighton & Hove Local Plan.

Ecology:

- 8.18 The Ecological Appraisal Report submitted with the application identified the potential for bats, reptiles and breeding birds within the site, and recommended a survey to investigate whether a bat roost is present within a gap in the eaves to the southern roof of the school building. The report also recommended that the development creates new habitats including chalk grassland to the south west of the site, new planting along the new western boundary to provide a linking hedgerow/tree/scrub, and the installation of wall-mounted bat boxes and Sparrow Terraces.
- 8.19 The County Ecologist has raised concern over the loss of the existing western boundary, and requested a suitable replacement hedgerow be planted along the new western boundary to provide a replacement north-south link habitat. Further surveys have been requested to establish whether the three disabled parking

bays would harm any reptile populations in the wildlife area along the northern site boundary, and to establish whether the bat roost is indeed present.

- 8.20 The applicants have subsequently surveyed the site for reptiles and bat roosts as requested and returned no findings. The County Ecologist has agreed with the findings and raised no further concerns, subject to conditions requiring the installation of the recommendations set out in the Ecology Appraisal Report. An informative is attached advising the applicants that if protected species are encountered during works, work should stop and advice sought from Natural England (in the case of bats) or a suitably qualified and experienced ecologist on how to proceed. Subject to these conditions and informative the proposal would preserve and enhance the biodiversity of the site in accordance with policies QD17 & QD18 of the Brighton & Hove Local Plan and SPD11 guidance.

Percent for Art:

- 8.21 Policy QD6 of the Local Plan requires the provision of, or a contribution towards, new public art in major development schemes, commensurate to the scale and prominence of the proposal. The nature and relatively small scale of this development is such that it is not considered to meet the definition of a major development as set out in paragraph 3.30 of policy QD6, therefore no contribution towards public art is sought in this instance.

Sustainability:

- 8.22 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. The scale of the proposed development constitutes a new build major development for the purposes of SPD08 rather than an extension, albeit a new build directly linked to the existing school building. The SPD guidance states that a development of this scale should achieve 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'.
- 8.23 The application is supported by a 'One Planet' checklist which outlines sustainability measures to be included in the development. However, the 'One Planet' checklist does not reflect the requirements set out in the above adopted policy and SPD guidance. As such there is limited information submitted with the application relating to sustainability and the efficient use of resources to demonstrate that the appropriate standard has been met. Notwithstanding this, it is considered that the appropriate evidence could be secured by condition to ensure the proposal complies with the above policies. Suitable conditions are therefore attached to bring the development into accordance with policy SU2 and SPD08 guidance.

9 CONCLUSION

- 9.1 The proposed extensions would serve to help meet an identified demand for additional school capacity in this part of the City and are of an appropriate scale, siting and design in relation to the existing school buildings and the surrounding area. The development would not lead to significant harm to neighbouring amenity and includes suitable measures to address the

additional travel demand it would create and ensure a net gain in biodiversity, in accordance with development plan policies.

10 EQUALITIES

10.1 The proposed extensions would be accessible for disabled persons

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

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

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

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

Plan Type	Reference	Version	Date Received
Existing site plan	014	-	15/07/2013
Existing block plan	015	A	15/07/2013
Existing plan	003	-	29/05/2013
Existing elevations	004	-	29/05/2013
Proposed site plan	001	-	29/05/2013
Proposed block plan	002	A	10/06/2013
Proposed external works plan	007	C	22/07/2013
Proposed plans	005	-	29/05/2013
	006	-	29/05/2013
Proposed elevations	009	-	29/05/2013
	011	-	10/06/2013
Proposed contextual elevations	010	-	29/05/2013
Proposed external finishes	016	A	07/08/2013
Site Fire Strategy	111	-	15/07/2013

3) All new hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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

11.2 Pre-Commencement Conditions:

4) No development shall take place until samples of the materials (including colour of render, paintwork, cladding 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.

- 5) No development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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) 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, boundary treatments, 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 accordance with BS5837 (2012) during 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.

- 7) 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.

- 8) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment and transport movements in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in accordance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that construction operations, vehicles, materials and waste do not impact on highway safety and the operation of the school, to protect the amenities of adjacent occupiers and to comply with policies TR7, SU13 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

- 9) The development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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 occupied until a scheme detailing improvements to footways, pedestrian crossing facilities and public transport in the vicinity of the site, including the Nevill Road corridor, the area to the north of Nevill Road, Nevill Avenue and the area to the south and the area to the west of Holmes Avenue, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in strict accordance with the approved measures and thereafter retained as such.

Reason: To ensure that the proposed development provides for the demand for travel it creates and does not increase the danger to pedestrians walking to and from the site and to comply with policies TR1, TR8, TR11, QD28 and SU15 of the Brighton & Hove Local Plan.

- 11) At least six months prior to the first occupation of the development hereby approved a School Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out a package of measures to meet the needs of the site, promote sustainable travel choices and reduce reliance on private motor vehicles for staff, pupils and visitors. The Travel Plan shall be implemented in accordance with the approved details and shall subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.

- 12) The development hereby permitted shall not be occupied until the disabled parking bays detailed on drawing no. 007 rev C received on 22/07/2013 have been fully implemented and made available for use, and 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 that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

- 13) 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) 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, in accordance with the measures detailed within the Ecological Appraisal Report received on 29 May 2013 and the standards described in Annex 6 of SPD 11. The agreed 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 and Supplementary Planning Document SPD11 Nature Conservation and Development.

11.4 Informatives:

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

The proposed extensions would serve to help meet an identified demand for additional school capacity in this part of the City and are of an appropriate scale, siting and design in relation to the existing school buildings and the surrounding area. The development would not lead to significant harm to neighbouring amenity and includes suitable measures to address the additional travel demand it would create and ensure a net gain in biodiversity, in accordance with development plan policies.

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- 3) The applicant is advised that the Travel Plan required under condition 11 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) Increase awareness of and improve road safety and personal security;
 - (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (iv) 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;
 - (v) Identify a monitoring framework, which shall include a commitment to undertake an annual staff and pupil travel survey, for at least five years, or until such time as the identified targets are met, to enable the Travel Plan to be reviewed and updated as appropriate. Annual surveys should be submitted to the Council's School Travel Plan Officers;
 - (vi) A commitment to reduce carbon emissions associated with school travel;
 - (vii) Identify targets focussed on reductions in the level of staff and parent car use.
- 4) The applicant is advised of the possible presence of bats and/or protected reptiles on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats or any other reptile species as protected under the Wildlife and Countryside Act 1981 are seen during construction, work should stop immediately and advice sought from Natural England (in the case of bats) or a suitably qualified and experienced ecologist on how to proceed.

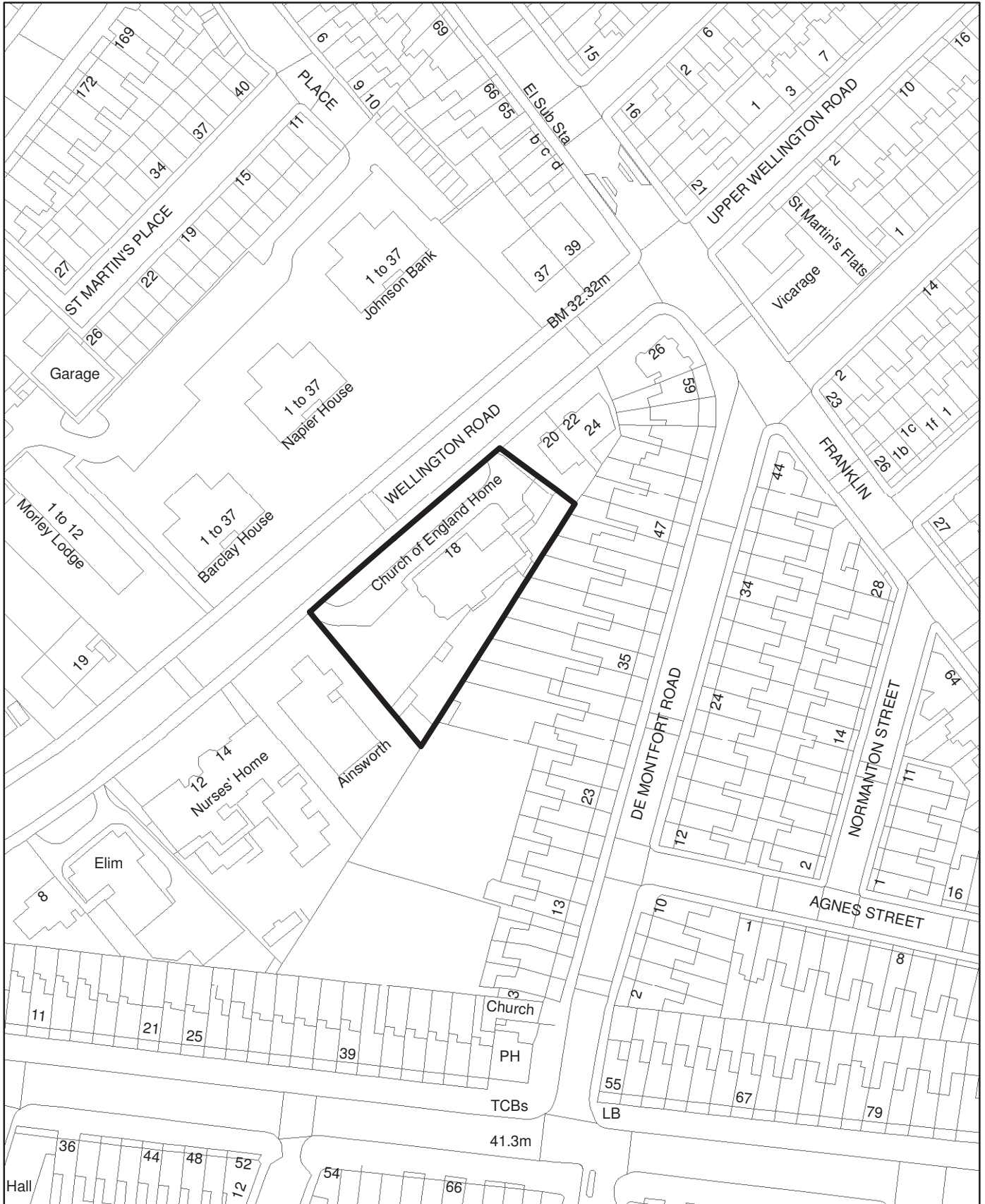
ITEM C

18 Wellington Road, Brighton

**BH2013/01254
Full Planning**

28 AUGUST 2013

BH2013/01254 18 Wellington Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01254	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	18 Wellington Road Brighton		
<u>Proposal:</u>	Demolition of existing building and construction of two separate 3 storey high blocks comprising 31, one and two bedroom flats together with associated car parking, cycle parking amenity space and bin storage.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	03/06/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02 September 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road, Brighton, BN1 5PD		
<u>Applicant:</u>	The Baron Homes Corporation, Mrs N Blencowe, c/o Lewis & Co Planning, 2 Port Hall Road, Brighton, BN1 5PD		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The property to which the application relates is situated on the southeast side of Wellington Road at a point approximately 50m from the junction with Franklin Road. The building once contained a Church of England Children's Home. The site comprises 0.2 hectares of land.
- 2.2 The existing building is a large attractive detached Victorian Villa. The former extensions to the north of the main building have been demolished since approval of the 2008 application. There are two existing vehicular access points with a tarmac driveway running parallel to its Wellington Road frontage linking the two access points.
- 2.3 The surroundings are residential and characterised by a mixture of contemporary and period properties. Opposite the application site is a local authority housing estate comprising one low rise block of four storeys and three high rise seven storey blocks of flats. Immediately adjacent to the south of the site is a recent four storey development of 12 flats with 3 terraced houses behind, beyond this is a three storey period property and further down the road is another part three/part two storey block of flats. Beyond the flats on the opposite side of the road is a group of Victorian terrace houses. To the rear of the site (the east) occupying higher ground are three storey terrace houses, while to the north of the site, occupying lower ground than the application site are a pair of Victorian houses.

- 2.4 The property is not a statutorily listed building or within a designated Conservation Area and neither does it appear on the local list of buildings of historic or architectural interest.

3 RELEVANT HISTORY

BH2011/03796 - Application to extend time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. Approved 05/04/2012.

BH2011/02182 – Prior Notification for Demolition of 18 Wellington Road, Brighton. Approved 19/09/2011.

BH2011/01019 - Erection of 9no flats with associated parking and landscaping. Refused 12/07/2011.

BH2008/03248 - Part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. Approved 29/01/2009.

BH2008/00297 - Change of use and renovation of existing Victoria villa, including part demolition and rebuilding of east end of building, together with new block of apartments. Withdrawn 21/04/2008.

BH2006/00371 - Outline application for the construction of 15 flats. Means of access to be determined for the development site. Demolition of day care centre. Refused 18/05/2006.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing building and the redevelopment of the site to provide two separate blocks comprising a total of 31 one and two bedroom flats. Associated parking, cycle parking, amenity space and bin storage would also be provided.

- 4.2 Block A would be located on the north-eastern side of the site and would comprise 3 storeys and accommodation in the roof. This block would comprise a total of 8 two bedroom flats and 9 one bedroom flats.

- 4.3 Block B would be located on the south-western side of the site and would comprise 3 storeys and accommodation in the roof. This block would contain a total of 6 two bedroom flats and 8 one bedroom flats.

- 4.4 6 off-street parking spaces would be provided to the north-west of the proposed blocks.

Pre-application Advice:

- 4.5 Pre-application discussions have taken place in which a scheme comprising of 3 separate residential blocks providing a total of 40 flats was discussed. The planning considerations were outlined including the need to demonstrate the

loss of the community facility (including what information should be submitted), the need to provide sufficient private amenity space, the requirement for a development of more than 10 units to provide a proportion of wheelchair accessible units and 10% affordable housing units and the required sustainability standards.

- 4.6 Concerns were also raised in respect of three separate blocks, comprising 4 storeys, resulting in an over-development of the site, the loss of the spacious character of the plot and the failure to integrate with the surrounding development and street scene.
- 4.7 It was made clear that such issues would be assessed and therefore should be satisfactorily addressed, in the context of any future application for planning permission to re-development the site for residential purposes.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Seventeen (17) letters of representation have been received from 29A, 31, 33, 35, 37, 39, 41, 49, 51A De Montfort Road, 11B Gladstone Terrace, 14 Seville Street, 4 Upper Wellington Road, Flat 8 12-14, 20, 36 Johnson Bank, 37 Wellington Road and Chris Dent (Consultant acting on behalf of De Montfort Road residents)**

objecting to the application for the following reasons:

- Inadequate off-street parking provision. The development will impact car ownership and parking in an already congested area. The Developers statement that there is “significant spare capacity on street to accommodate overspill” is simply not true. If Block B was not proposed there would be room for more parking to the rear,
- Wasteful resource of existing building. A sympathetic re-modelling of the existing building would be desirable. If Block B was not proposed the residents of Block A would have some outside space, there does not seem at present even space for clothes drying,
- The area is very densely populated, with the blocks of flats along Wellington Road and lately in the locality a lot of student HMOs with 5 or 6 people,
- The development provides no 3 bed family accommodation,
- Previous objections have focused on the overbearing scale and size of the development of the site as well as the plans for demolition of the current building. This recent application is again unreasonable in its size, proposed use and lack of consideration for neighbours, the local community and environment. The mass, density and impact on the local environment does not seem to be in sympathy with the Council’s ideologies and values for community planning, green spaces and protection of habitats and the interests of the city and its population,
- Loss of neighbouring amenity, particularly with respect to the overbearing and dominating effect of two larger buildings, taking into account distance from neighbouring boundaries, density, size, height, loss of light, noise and light pollution,
- Loss of light and sunlight and overshadowing to neighbouring properties,

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- Approval BH2011/03796 is an extant permission for 25 self-contained flats for people with learning difficulties, so still a community facility. The new application is radically different and will have a seriously different effect on local amenities, traffic, comings and goings at all hours, as well as the safety and well being of the established local population. Therefore the previous planning permission should have no real influence or effect on the planning process for approval in this instance. Furthermore the extant plans are considered to be unreasonable in size and scale so the proposers comparison of the new application to the extant plans does not provide a satisfactory rationale,
- Will harm wildlife including bats and badgers,
- Residents searching for parking spaces in area will cause safety issues, especially as the roads are used by children and families walking to and from schools within the area and a local park,
- The proposed very large scale and size of both buildings (3 storeys) and the overall mass would result in overdevelopment. While the planning proposal states that both blocks will be 'largely set within the footprint and height parameters of the approved scheme', this does not take into account the negative impact of the significant increase in height and width of the building to replace the existing building and the impact of an entirely new building in this space,
- The current single building is two storeys high. The proposal is for two, three storey 'blocks'. The proposal states that the height will not be increased however it is hard to understand how this will not occur with an additional floor,
- Policies HO4 and QD27 are in contradiction,
- There are errors on the plans regarding the rooflights at 3rd floor in Block A and the representation of the lift/stair tower,
- Plans do not detail a lit fire escape location. It would be wholly unsatisfactory if fire escapes were to be located to the rear if the building with lights on throughout the night,
- Lack of private amenity space,
- Have serious concerns about the rear design of the building and whether it would be in keeping with the existing building,
- Direct overlooking and loss of privacy,
- Loss of outlook for future residents due to frosted glazing/reduces opening of windows and very poor natural lighting for basement flats at rear, go against BRE Standards of day lighting,
- Plans show much higher screening on boundary treatment to De Montfort Road neighbours so not a true reflection of the reality of how overbearing the structure would be to neighbouring properties,
- Demolition of the existing building, which is considered to be a heritage asset and the lack of care that has been taken to preserve a heritage building. The 'villa' is the last remaining detached Victorian villa in the area and deserves to be retained in its entirety along with the gardens and amenity space in order to enhance the lives of its future residents and the wider community. It is disappointing the existing building has been allowed to be left in a poor state. Analysis needs to be made, in accordance with PPS5 of the importance of the Heritage Asset and the practicalities of

alternative schemes to refurbish the shell as the previous application proposed,

- Loss of community use,
- Lack of information to allow full review of the application such as regarding tree root protection, bat and swift surveys. The trees are visible from a range of public viewpoints and contribute to the amenity of the area. They provide a landmark feature and their loss would undermine the character of the locality. It is necessary to ascertain whether the tree protection measures are adequate,
- The number and design of the windows on the proposed plans are not in keeping with the style of other Victorian buildings in the area or the current 'villa' and look to be over represented (far too many windows),
- The previous consent was given to a building of very different use, with less comings and goings and far less demand on local infrastructure and amenities,
- All local residents would like the building and grounds to be in appropriate use. In fact most would agree that a residential use would be acceptable, but as long as the building and green space integrity is retained. A smaller refurbishment of the building and grounds would make a desirable conclusion to the ongoing dilemma, would add to the local and wider community and not provide a further strain on local infrastructure and amenities,
- Previous approval included conditions that the windows used obscured glazing and stipulated that balcony windows and doors could not open. These previous conditions imply that the distances and overlooking to De Montfort Road properties are not enough to provide reasonable privacy,
- Loss of green space, and
- The cycle parking and waste storage areas are not adequate for visitor cycle parking and fortnightly waste collection. The location of the proposed bin store will cause harm to the amenities of neighbouring properties especially on hot days and if collections are delayed.

- 5.2 **27 Napier House, Wellington Road**, supports the application on the grounds that an earlier proposal to demolish the building was opposed on the ground that the existing building was of merit and a use for it should be found; several years have passed and in its abandoned state it has become an eyesore. There is a chronic housing shortage in Brighton and this proposal would help ease the situation, albeit only to a small degree and is urgently needed.
- 5.3 **22A Wellington Road**, comments that it is depressing that it has to start from scratch, the existing building could be renovated and made beautiful again.
- 5.4 **Councillor Bill Randall**, objects to the proposal. Letter Attached.
- 5.5 **Brighton & Hove Archaeological Society**: Are unaware of any archaeological implications.
- 5.6 **CAG**: Group welcomes the application subject to details on the design, particularly the materials to be used and the dormer windows scale being amended downwards.

- 5.7 **County Ecologist:** Comment The level of ecological surveys is not sufficient to inform appropriate mitigation, compensation and enhancement. There are no statutory nature conservation sites and three non-statutory Site of Nature Conservation Importance (SNCIs) within 1km of the proposed development. Given the location, scale and nature of the proposed development there are unlikely to be any significant impacts on any designed sites or protected habitats.
- 5.8 There are six trees on site that are protected by Tree Preservation Orders. These trees should be protected.
- 5.9 From local records and the survey information provided, the site has the potential to support bats, reptiles and breeding birds. In the case of bats and reptiles, further surveys are required to inform appropriate mitigation and/or compensation.
- 5.10 **East Sussex Fire and Rescue Service:** Following an assessment of the application have no comments to make but would recommend consideration of active fire safety measures.
- 5.11 **Environment Agency:** Following an assessment of the application have no comments to make.
- 5.12 **Southern Water:** Comment Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development and can provide a water supply to the site (subject to formal applications by the applicant or developer) but there are no public surface water sewers in the area too serve the development.
- 5.13 **Sussex Police:** Comment Pleased to note that the Design and Access Statement submitted gave mention to the crime prevention measures to be incorporated into the design and layout in the form of Secured by Design principles. Would ask that where it is stated that 1.5m fencing will be employed to restrict access to the rear of the buildings, request that this is positioned from the eastern elevation of Block B to the boundary, between block A and B and the south western elevation of Block A to the boundary. The latter will provide a demarcation line discouraging free access to the refuse/recycling and cycle storage area. There will be a requirement for gates within the fencing.
- 5.14 The level of crime at this location is above average when compared with the rest of Sussex and as a result would ask that crime prevention measures are implemented. The cycle storage area should be enclosed to provide a higher degree of security and in a bid to reduce arson attacks on the euro bins and to stop them being used as climbing aids and battering rams, recommend they are located in a lockable enclosure.
- 5.15 **UK Power Networks:** Has no objections to the proposal.

Internal:

- 5.16 **Access Officer:** Comment The lifts need to have a clear car size of 1400mm deep by 1100mm wide. Also the lift car in Block A appears to be in the wrong orientation. Some doors do not have the required 300mm clear space at the leading edge on the pull side. The layouts with the WC between the bath and the basin do not work because there needs to be room for a 1500mm turning circle if the bath is removed. The WCs obstruct the doors in some bathroom layouts (mainly due to the door positions).
- 5.17 This is a development of 31 units so there should be 2 wheelchair accessible units. None of the units shown seem to be obviously designed with the appropriate features.
- 5.18 **Arboriculturist:** No objection. The proposal would result in loss of trees which are not covered by the Tree Preservation Order and therefore there is no objection to their loss. A condition is recommended requiring the submission of an Arboricultural Method Statement.
- 5.19 **Economic Development:** Has no adverse economic development comments but requests a contribution through a S106 Agreement for the payment of £15,500 towards the Local Employment Scheme (LES) 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 refurbishment of the building.
- 5.20 **Education:** Comment. In this instance would seek a contribution towards the cost of providing educational infrastructure for the school age pupils the development would generate. In this instance would seek £44,410.60 in respect of nursery, primary and secondary education.
- 5.21 Education is an essential part of any community and therefore any development needs to be able to provide for the education infrastructure that it requires, in addition the Council has a statutory duty to provide a school place for every child that wants one. A spreadsheet showing the number of school age pupils that a development of this nature is likely to generate is provided. The primary schools in the area have no or limited surplus capacity, anticipate this being the case for the foreseeable future. Development should not be allowed to erode away what little capacity there is left in the City, developers should ensure that their developments are sustainable in the broadest sense of the work and this has to include funding the education infrastructure that their development demands.
- 5.22 Note that all the proposed housing units are market housing and that there is no affordable housing proposed.
- 5.23 **Environmental Health:** Recommend approval subject to conditions regarding contaminated land, sound insulation of the party walls between the lifts and residential units and plant noise.

- 5.24 **Heritage:** Final Comment Number 18 Wellington Road has been nominated for inclusion in the Council's Local List of Heritage Assets, which is the subject of a current review. The building should therefore be treated as an undesignated heritage asset and demolition should not be considered until its significance has been properly identified, assessed and recorded.
- 5.25 **Housing:** Objection In line with policy HO2 of the local plan and affordable housing brief this scheme should provide 40% affordable housing on the site which equates to 12 units. Would expect 10% (1) of the affordable housing units to be built to fully wheelchair accessible standards in line with Affordable Housing Brief.
- 5.26 Affordable housing brief reflects the very pressing need for affordable homes in a City. Currently have over 16,345 people on the Housing Register waiting for affordable rented housing and 726 people waiting for low cost home ownership.
- 5.27 **Planning Policy:**
(Original comments 03/07/2013) Objection. It is considered that the current level of information submitted with the application does not demonstrate compliance with policy HO20. The extant planning permission for the site includes a drop-in community facility which is absent from this scheme. There is no affordable housing proposed, contrary to policy HO2 and submission policy CP20. Due to the existing open space designation in the Open Space Study 2009 and update of 2011 and policies QD20, HO6 and CP16, any residential use should look to provide its own generated demand for open space on site, where appropriate to that open space typology. The majority of the units have no provision of private amenity space for the residential units proposed, contrary to policy HO5.
- 5.28 (Amended comments 9/08/2013 following receipt of further information form agent) Objection. The current level of information submitted with the application does not yet demonstrate compliance with policy HO20. Policies HO6 and CP16 seek to ensure any residential use looks to provide its own generated demand for open space on site where appropriate to that open space typology and may require a reassessment of the built footprint or the overall number of residential units proposed. The scheme is therefore contrary to policies QD20, HO6 and CP16. It is also contrary to Local Plan policy HO5 in terms of provision of private amenity space. The provision of 40% affordable housing to comply with policy HO2 and CP20 is welcomed.
- 5.29 **Public Art:** Comment. 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.
- 5.30 **Sustainability Officer:**
(Original comments 16/07/2013) Objects. Approval cannot at this stage be recommended as the standards recommended in SPD08 cannot be met; applicants are expected to provide sufficient justification for a reduced level in the basis of site restrictions, financial viability, technical limitations and added benefit arising from the development. No justification for a reduced Code Level

3 is provided. The applicant should be asked for further information to try to improve the predicted performance.

- 5.31 (Amended comments 12/08/2013 following receipt of letter from agent) Recommend conditions.

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
TR15	Cycle Network
TR18	Parking for people with a mobility related disability
TR19	Parking standards

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SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
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
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
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
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
HO20	Retention of community facilities
HE10	Buildings of local interest

Supplementary Planning Guidance:

SPGBH1	Roof Alterations & Extensions
SPGBH4	Parking Standards

Developer Contributions – Interim Guidance

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP16	Open Space

CP19 Housing Mix
CP20 Affordable Housing

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations relating to the determination of the application are the principle of the development, demolition of the existing building, the loss of the existing community use, the housing type, size, mix and quality, the design and visual amenity impacts, the impacts upon the amenities of neighbouring residents, impacts upon trees and biodiversity, transport issues and sustainability issues.

Principle of Development:

8.2 Demolition of Existing Building

It is considered that the demolition of the existing building should be resisted as the Council's Heritage Officer has advised that the building has been nominated for inclusion in the Council's Local List of Heritage Assets and the building should therefore be treated as an undesignated heritage asset. Demolition should therefore not be considered until the significance of the existing building has been identified, assessed and recorded.

8.3 Loss of Community Facility

The site has been vacant for sometime. The last occupant was The Children's Society which used the building as a day care centre (Use Class D1). As such policy HO20 is relevant. Policy HO20 states;

"Planning permission will not be granted for development proposals, including change of use, that involve the loss of community facilities, including: hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls, theatres and cinemas.

8.4 Exceptions may apply when;

- a) the community use is incorporated, or replaced within a new development;
or
- b) the community use is relocated to a location which improves its accessibility to its users; or
- c) existing nearby facilities are to be improved to accommodate the loss; or
- d) it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

- 8.5 Where an exception (a-d) applies, priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.

- 8.6 Whilst it is acknowledged that the site is currently vacant, its previous use was Class D1 and thus any change of use away from this must be fully justified as set out in policy HO20.

- 8.7 Within the information submitted it is stated that the former occupiers, The Children's Society, relocated to a Community Centre in Hangleton in 2004, which was better and larger accommodation.
- 8.8 Since submission of the application a letter from the Society's Director of Estates and Facilities has been submitted in which it is stated that the Wellington Road building "was not 'fit for purpose' as a disabled project exclusively at children and young adults, because it could not accommodate the needs of our disabled client group in terms of access". It is also stated that cost of improving the access standards and improving other elements of the building, such as the heating system, was totally prohibitive. The building to which the Society has relocated is said to have better parking facilities and easier access than the Wellington Road site.
- 8.9 Although the letter received from the Director of the Children's Society confirms that the Society has relocated to another building, with improved facilities and accessibility for users, this new site is located approximately 5 miles from the application site and therefore serves a different local community. Furthermore the Wellington Road site also provided opportunities for the local community to rent facilities, including a soft play room, a kitchen and the garden for either regular or one-off community activities (e.g. as a weekly toy library and facilities for children's parties). Justification for the loss of these concurrent other facilities is therefore also required in order of the proposal to comply with policy HO20. It is noted that a list of other community facilities in the area is listed within the submitted Design and Access Statement however it is not stated what facilities are provided at these other sites. Overall it is considered that the applicant has failed to demonstrate that all the former community facilities (used on a regular and/or irregular basis) have been incorporated, replaced, relocated or accommodated elsewhere or that nearby facilities being improved to accommodate the loss of the Wellington Road site, as required by criterion a, b and c of policy HO20.
- 8.10 A letter from Baron Estates has been submitted in which it is stated that the site has been marketed since October 2007, offering the property to let or for sale for D1/community use.
- 8.11 The marketing strategy included the following;
- a marketing board fixed to the property (which has since been removed by squatters),
 - marketing particulars prepared,
 - the sending of property details to clients registered on the Baron Estates database including clients who have requirements for D1/community space, and
 - display of the property details on 6 websites including Baron Estates and the City Council.
- 8.12 It is stated that serious response to the marketing of the site has been unsuccessful and that the property does not appeal to D1 users for a number of reasons including that the building does not comply with the Disability Discrimination Act in respect of access, the building is in a quiet residential area

too far away from Brighton's mainline station where the majority of occupiers wish to be and the lower ground floor has limited natural daylight.

- 8.13 No evidence of the documentation referred to in the above marketing strategy have been submitted as part of the application. Confirmation of dates and clear evidence of when and where actual advertisements were placed for alternative non-residential institution user/s nor an indication of purchase price have not been submitted, in addition Baron Estates does not appear to be listed as a contributor on the Council's commercial property database. Further details of when the property details appeared on the database would therefore be helpful.
- 8.14 It is acknowledged that application BH2008/03248, which was granted a time extension under application BH2011/03796, allowed the partial loss of the existing facilities however this approved scheme provided a drop-in centre for people with learning and physical disabilities thereby retaining an element of a community facility within the site.
- 8.15 The proposed development would result in the loss of a community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the well-being of the community and quality of life of the neighbourhood, contrary to policy HO20.
- 8.16 Proposed Residential Accommodation
The proposal would result in the provision of 31 flats, 14 of which would be 2 bedroom units and 17 would be 1 bedroom units. The proposed units would vary in floor space from between approximately 43.1m² (unit 6 of Block B) to approximately 81.08m² (unit 14 Block B).
- Affordable Housing:**
- 8.17 Affordable Housing policy H02 of the Local Plan specifies that where a proposal is made for residential development capable of producing 10 or more dwellings, the Local Planning Authority will seek to secure a 40% element of affordable housing. In this case 31 new residential units are proposed which would equate to a requirement of 12 affordable housing units. Since submission of the application confirmation has been received stating that 40% affordable housing would be provided.
- 8.18 The Local Planning Authority seeks to ensure that proposals for new residential development incorporate a mix of dwelling types (and tenures) and sizes that reflects and responds to Brighton & Hove's housing needs. It is noted that in terms of the unit size mix the proposal would only create one and two bedroom units (x17 and x14 respectively). Although the Strategic Housing Market Assessment in 2008 identified that the greatest need in the City is for one and two bedroom properties, there is significant pressure for larger, family sized homes. For the City as a whole the preferred affordable housing mix in terms of unit size and type is 30% one bedroom units, 45% two bedroom units and 25% three or more bedroom units.
- 8.19 As the proposal incorporates only one and two bedroom dwelling it is contrary to policies HO2 and HO3 of the Brighton & Hove Local Plan.

Lifetime Homes:

- 8.20 Policy HO13 of the Brighton & Hove Local Plan states that planning permission will only be granted for new residential dwellings that are built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations.
- 8.21 The Council's Access Officer has identified a number of issues with the proposal which result in the internal layout of the development failing to comply with the Lifetime Homes Standards, namely the proposed lift car sizes are too small, the lift in Block A appears to be orientated incorrectly, some doors do not have the 300mm clear space at the leading edge on the pull side, the layouts with the WC between the bath and basin do not work because there needs to be room for a 1500mm turning circle if the bath is removed and the WCs obstruct the doors in some bathroom layouts mainly due to the door positions.
- 8.22 5% of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard, and at least one of these units should be available for affordable housing. The proposal is for 31 units and therefore 2 units should be wheelchair accessible units. It is not stated within the information submitted that any of the proposed units would be wheelchair accessible units. Furthermore from the plans submitted none of the units shown seem to be obviously designed with the appropriate features to be wheelchair accessible units, for example, the provision of a suitable amount of clear turning space inside entrance doors, sufficient space clear of circulation routes or storage/charging of an electric wheelchair/scooter and level entry showers. It is noted that such units would have to be located on the ground floor of the blocks as only 1 lift is proposed for each block. It is not considered that this issue could be resolved via the attachment of a condition and therefore the failure to provide wheelchair accessible units as part of a larger scheme is contrary to policy HO13 of the Brighton & Hove Local Plan.

Amenity Space:

- 8.23 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. It is noted that a number of the proposed units would comprise Juliet Balconies however such balconies do not provide external private amenity space for occupiers of the associated units.
- 8.24 The Planning Statement indicates communal garden area would be provided to the side and rear of the proposed blocks, the submitted Planning Statement that the ground floor flats would have use of private external areas immediately in front of the windows "in order to provide a defensible space to protect to residential amenity when the communal garden is being used".
- 8.25 Such communal garden areas and private amenity areas for the ground floor units are however not identified on the plans submitted. Whilst areas to the side and rear of the blocks are visible on the submitted site plan it is unclear where

such area would be provided given that cycle storage and refuse storage facilities are proposed to the side of Block A and the sectional drawings show a slope to the rear of the which would render most of the rear section of the site unusable.

8.26 Other than communal rear entrance doors in block A the ground floor units do not appear to have doorways providing access from the units to the stated private amenity areas.

8.27 Overall it is considered that the applicant has failed to demonstrate that adequate communal and private amenity space for the occupiers of the proposed residential units would be provided as part of the proposal.

8.28 Open Space:

Since the 2008 application was approved the Open Space, Sport and Recreation Study 2008 (approved 30/07/2009) and subsequent 2011 study have been approved. Within these studies the site was audited as open space as part of the privately owned 'park and garden' around 18 Wellington Road and as a result policy QD20 is relevant to the application. Policy QD20 states that planning permission will not be granted for proposals that would result in 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.

8.29 The open space within the site was included in the studies as it was recognised that significant pieces of open space within the curtilage of a building can provide a significant open space offer especially in areas that are densely built up/populated with limited open space opportunities, thus highlighting where it is important to have regard to landscape and open space provision should redevelopment proposals take place.

8.30 The 2011 study assessed the garden area within the site with potential to have this offer improved. Compared with other private open spaces the site scored relatively well. The study shows that in the Hanover and Elm Grove Ward, in which the site is located, there are significant deficiencies in all types of open space (except allotments) therefore demonstrating the need to carefully consider any proposals which seek the loss of existing open space.

8.31 The proposed development would occupy the majority of the site with 'left-over' space to the front, rear and sides of the buildings. These areas would not be accessible to any other sector of the public apart from the residents of the residential blocks. It is acknowledged that the proposal does have a similar footprint to the 2008 application, which was approved, which was for 25 self-contained units for people with learning/physical disabilities and a drop in centre. This earlier application and the subsequent extension of time application offered significant benefits to the community as it regenerated a vacant property, retained a D1 use and provided specialist housing in line with the identified housing needs at the time of the application. The determination of the previous application also predated the approval of the Open Space, Sport and Recreation Study 2009 and 2011.

- 8.32 In addition to the approval of the Open Space studies since the 2008 application, the emerging City Plan has been through consultation and the site has been clearly identified as open space in the Schedule of Changes to the Proposals Map/Policies Map, to which no objections have been raised.
- 8.33 The loss of the open space discussed above is compounded by the increase in demand generated by the proposed residential units for 'additional' open space, which generates a greater demand when compared to the previous approved scheme which had approval for the provision of 25 units.
- 8.34 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. This policy requires the provision of suitable outdoor recreation space to be split between children's equipped play space, casual / informal play space and adult/youth outdoor sports facilities. Such sufficient 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 would be £74,720. Such a contribution could be secured by legal agreement were approval to be recommended.
- 8.35 Whilst the Local Planning Authority gives weight to the housing provision the proposed development would create, this is considered to be outweighed by the harm outlined above in respect of the loss of the important open space provision.

Standard of Accommodation:

- 8.36 Both proposed blocks include lift shafts situated next to proposed bedrooms. In order to ensure that the amenity of future occupiers would not be significantly harmed by such arrangement an approval would be subject to condition relating to wall sound insulation. In addition no details of the proposed location of associated plant to operate the proposed lifts have been provided and therefore it would also be recommended that a condition regarding acceptable Rating Levels from such machinery be attached if overall the proposal was considered acceptable.
- 8.37 The proposed floor plans fail to indicate the positioning of the proposed rooflights within the scheme. It would appear that some of the proposed rooflights would be inserted in order to provide natural light and ventilation to rooms within the third floor/roof level units which do not benefit from the provision of vertical windows. Whilst the provision of a rooflight is considered acceptable to ventilate and provide natural light in terms of a bathroom/kitchen it is not clear from the information submitted if the proposed rooflights would be positioned in order to provide outlook from bedrooms. Both bedrooms in Unit 14 (Block B) and the bedroom in Unit 16 (Block A) would not benefit from a vertical window, only a rooflight. If the proposed rooflights are not positioned to

provide some element of outlook it is considered that the proposal would result in a poor standard of accommodation harmful to the amenity of future occupiers.

- 8.38 No information has been submitted as part of the application to demonstrate that a sufficient amount of light and sunlight would be provided to the proposed kitchen areas of units 2, 3, 6 (first and second floor), 7 (first and second floor) and 8 (first and second floor) due to their deep floor plan arrangement. Poor levels of daylight/sunlight would result in a poor standard of accommodation harmful to the amenity of future occupiers.
- 8.39 It is stated within the submitted Design and Access Statement that the bedroom windows which would face east towards De Montford Road would have obscured glazing up to 1.7m from floor height with a clear pane above in order to avoid overlooking to the neighbouring properties, an issue which is discussed in more detail below. It is noted that such mitigation measures are not shown on the floor plans or elevational plans provided. The standard of accommodation proposed for future occupiers as a result of the inclusion of the obscured glazing to the lower parts of bedroom windows (in some cases both bedrooms of a unit) is considered to be poor and unacceptable. Such mitigation measures were intended as part of approved application BH2008/03248 but were subsequently altered as a result of concerns raised by Officers.

Design and Visual Amenity Impacts:

- 8.40 Within the plans submitted the following discrepancies have been identified;
- the submitted floor plans fail to show the positioning of the proposed rooflights,
 - the proposed rooflights are not shown on the proposed front elevation plans,
 - proposed dormer windows are not shown in the section drawings and
 - proposed drawings no. 108A (Proposed Section A-A) and 113 (Comparison Drawing 2) appear to show a lift shaft exceeding the high of the main ridge of block A however this feature is not shown on the proposed rear elevational plans.
- 8.41 Despite these inaccuracies and omissions the Local Planning Authority has assessed the proposal as far as possible in respect of the plan submitted and the considerations are set out below.
- 8.42 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.
- 8.43 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.

- 8.44 The application site lies within the Hartington Character Area of the Hanover and Elm Grove Neighbourhood, as defined in the Urban Characterisation Study. The Hartington Character Area is described as ‘a high density Victorian residential area following the contours of the steep valley side. Terraced houses with front gardens, regular frontages and uniform building height in mixed private tenure (ownership and rental). A strong sense of place’, and that ‘Hanover and Elm Grove neighbourhood may be classified as an urban pre-1914 residential inner suburb whose original street pattern and character has been eroded and includes a post 1945 housing estate. Mainly small terraced housing arranged over a clearly defined grid pattern in narrow streets, low rise but high density. Significant area of planned public housing including major high rise blocks in weak urban realm’.
- 8.45 Wellington Road is characterised by a mixture of development styles, predominantly formed from flatted development both more modern purpose built and converted period properties.
- 8.46 The scale of the buildings proposed are considered to be appropriate, paying some respect to other properties in the street, including the existing building.
- 8.47 Both of the proposed blocks would comprise a projecting central section containing the main entrances on the front elevation with a related portico and ‘false’ windows above, which aims to provide a central feature to the buildings. However it is not considered that these elements are articulated strongly enough given the overall scale and size of the buildings proposed.
- 8.48 SPD12 was adopted on the 20th June 2013 and came into effect from the 5th August 2013. It is not considered that the dormers proposed within the development accord with the detailed guidance provided in SPD12 due to their size and design, which includes excessive areas of supporting structure to the side and below the windows. The proposed large rear dormer window on Block A is excessive in size and comprises large areas of cladding.
- 8.49 The submitted plan which shows the proposed roof plan (drawing no. 1769-P-103A) appears to show the some of the proposed dormer windows conflicting and intersecting the ridges of related roofslopes and therefore it is not considered that these proposed dormers would be set appropriately in the roof space of the proposed buildings.
- 8.50 The three proposed dormer windows within the front roofslopes of Block A would align with windows on the elevation below however the proposed outer dormer windows and the two smaller dormer windows within the rear roofslope would not. The outer sited dormer windows on the front elevation of Block A would dominate the related pitched roof which is considered to be of harm to the visual amenity and appearance of the building.

- 8.51 The size and proportions of the central windows at second floor level within the front elevation of both blocks are the same in comparison to the proposed windows at ground and first floor levels. This therefore does not allow for diminishing window proportions from the ground floor to the roof, which is a classical design feature of a villa style development.
- 8.52 Both blocks would comprise flat roof sections towards the centre of the buildings. It is noted that the approved 2008 also comprised flat roof sections however the amount proposed in the current proposal is greater in respect of Block A, the larger of the two buildings. The intension to provide additional accommodation in the roofspace of the current development results in a contrived flat roof form which fails to reflect the period design of the development, resulting in a poorly designed pastiche development.
- 8.53 **Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.54 It is noted that the use would result in the development being in continuous use where previously for some time the site has only been occupied during working hours. However it is not considered that the occupation of the residential accommodation would result in demonstrable harm though noise disturbance.
- 8.55 Overlooking/Loss of Privacy
The site is one of the larger plots within this location, with the existing building centrally located within the plot. The rear gardens of the properties which front onto De Montford Road to the east of the site abut the eastern boundary of the plot. The development between Wellington Road and De Montford Road is more tightly squeezed to the northern end owing to the alignment of the roads. As such the rear gardens of the properties which abut the north end of the site have shorter gardens than those at the southern end, the shortest of which at number 45 is approximately 8m between the rear boundary and the rear projection.
- 8.56 The rear elevation of Block A would be sited a minimum of approximately 1.2m from the shared boundary with the eastern neighbouring properties. To prevent overlooking and loss of privacy to the De Montford Road neighbouring properties the applicant intends to provide fixed obscured glazing to the bottom section of the windows within the rear elevations of the blocks, allowing for light and ventilation however restricting outlook to the sky only. Although such measures would mitigate impacts upon the amenities of neighbouring properties from overlooking and loss of privacy, for the reasons set out above it is considered this is unacceptable due to the adverse impacts it would have upon the amenities of future occupiers of the development.
- 8.57 Application BH2010/03994 granted planning permission for the redevelopment of the site located to the south of the applicant site by way of the demolition of

the existing building and the construction of a new four storey block of 12 flats and 3 terraced houses to the rear. The neighbouring flat development includes the provision of north facing balcony areas. It is noted that the eastern most parts of these balcony areas are located behind louvers. The proposed development would result in windows relating to habitable rooms of Block B facing these neighbouring balcony areas. A distance of only approximately 5.4m (measurement taken from Proposed Site Plan) would be located between the two neighbouring elevations and as a result it is considered that the proposal would result in loss of privacy and overlooking to the neighbouring southern development.

8.58 Sunlight/Daylight/Over-shadowing

The submitted comparison drawings show that the footprint of the proposed development would be similar to that approved in the 2008 application whilst the height would be the same. It is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties with regards to loss of sunlight/daylight or overshadowing.

Sustainable Transport:

8.59 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.

8.60 Car parking and Traffic Impact:

The site is not located within one of the City's Controlled Parking Zones and therefore free on-street parking is provided along Wellington Road. 6 parallel off-street parking spaces would be provided to the west of the new buildings. SP4 sets our maximum standards in respect of car parking provision and therefore the level proposed is considered acceptable provided that adequate provision is made for sustainable modes and displaced parking would not arise.

8.61 As part of the application a Transport Technical Note has been submitted in which the local sustainable modes provision are reviewed but only in general terms. The Council's Transport Officer states that beneficial improvements to the provision can be identified and that the applicant should contribute towards the work to help compensate for the parking 'shortfall' and encourage the use of sustainable modes to help meet policy TR1. An amount of £25,950 would be required, if overall the proposal was considered acceptable, towards improving the westbound bus stop at the bottom of Elm Grove, to pay for 2 years car club membership on behalf of the first occupiers of the development should they wish to join and improve the standards of footways between the application site and local bus stops and other facilities, such as providing dropped kerb facilities.

8.62 The applicant has carried out parking beat surveys utilising an agreed method known as the Lambeth Parking Method. However some of the assumptions made in the application of this chosen method could be varied, for example car ownership for the proposed development has been estimated from a very small area using census data and the survey analyses does not seem to have

allowed for the unavailability to general parkers of reserved bays such as doctor's and disabled parking spaces. The Council's Transport Officer has reassessed the survey data and considers that some displaced parking could arise as a result of the proposal. Consultation in recent years in the Hanover area have indicated that there is not majority support for the introduction of a Controlled Parking Zone in the area and therefore in these circumstances, the Transport Officer considered that a small degree of displaced parking does not warrant a reason for refusal of the application.

8.63 In order to accord with SPG4 at least 3 disabled parking bays should be provided, however no such provision is proposed. It is considered that revised plans could be submitted, ensured via a condition, if overall the proposal was deemed acceptable.

8.64 Cycle Parking:

In order to accord with SPG4 the proposed development should provide a minimum of 41 secure, sheltered cycle parking spaces. It is stated within the submitted Design and Access Statement that 30 cycle parking spaces for residents would be provided to the northern end of the site whilst a further 10 spaces for visitors would be provided between the two proposed blocks.

8.65 The plans submitted indicate the provision of storage for 29 cycles to the north of Block A but does not indicate the provision of the proposed visitor cycle storage facilities. It is also not clear from the information provided how such facilities would be secure and sheltered. Although the proposal lacks clarity with regards to the provision of such facilities and fails to provide the number required it is considered that the issue could be resolved via the attachment of a condition should the proposal be considered overall acceptable as it is considered that there would be adequate space within the site to provide the required facilities.

Sustainability:

8.66 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.

8.67 Previously development land is defined in Annex 2 of the National Planning Policy Framework. In regards to this definition it is considered that the site comprises both previously developed land/brownfield, upon which Block A would be constructed, and Greenfield land, upon which part of Block B would be constructed.

8.68 The development is expected to meet standards set out in the Council's SPD08 on Sustainable Building Design. In this instance the required standards are Code for Sustainable Homes Level 4 for the Brownfield elements and Code for Sustainable Homes Level 5 for the Greenfield elements.

8.69 In instances when the standards recommended in SPD08 cannot be met, applicant are expected to provide sufficient justification for a reduced level on

the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development.

8.70 A Sustainability Checklist was originally submitted in which it is stated that the proposal would achieve Code for Sustainable Homes Level 3 which is below the expected standard; however a subsequent letter from the agent has been received in which it is confirmed that level 4 of Code for Sustainable Homes would be achieved. This commitment is welcomed in respect of Block A however insufficient justification has been provided in respect of a reduction in code level with regards to Block B. Any approval should be subject to the requirement that the whole development achieve a high score of code level 4 overall, namely a minimum of a score of at least 76 points overall, to compensate for the reduction in code level of block B and lack of information to justify this reduction.

8.71 It is noted that a number of the proposed bathrooms would not be provided with natural light or ventilation which would result in the reliance on mechanical means of ventilation and artificial lighting and subsequently an excessive draw on energy.

8.72 The intention to utilise some photovoltaic panels to generate electricity and a commitment to undertake a post-occupancy evaluation of energy performance is noted.

8.73 Waste Management

Under legislation introduced on the 6th 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.

8.74 Refuse Storage

Plans submitted as part of the application show the provision of refuse and recycling facilities to the north of Block A. A condition could be attached to the application if overall considered acceptable to ensure the provision of such facilities prior to occupation of the development.

Landscaping and Ecology:

8.75 Six trees within the site, which are covered by Tree Preservation Order (TPO) (No. 5) 2008 would be retained as part of the proposal.

8.76 The trees which would require removal as part of the proposal were not considered for a TPO in 2008 (at the time of the 2008 application) and therefore the Council's Arboriculturist does not object to their loss in respect of the current application.

8.77 As part of the application an Arboricultural report has been submitted, which was written in respect of the 2008 application, under the old 2005 British Standard. Whilst the Council's Arboriculturist considers that this report is adequate at this stage of the application it is recommended that if the

application is overall considered acceptable the Arboricultural Report should be amended/up-dated, especially given that the footprint of the proposed development is different to that of the development approved previously and will encroach onto the Root Protection Area of one of the retained trees.

- 8.78 If approval is granted a condition should be attached requiring an Arboricultural Method Statement to be submitted which includes details of how all retained trees on site would be protected to BS5837 (2012) as well as details of how any tarmac will be lifted and replaced as part of the development and an amended Arboricultural Report.
- 8.79 Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. Such features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated.
- 8.80 The existing building and the mature sycamore in the north-west corner of the site have been identified as having medium potential to support bats, whilst the existing building and the gardens have the potential to support breeding birds. In addition the site offers potential foraging and basking habitat for reptiles as well as numerous opportunities for refuges and/or hibernacula. There are also numerous records of common reptiles.
- 8.81 The Desktop Biodiversity Report and Phase 1 Habitat Survey submitted as part of the application has been viewed by the County Ecologist and is not considered to inform appropriate mitigation, compensation and enhancement measures. In the case of bats and reptiles further surveys are required to inform of appropriate mitigation and/or compensation. The County Ecologist does not consider that this issue could be dealt with post decision and therefore does not recommend that conditions are attached to the application if overall considered acceptable. Overall it is considered that the applicant has failed to demonstrate compliance with policies QD17 and QD18 of the Brighton & Hove Local Plan and SPD11 Nature Conservation and Development.

Other Considerations:

8.82 Infrastructure

Southern Water has confirmed that water supplies and foul sewage disposal service could be provided to the development however there are no public service water sewers in the area to serve the proposal. Alternative means of draining surface water from the development would therefore be required. Should the planning application be approved a formal application to Southern Water, for the connection to the public sewer and for the connection and on-site mains, would be required.

8.83 Contaminated Land

The site is not listed as being on potentially contaminated land, however it is located to the north-east of an ex hospital (Ainsworth House) and also land that was once a nursery, both of which are potentially contaminated land. A recent development on the site to the south-west required a full contaminated land condition to be complied with and therefore if the proposal was overall

considered acceptable it would be recommended that the approval is subject to a discovery informative for contaminated land.

Planning Obligations:

8.84 Public Art

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.

8.85 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 £18,800 towards the provision of public art, if overall the proposal is deemed acceptable, in order to ensure that the proposal complies with policy QD6.

8.86 Education

A contribution of £44,410.60 towards the provision of education infrastructure in the City has been requested. This is in recognition that there is limited capacity for additional pupils at existing primary facilities in close proximity to the site and further afield.

8.87 It is considered entirely appropriate to request a sum of money for nursery, primary and secondary education in respect of the development as it is expected by the Department of Education that the Council should maintain between 5% and 10% surplus places to allow for parental preference. Taking a number of primary schools in the area into account there are a total of 2,235 primary places available and currently there are 2,160 children on roll. This gives an overall surplus of just 9.6%. A development of the scale proposed would eat into this surplus capacity leaving parents with no choice whatsoever. The Council's Education Officer believes that a development of the scale proposed should not be allowed to erode what little capacity there is left in the City and developers should ensure that their developments are sustainable in the broadest sense of the word and this has to include funding the education infrastructure that their development demands.

8.88 Local Employment Scheme

Should the application be approved, the Developer Contributions Interim Technical Guidance provides the supporting information to request a contribution through a S106 agreement to the Local Employment Scheme. In this instance a financial contribution of £15,500 would be sought (based on £500 per residential unit).

8.89 An Employment and Training Strategy would also be required, with the developer committing to using an agreed percentage of local labour. It would be requested that in respect of the proposed development 20% local employment is utilised during the construction phase.

9 CONCLUSION

- 9.1 The applicant has failed to justify the loss of the community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the well-being of the local community and quality of life of the neighbourhood.
- 9.2 Demolition cannot be supported as the building is considered to be a non-designated heritage asset.
- 9.3 It is considered elements of the design of the proposed new buildings would be of detriment to the visual amenities of the Wellington Road street scene and the wider area.
- 9.4 The applicant has failed to demonstrate that the development would adequately address issues of sustainability, lifetime homes, nature conservation, loss of open space and protection of amenity of the southern neighbouring properties, with regards to overlooking and loss of privacy. Furthermore the proposal 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 does not accord to Lifetime Homes standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

- 1) The submitted plans are inaccurate as there are discrepancies and omissions between drawings provided in respect of the proposed rooflights, the proposed dormer windows and a proposed lift shaft thus not giving the Local Planning Authority the opportunity to fully assess the proposal. Therefore it is not possible to determine whether the scheme fully complies with policies QD1, QD2, QD4 and QD5 of the Brighton & Hove Local Plan.
- 2) Notwithstanding reason for refusal no. 1 the proposed development, without satisfactory justification, has failed to provide a mix of affordable housing in terms of unit sizes and types contrary to policies HO2 and HO3 of the Brighton & Hove Local Plan.
- 3) Notwithstanding reason for refusal no. 1 the applicant has failed to justify the loss of the community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the well-being of the local community and quality of life of the neighbourhood. The proposal is therefore considered in conflict with Policy HO20 of the Brighton & Hove Local Plan.
- 4) Notwithstanding reason for refusal no. 1 the proposed development by virtue of the design, size and siting of proposed dormer windows, the proportions of the third floor window in the centre of the front elevation of

the buildings, the poorly-articulated main entrances and the provision of large areas of untraditional flat roof form would result in a development which would be of detriment to the visual amenities of the Wellington Road street scene and the wider area. As such the proposal is contrary to policies QD1, QD2, QD4 and QD5 of the Brighton & Hove Local Plan.

- 5) Notwithstanding reason for refusal no. 1 the applicant has failed to justify the loss of the existing open space, which in the absence of sufficient evidence to the contrary is considered to have the potential to make a contribution to the well-being of the community. In addition insufficient information has been provided to demonstrate that an adequate level and quality of usable communal amenity space and usable private amenity space would be provided to meet the needs of and provide adequate living conditions for future occupiers. As such the proposal is contrary to policies HO5 and QD20 of the Brighton & Hove Local Plan and policy CP16 of the Brighton & Hove City Plan Part One.
- 6) Notwithstanding reason for refusal no. 1 the applicant has failed to demonstrate that the internal layout of the proposed development would fully comply with Lifetime Homes Standards and that a proportion of the proposed residential units would be built to a wheelchair accessible standard. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan.
- 7) Notwithstanding reason for refusal no. 1 obscured glazing would be provided to the lower half of east facing bedroom windows which would prevent outlook from habitable rooms. In addition the applicant has failed to demonstrate that adequate outlook would be achievable from bedrooms within the roofspace of the blocks. 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.
- 8) Notwithstanding reason for refusal no. 1 the applicant has failed to demonstrate that sufficient protection would be afforded to the existing nature conservation features on the site and that suitable enhancement and compensatory measures would be provided. The development is therefore contrary to policies QD17 and QD18 of the Brighton & Hove Local Plan and SPD11 Nature Conservation and Development.
- 9) Notwithstanding reason for refusal no. 1 the proposal would give rise to adverse loss of privacy and overlooking to balconies on the northern elevation of the southern neighbouring property, Ainsworth House. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

PLANNING COMMITTEE LIST – 28 AUGUST 2013

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

Plan Type	Reference	Version	Date Received
OS & Block Plan & Topographical Survey	0769-P-100	-	18 th April 2013
Existing Floor Plans	0769-P-101	-	18 th April 2-13
Proposed Site Plan	0769-P-103	Rev. A	10 th May 2013
Proposed Ground & First Floor Plans	0769-P-104	-	18 th April 2013
Proposed Second & Third Floor Plans	0769-P-105	-	18 th April 2013
Proposed Elevations Sheet 1 of 2	0769-P-106	Rev. A	10 th May 2013
Proposed Elevations Sheet 2 of 2	0769-P-107	Rev. A	10 th May 2013
Proposed Section A-A	0769-P-108	Rev. A	10 th May 2013
Proposed Section B-B	0769-P-109	Rev. A	10 th May 2013
Comparison Drawing 1	0769-P-112	-	10 th May 2013
Comparison Drawing 2	0769-P-113	-	10 th May 2013
Comparison Drawing 3	0769-P-114	-	10 th May 2013
Comparison Drawing 4	0769-P-115	-	10 th May 2013

29 June 2013

I object to the Planning Application BH2013/01254.

I am opposed to the demolition of a building of some quality to make way for new flats. I believe the proposals are an over-development of the site and will add further pressure to the limited car parking, which is already over-subscribed. The original plans for the building and the site by Baron Homes was for supported housing, which is in short supply in the city. I believe the site should be used for this purpose by the conversion and restoration of a building that has been allowed to deteriorate.

Councillor Bill Randall

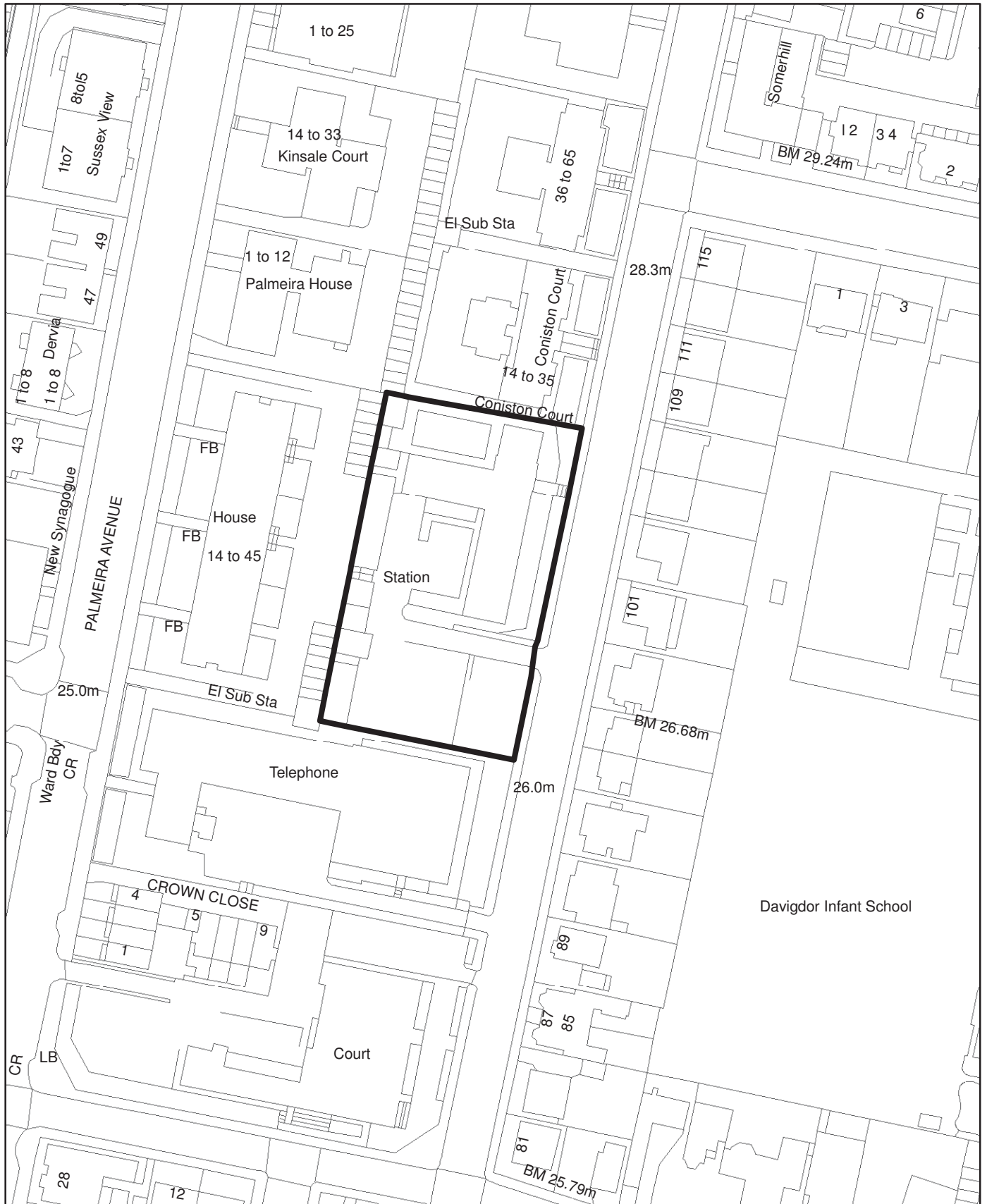
ITEM D

Police Station, Holland Road, Hove

**BH2013/01860
Full Planning**

28 AUGUST 2013

BH2013/01860 Police Station, Holland Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01860	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Police Station Holland Road Hove		
<u>Proposal:</u>	Change of use from police station (sui generis) to junior school (D1), including part two and part three storey extension to rear to create school hall and 2no classrooms, partial demolition of rear garages and alterations to fenestration, boundary fences and landscaping.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	18/06/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 Sept 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Brighton & Hove City Council, Kings House, Grand Avenue, Hove, BN3 2LS		
<u>Applicant:</u>	Brighton & Hove City Council, Ms Gillian Churchill, Kings House, Grand Avenue, Hove, BN3 2LS		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a four storey building located on the west side of Holland Road, Hove. The building is currently vacant having previously been occupied as a police station. Access to the site is via a ramp off Holland Road which leads to a basement level parking compound including garaging. The building itself is set below street level such that the upper three floors only are visible from Holland Road. A four storey wing extends from the north side to the rear, creating an 'L' shape building.
- 2.2 The surrounding area comprises two storey detached residential houses opposite to the east, four-five storey residential flats to the north (Conniston Court) and rear (Glynde House and Palmeira House), and a telephone exchange building to the south. The area is within a Controlled Parking Zone (zone O).

3 RELEVANT HISTORY

- BH2008/03741-** Replacement of existing timber windows to the North and South staircases with uPVC units. Approved 06/04/2009
- BH2008/00183-** Demolition of existing ordnance store and construction of new. Approved 11/03/2008
- BH2002/00426/FP-** Installation of 5 metre flag to east elevation. Approved 13/03/2002

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the site from a (sui generis) Police Station to a (D1) Primary School, incorporating a three storey extension to the rear and landscaping improvements. The proposed school would form a satellite to West Hove Junior School and would have a capacity for 480 pupils and 38 full time employees, to be phased in over a four year period.
- 4.2 The application is supported by a Transport Statement, draft School Travel Plan, and an Acoustic Report.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Seven (7)** letters of representation has been received from **91, 99, 109 Holland Road; 19, 26, 41 Coniston Court, Holland Road; 27 Glynde House, Palmeira Avenue**, objecting to the proposed development on the following grounds:
- The main catchment for the school is to the west, implying a significant portion of children would have a long journey to school, inevitably most by car
 - Increased traffic volume/congestion and pollution
 - Increased parking demand in the street
 - Holland Road is unsafe for additional vehicles, bicycles and children at exactly the same peak hours as Somerhill junior school one street away
 - The exit from Coniston Court car park is visually poor and a hazard for children crossing this entrance
 - There are two schools and a nursery in the area and the noise from them is sometimes unbearable. An additional school would compound noise and traffic issues
 - Noise pollution
 - Parents will park on driveways
 - Overlooking and loss of privacy from the extended building
 - Loss of light from the extension in the car park
 - Reduction in property prices
 - Somerhill Junior School is one street away and has recently been expanded- can the additional 500 children not be catered for in this school?
 - The initial proposal was to use the Police Station as additional classrooms, not a new school
 - This is overdevelopment in the area for educational uses and the site would benefit more from other projects such as housing
- 5.2 **One (1)** letter of representation has been received from **2 Byron Terrace**, supporting the application.
- 5.3 **Two (2)** letters of representation have been received from 23 & 40 Glynde House, Palmeira Avenue, commenting that:

- The inside of the 2.4m fence should be well planted to stop it looking too oppressive
- The trees proposed near the western boundary should not grow too large or dense to avoid obscuring light
- The large wall-lite panels to the extension should be light and bright rather than industrial/warehouse, ie not grey/black
- Any outdoor lighting should be constrained to prevent spillage into bedrooms

5.4 **Environment Agency:** No objection.

5.5 **Southern Water:** No objection

5.6 **UK Power Networks:** No objection

5.7 **East Sussex Fire and Rescue Service:** No objection

5.8 **Ecology:** No objection. The application site offers opportunities for biodiversity enhancements.

Internal:

5.9 **Planning Policy:** No objection. The proposal is welcome in planning policy terms as it will contribute to providing essential social infrastructure to address current and future increases in school rolls in the city and meets the aims of strategic objective SO21 in the City Plan Part 1.

5.10 **Environmental Health:** No objection. No objection subject to conditions requiring a noise management plan to control playground activities, full implementation of the noise mitigation measures detailed within the acoustic report, a restriction on use of the outside areas after 4pm daily and at weekends and on Bank Holidays.

5.11 **Public Art:** No objection. This application does not fall within the definition of major development for the purposes of public art as defined in policy QD6, therefore a public art contribution will not be requested in this instance

5.12 **Sustainability Officer:** No objection. Approve with condition to secure implementation of sustainability measures detailed in sustainability checklist submitted by applicant.

5.13 **Sustainable Transport:** No objection. Given the scale of the development it is forecast that there could be a significant transport impact. The Highway Authority would therefore look for this to be mitigated by the applicant funding off-site highway works and implementing a robust travel plan.

5.14 In light of the trip generation information not being readily available for the existing police station use the applicant has undertaken a walking and cycling audit along the likely routes that pupils to the school would walk and cycle along. This audit would identify areas where improvements are required and inform discussions in relation to the necessary improvements.

5.15 The Highway Authority would look for the applicant to provide a contribution related to the development that assists in mitigating the forecast impact of the proposed development. The Highway Authority would look for the improvements to go towards the following measures:

- Footway improvements in the local area:
- Crossing and speed reduction measures on Holland Road.

5.16 **Arboriculturalist:** No objection

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

6.3 The National Planning Policy Framework (NPPF) 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

TR7	Safe Development
TR8	Pedestrian routes
TR10	Traffic calming
TR11	Safe routes to school and school safety zones
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD6	Public art
QD14	Extensions and Alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities

Supplementary Planning Documents

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development
SPD12	Design guide for extensions and alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods

8 CONSIDERATIONS & ASSESSMENT

8.1 Matters relating to property prices are not material planning considerations. The main considerations in the determination of this application relate to the principle of change of use of the site, impacts of the proposed extensions and alterations on the appearance of the building and the amenities of adjacent residences, sustainability issues, and the impact of the use of the site on transport and highway safety in the area. Matters relating to property prices in the area are not material planning considerations.

Principle of Change of Use:

8.2 The site as existing comprises a (Sui Generis) police station building that has been vacant since February 2013. The proposal seeks to change the use of the site to a (D1) Primary School, providing a four form entry satellite school for West Hove Junior School. There are no policies within the Brighton & Hove Local Plan or the emerging Submission City Plan Part One that seek the

retention of police station buildings, whilst the NPPF is silent on this matter. Conversely, policy HO19 of the Brighton & Hove Local Plan, Strategic Objective SO21 of the Submission City Plan Part One, and paragraph 72 of the NPPF explicitly encourage the provision of new schools or the expansion of existing to meet needs of existing and new communities.

- 8.3 The application identifies that the number of school age children in each year group within the city has risen by 21% since 2001, with the number of school age children in the central Hove area (defined as postcodes BN3 1, BN3 2 & BN3 3) rising by 101% to 397 in each year group. However, St Andrews C of E Primary School and Somerhill Junior School currently have a total of only 197 places per year, a significant shortfall. The proposed school would provide four forms of entry with a total capacity of 480 pupils. Given the clear immediate identified need for school places in the central Hove area, and the weighting within local and national policy towards the provision of sufficient school places, it is considered that the principle of change of use of this site can be supported, subject to the development having a satisfactory impact on highway safety and the amenities of adjacent occupiers.

Design and Appearance:

- 8.4 The building as existing comprises a four storey 1950's purpose built police station, originally constructed in tandem with the nearby law courts. The proposal seeks to retain the building largely as existing, with minimal alterations to the front and side elevations. Those alterations proposed include the provision of new windows at front basement level, the replacement of the existing side stairwell windows with smaller upvc windows and new rendering, and the introduction of louvers discretely located below the first and second floor windows fronting Holland Road.
- 8.5 In order to facilitate the conversion of the building to a school, a three storey 10m tall extension is proposed to the rear of the building, set adjacent to the north wing and extending across the width of the building. It would be largely set on stilts above ground level and would comprise two classrooms at basement level and a two-storey school hall at ground and first floor levels above. The extension would sit below fourth floor level to the main building and inset 4m from the rear of the north wing, thereby being of a subservient scale to the existing building. The plans detail that the extension would be completed in composite panel cladding, with pyramid rooflights and extract vents at roof level, and fenestration to the southern side elevation only. These functional finishes are generally considered appropriate given the nature of the existing building and its proposed use, however the samples submitted with the application are not considered an appropriate finish for the development. Residents have requested that the panels are finished in a light colour to complement the existing building and avoid the extension having the appearance of a warehouse/industrial building. A condition is attached to secure further samples that would improve the appearance of the extension accordingly.
- 8.6 Within the rear car park, the existing garages and stores along the rear boundary are to be removed, with exception of three compounds which will be adapted to form general storage, bicycle and scooter stores, and refuse stores.

No objection is raised to the loss of these poor quality garage and store buildings.

Landscaping:

- 8.7 The site as existing is formed predominantly of car parking hardstandings. A small area of grassland fronts Holland Road to the south of the site whilst low hedging/planting fronts the main police station building. These two areas provide the only soft landscaping within the site. External to the site, five Elm trees sit on the pavement along Holland Road, with a further four Sycamore trees close to the northern boundary within Coniston Court.
- 8.8 The application proposes to retain the hardstandings to the north and rear part of the site as hard play areas. To the front of the site, the existing grassed area would be retained as a soft play area, with new planting to the street frontage. The existing planting fronting the main building would be retained and enhanced with new lily ponds and low planting beds set to the northern end. Seven new apple trees are to be planted within the site, three along the rear garden and a further four along the street frontage. These trees would serve to soften and generally improve the street frontage of the site.
- 8.9 In terms of boundary treatments, new 2.4m high green weld mesh fencing is proposed fronting the building, the soft play area, and along the southern site boundary. Although large, this fencing would be set behind new planting and would still allow views through the site whilst providing the necessary security for the school. As such this fencing is not considered to be visually obtrusive within the street scene. To the rear, the existing 2.4m high boundary wall is to be retained, whilst no alterations are proposed to the northern boundary. The council's arboriculturalist has raised no objection to the proposed works subject to suitable protections for the street Elms during the course of development.
- 8.10 A lighting scheme has been proposed for the site, detailing the position of all new external lights. The lights would be in the form of small wall lights and downlights affixed to the walls of the building. The majority of these would be security and emergency lighting, rather than permanent night lighting. Bollard lights are proposed to the access ramp fronting Holland Road. These lights would have minimal intrusion on the appearance of the site, are of an insubstantial size, and would be located away from the nearest residential properties. As such any light spillage would likely be minimal and unobtrusive.
- 8.11 For these reasons the proposed landscaping and boundary treatments are considered to improve the street frontage of the site in accordance with policies QD14 and QD15 of the Brighton & Hove Local Plan.
- 8.12 The County Ecologist has commented that the proposed lily ponds and new planting offer suitable opportunities for biodiversity enhancement within the site, in accordance with policy QD17. Such measures are detailed in the landscaping scheme submitted with the application and secured by condition.

Impacts on Residential Amenity:

- 8.13 The nearest residential properties are located to the front, north and rear of the site. The residential flats within Glynde House, Palmeira House and Conniston Court to the rear and north of the site would be most exposed to increased noise disturbance from the general operation of the school. The application is supported by acoustic assessments to identify likely noise disturbance from the internal and external use of the site.
- 8.14 Internally, the report calculates that noise spillage from the ventilation system, plant machinery, and use of the school hall would not have a harmful impact on neighbouring amenity, provided the kitchen extract duct on the roof of the building is suitably enclosed as per the details in the report. This requirement is secured by condition.
- 8.15 Externally, the report assesses the likely noise output from the playground areas. Based on previous studies by the acoustic consultants it is predicted that the average noise level within the playground would be 75db. The report details that whilst the worst case noise level at Glynde House (56db at first floor level) would be marginally above the recommended upper limit (55db), any impact would be tempered by the limited use of the playground to certain times of the school day, and not at weekends or during school holidays. Further, the report notes that the previous use of the site contained a workshop within the rear garages that would have generated sporadic noise of similar or greater levels.
- 8.16 Given the presence of a number of residential flats to the north and west of the site, it is considered expedient to request a Playground Management Plan to ensure that the use of the playground is appropriately limited and monitored. It is understood that the greatest noise from the playground would occur during break and lunch times, with all other uses of the space occurring during lesson time where activity would be more restrained and controlled. Similarly, breakfast and after school clubs would be monitored with fewer pupils than at the main break times. It should also be noted that the school would not reach full capacity for a period of 4 years, with the initial 120 pupil intake supplemented by a further 120 pupils per year until the 480 pupil capacity is reached. As such any noise impact would be limited in the first years, with any harm appropriately monitored and managed via the Management Plan as the number of pupils increases. This approach is supported by Environmental Health officers, who raise no objection to the proposal on these grounds, subject to a further condition restricting use of the outside areas for play or recreational activities after 4pm daily and at weekends and on Bank Holidays. A 4pm restriction is considered unduly restrictive given the likelihood of the school providing monitored after-school clubs. The restriction is therefore relaxed to 6pm daily and not at weekends or Bank Holidays, with the complementary management plan to address how the outside space would be managed to minimise noise disturbance.
- 8.17 In terms of other amenity harm, the proposed extension would be located approximately 38m from the nearest residential properties within Glynde House. This separation, along with the absence of windows to the west elevation, is such that the extension would have no significant overlooking or oppressive

impact on these properties. The top floor to the existing building would retain corridor windows facing to the west however they would be at a sufficient separation above and beyond the extension such that no substantial amenity harm would occur.

- 8.18 The existing northern wing to the building would contain two classrooms to each floor with north and south aspects. The northern aspect would face the nearest habitable windows to Conniston Court at a separation of approximately 25m. Given the previous office use of this wing and the presence of boundary trees within the Conniston Court site, it is not considered that any overlooking impact would be substantially different or more harmful than previous.
- 8.19 For these reason no significant amenity harm is identified and the proposed development accords with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 8.20 Brighton & 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. A transport statement has been submitted with the application that includes predicted methods of travel to the school.
- 8.21 The site as existing is accessed via a ramp leading from Holland Road to a rear car park with a capacity of approximately 50 vehicles. The proposal seeks to retain the ramp as the main pupil accessway into the school and to provide access for refuse and delivery vehicles, with the existing car parking area forming the school playground. There would be no onsite parking either for staff or parents/visitors, whilst one of the existing garages to the rear of the site would be adapted to hold 20 bicycles. A further three disabled parking bays are proposed on street to meet the minimum standards set out in Supplementary Planning Guidance 04 'Parking Standards'.
- 8.22 The school would have a final capacity for 480 pupils and approximately 38 full time and 7 part time staff. This is forecast to generate approximately 1,190 trips at the opening and 1,190 at the closing of the school day (NB the trips split to 860 individual pupil, parent and staff trips to the school and 320 parent trips from the school in the morning and vice versa in the evening). Based on trip data from West Hove Junior School on Connaught Road the majority of trips would likely be walking trips (692), with 212 movements by car. Of these car movements, it is predicted that the number of vehicles seeking to drop off or pick up would be 95 for approximately half an hour in the morning and afternoon. This averages as 3 movements per minute for 30 minutes, or 6 vehicles per minute for 15 minutes. In assessing these predictions regard should be had to the existing use of the site as a police station, with approximately 200 staff and numerous trips generated by public visiting the site and operating police vehicles. There are no records to quantify the trip generation of the police station, or any other comparable police station sites elsewhere therefore a direct comparison between the existing and proposed use cannot be made. Notwithstanding this lack of data, the proposal would

result in a significant increase in trip generation for short periods at the opening and closing of the school day.

- 8.23 To offset this increase, the sustainable transport officer has sought measures to improve sustainable transport modes and infrastructure in the vicinity of the site to encourage vehicle trips away from the site and meet the requirements of development plan policy. Particular focus should be had on the links and routes between West Hove Junior School on Connaught Road and the application site, its satellite, as it is likely that many parents may have a child attending each site. The applicants have proposed modifications to Holland Road fronting the site. These include raised tables either side of the main school entrance, with the main raised table doubling as a pedestrian crossing, and the addition of three disabled parking bays. Subject to further detailing in consultation with the highways team these alterations would slow vehicular traffic outside the school and improve pedestrian and pupil safety.
- 8.24 To assist and better promote walking and cycling trips between the schools, the applicants have undertaken an audit of routes between the sites, focusing on links along Church Road and Eaton Road. In consultation with highways officers the applicants have committed to contributing towards the improvement of footways and pedestrian crossing facilities to the west of the site along these links between the sites. These works, in combination with a completed School Travel Plan, will suitably encourage both more sustainable transport usage and encourage parents away from driving directly to the school. The implementation of the above measures are therefore secured by condition, and would be broadly up to a value of £88,000.
- 8.25 Subject to the identified highway improvements and further conditions securing a construction management plan to minimise highway and public safety risk along the one-way access to the site and seeking an upgraded School Travel Plan, the development would accord with policies TR1, TR2, TR4, TR7, TR8, TR11 and TR14 of the Brighton & Hove Local Plan.

Percent for Art:

- 8.26 Policy QD6 of the Local Plan requires the provision of, or a contribution towards, new public art in major development schemes, commensurate to the scale and prominence of the proposal. The nature and relatively small scale of this development is such that it is not considered to meet the definition of a major development as set out in paragraph 3.30 of policy QD6, therefore no contribution towards public art is sought in this instance.

Sustainability:

- 8.27 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. The proposed development represents an extension to a non-residential building and under the terms of SPD08 is required to demonstrate:
- No additional net annual CO2 emissions;
 - Reduction in water consumption; and
 - Minimisation of surface water runoff.

8.28 The application is supported by a sustainability checklist which outlines the sustainability measures proposed for the scheme. These include measures such as a natural ventilation system, dual flush toilets and improved insulation. The sustainability officer is satisfied with the measures proposed, which are secured by condition. Refuse and recycling facilities are proposed in a retained garage unit at the rear of the site. This space is of sufficient size to accommodate the needs of the site and is secured by condition. For these reasons, and subject to the recommended conditions, the proposed development is considered to reach the sustainability standards expected by Policy SU2 and SPD08.

9 CONCLUSION

9.1 The proposed change of use and extension of the building would serve to help meet an identified demand for additional school capacity in this part of the City. The extensions and landscape alterations proposed are of an appropriate scale, siting and design in relation to the existing building and the surrounding area. The development would not lead to significant harm to neighbouring amenity and includes suitable measures to address the additional travel demand it would create, in accordance with development plan policies.

10 EQUALITIES

10.1 The proposed building and extension would be accessible for disabled persons

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site plan	002	-	10/06/2013
Existing floor plans and roof plan	003	-	10/06/2013
	004	-	10/06/2013
	005	-	10/06/2013
	006	-	10/06/2013
	007	-	10/06/2013
Existing elevations	008	-	10/06/2013
	009	-	10/06/2013
Site levels plan	-	-	10/06/2013
Proposed block plan	002	-	10/06/2013

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Proposed floor plans and roof plan	010		10/06/2013
	011		10/06/2013
	012		10/06/2013
	013		10/06/2013
	014		10/06/2013
Proposed elevations	015	A	13/08/2013
	016	B	13/08/2013
Proposed street elevation	024	B	13/08/2013
Proposed landscaping plan	022	B	14/08/2013
External lighting details (4no. plans and 1 no. specification sheet)	-	-	13/08/2013

- 3) All new hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 4) No part of the site shall be used for vehicular car parking other than that associated with deliveries to and from the development.
Reason: To ensure the development maintains a sustainable transport strategy and not to cause any highway safety issues and to comply with policies TR1, TR7 and TR19 of the Brighton & Hove Local Plan.
- 5) 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. The Rating Level and existing background noise levels are 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.
- 6) Excluding use for access and egress to the school building, the outside areas of the school shall not be use for play or recreational purposes except between the hours of 8.30am and 6pm Mondays to Fridays.
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.

11.2 Pre-Commencement Conditions:

- 7) No development shall take place until samples of the materials (including colour of render, paintwork, cladding and colourwash) to be used in the construction of the external surfaces of the development hereby permitted

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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.

- 8) All trees to be retained as part of the development, including those street trees fronting the site, shall be protected during the duration of works by fences erected in accordance with BS5837 (2012), 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.

- 9) The landscaping scheme detailed on drawing no.022 rev B received on 14 August 2013 shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 10) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment and transport movements in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in accordance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that construction operations, vehicles, materials and waste do not impact on highway safety and the operation of the school, to protect the amenities of adjacent occupiers and to comply with policies TR7, SU13 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

- 11) The development hereby permitted shall not be occupied until the sustainability measures detailed within the sustainability checklist received on the 10 June 2013 have been fully implemented, and such measures shall thereafter be retained as such.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local

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Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 12) The development hereby permitted shall not be occupied until the acoustic attenuation measures detailed within the BB93 School Acoustics (Acoustics Issues) report received on 14 August 2013 have been fully implemented, and such measures shall thereafter be retained as such.
Reason: To seek to reduce noise disturbance from the use of the site and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 13) The development hereby permitted shall not be occupied until a scheme detailing improvements to footways, pedestrian crossing facilities and public transport in the vicinity of the site, including the Holland Road, Church Road corridor and the Eaton Road corridor, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in strict accordance with the approved measures and thereafter retained as such.
Reason: To ensure that the proposed development provides for the demand for travel it creates and does not increase the danger to pedestrians walking to and from the site and to comply with policies TR1, TR8, TR11, QD28 and SU15 of the Brighton & Hove Local Plan.
- 14) At least six months prior to the first occupation of the development hereby approved a School Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out a package of measures to meet the needs of the site, promote sustainable travel choices and reduce reliance on private motor vehicles for staff, pupils and visitors. The Travel Plan shall be implemented in accordance with the approved details and shall subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.
Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.
- 15) Prior to the first occupation of the development hereby approved a Playground Management Plan for the school shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out a package of measures to minimise noise from use of the playground, including details of hours of use and means of supervision. The Plan shall be implemented in accordance with the approved details.
Reason: To seek to reduce noise disturbance from the use of the site and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 16) 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.

11.4 Informatives:

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

The proposed change of use and extension of the building would serve to help meet an identified demand for additional school capacity in this part of the City. The extensions and landscape alterations proposed are of an appropriate scale, siting and design in relation to the existing building and the surrounding area. The development would not lead to significant harm to neighbouring amenity and includes suitable measures to address the additional travel demand it would create, in accordance with development plan policies.
- 3) The applicant is advised that the Travel Plan required under condition 14 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) Increase awareness of and improve road safety and personal security;
 - (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (iv) 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;
 - (v) Identify a monitoring framework, which shall include a commitment to undertake an annual staff and pupil travel survey, for at least five years, or until such time as the identified targets are met, to enable the Travel Plan to be reviewed and updated as appropriate. Annual surveys should be submitted to the Council's School Travel Plan Officers;

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- (vi) A commitment to reduce carbon emissions associated with school travel;
 - (vii) Identify targets focussed on reductions in the level of staff and parent car use.
- 4) The applicant is advised that a formal connection to the public sewerage system and water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk

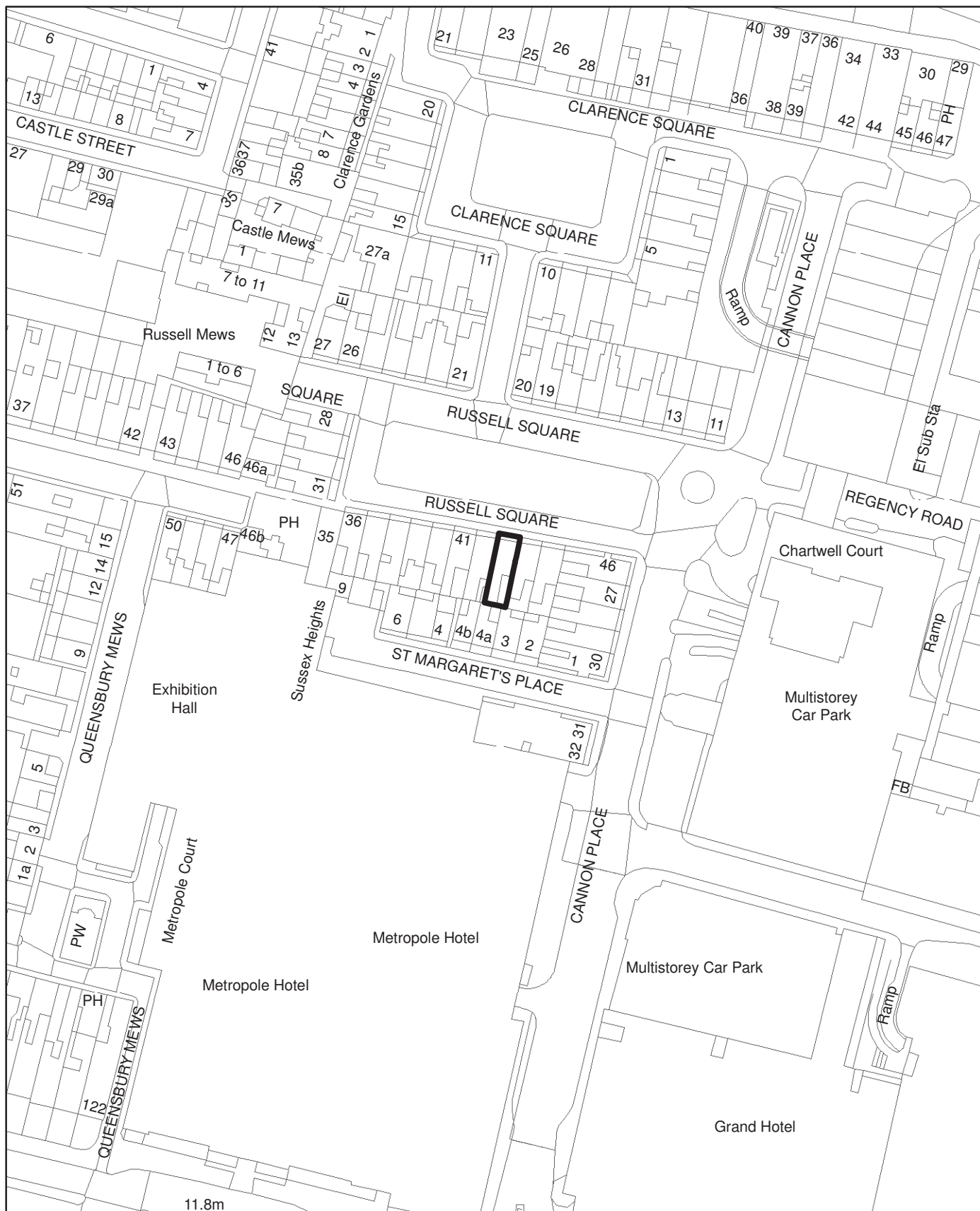
ITEM E

43 Russell Square, Brighton

**BH2012-04035
Full Planning**

28 AUGUST 2013

BH2012/04035 43 Russell Square, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2012/04035	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	43 Russell Square Brighton		
<u>Proposal:</u>	Change of use from single dwelling (C3) to House in Multiple Occupation (Sui Generis) on upper floors and 1no one bedroom basement flat. Alterations including increased roof height of rear extension and provision of slate roof. (Part Retrospective).		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	03/01/2013
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	28 February 2013
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Dr Layth Raouf, Floreat, Stable Lane, Findon Village, West Sussex BN14 0RR		
<u>Applicant:</u>	AR Properties (Brighton) Limited, 7 Redhill Drive, Brighton, BN1 5SH		

This report was deferred from the Planning Committee agenda on the 26th of June in order to seek comments from the policy team with respect to a late representation from The Regency Square Area Society. The report has now been updated with comments from planning policy.

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a four storey mid-terrace property with basement, situated along the southern edge of Russell Square in the city centre. The building has entrances at both ground and lower ground level and has a traditional footprint with two storey outrigger and yard area to one side, at the back. The property is a Grade II listed building and is located within the Regency Square Conservation Area.
- 2.2 The building is presently vacant and is understood to have last been occupied as a dwellinghouse. Prior to this the building was used as six flat-lets (ref. 82/724).
- 2.3 Various works have been undertaken to the building without the necessary planning and Listed Building consents being in place:
- New windows to the rear outrigger.
 - Alterations to a first floor rear extension.

- New internal partitions at lower ground level to form kitchen and bathroom areas.
- Removal of staircase balusters and areas of lathe and plaster wall.
- Installation of suspended ceilings to the back rooms (overlapping window architraves).

2.4 All works on site have now ceased following intervention by the Planning Investigations and Enforcement Team.

3 RELEVANT HISTORY

BH2012/04036 – Listed Building Consent. Internal alterations to layout including creation of basement level flat. External alterations including increased roof height and provision of slate roof to rear extension. (Part Retrospective). Approved 29 April 2013.

82/724 – Proposed use of the premises as a six flat-let house. Approved 28 September 1982.

4 THE APPLICATION

4.1 The application seeks full planning permission for the change of use of the building from a dwellinghouse (Use Class C3) to a self-contained 1-bedroom flat in the basement (C3) and a sui generis House in Multiple Occupation (HMO) on upper floors.

4.2 In total 5 HMO type units are proposed with 4 of the units sharing 2 W.C./washing facilities on the first floor. The works include the following elements:

4.3 Basement

- One bedroom self contained flat with separate entrance into front light-well.
- Soft landscaping in rear yard.
- Kitchen and shower room/W.C. situated in the rear part of the outrigger.
- Installation of a suspended ceiling (retrospective)
- Replacement of non original or missing doors with 4 panel doors to match original.
- Repair and replacement of skirting boards.
- Creation of a new fire door opening at the foot of the stairs leading up to ground floor level.

4.4 Ground Floor

- One bed-sit at the rear with its own kitchen and shower room formed with new internal partitions.
- One HMO unit occupying the two front rooms and sharing W.C./washing facilities on the first floor.
- Reinstatement of staircase balusters (retrospective).
- Retention of existing internal doors and installation of 6 panel doors to original design where missing.

- Repair and replacement of profiled skirtings and window architraves.
- Panelled door to entrance of rear bed-sit with external bead moulding.
- Removal of non original partition between front and back rooms to form HMO unit.

4.5 First Floor

- One HMO unit occupying the two front rooms.
- Two combined shower/W.C. rooms within the rear projection.
- Landlord's storage.
- Replacement of door leading to roof terrace with a window, to prevent access.
- Reinstatement of 6 panel doors.
- Repair of skirting and architraves and cornices to match originals.
- Removal of non original partition between front and back rooms, to form a single HMO unit.

4.6 Second Floor

- One HMO unit occupying the two front rooms.
- Original 4 panel doors retained.

4.7 Third Floor

- One HMO unit occupying the two rooms.
- Original 4 panel doors retained.

4.8 Proposed external alterations include:

- Three timber sash windows to the return wall of the rear outrigger at basement level (part retrospective).
- New external yard door (4 panel) (retrospective).
- Lime cement render of outrigger.
- Re-construct mono pitched roof of first floor level outrigger with natural slate (retrospective).
- Replace roof terrace access door with a timber casement window.

4.9 A separate application for listed building consent has also been submitted, ref. **BH2012/04036**, and this was approved on 29 April 2013.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours: Seven (7)** letters have been received from **39 (x2), 41 and Flats 1 and 2, 65/66 Regency Square; 42 (x2) and 44 Russell Square; and 8c Sussex Heights, St. Margaret's Place, objecting** to the application for the following reasons:-

- The number of future occupants should be restricted to a reasonable and legal number at any given time, commensurate with the size and nature of the property.
- Too many units crammed in too small a space and fragile, historic building.
- The units are too small.
- Excessive stress on historic structure.

- Calibre of future tenants will be detrimental to the prestige of Russell Square.
- Building should have fewer occupants.
- Poor quality of refurbishment works which should be in keeping with original specifications.
- Should be retained as a family dwelling.
- The last house in Russell Square should be preserved from irreversible sub-division.
- Inappropriate use as an HMO is this area.
- The roof has been replaced using artificial slates.
- Too close to other HMOs.

5.2 **Regency Square Area Society:** The society objects to the application for the reasons summarised as follows:-

- The total number of residences within 50 metres of 43 Russell Square is 34.
- Four of these houses (11.4%) fall into a mixed C3/C4 use because three people with different surnames are living in each property.
- Sussex Heights falls within the 50 metre radius around the application site. This building forms a separate urban environment to Russell Square and St. Margaret's Place and should not be included in the calculation of HMOs around the application site.
- The number of HMOs in the area is considered to be higher than stated and the Electoral Roll should be used to identify small HMOs (C4) with three or more people with different surnames registered. Because the Electoral Roll is incomplete or out of date, this will still under-estimate the number of HMOs in the area.
- The Council's methodology in the determination of the number of HMOs within a 50 metres radius of the application site is flawed.

5.3 **Conservation Advisory Group:** Objection. The group strongly recommended this application be refused on the grounds that it would represent an excessively intensive use of a Listed Building and felt it important that the basement flat be retained as part of the main building and not separated.

Internal:

5.4 **Planning Policy:** No objection. The Student Housing and HMOs Concentration Assessment 2010 maps the concentration of HMOs and Student lets in five wards in the city only (those wards identified as having the highest concentrations of lets and HMOs in the Student Housing Strategy). The mapping was based upon private sector licensing records and council tax records. This evidence is now being updated as a result of extended licensing introduced in November 2012. Licensing has been extended in the five wards to include smaller HMOs (e.g. two storeys).

5.5 The application site lies outside the five wards and therefore detailed evidence on small, as well as large, HMOs has not been prepared. However, the tests set out in policy CP21 in the City Plan should still be applied. Outside the five

wards it is considered satisfactory to use private sector licensing and council tax records to establish the proportion of existing HMOs within 50m of a property.

- 5.6 In the case of the application site, it has been established that the concentration of HMOs within 50m of the property falls significantly below the threshold of 10% in policy CP21. Therefore the proposal is considered acceptable in terms of policy.
- 5.7 **Sustainable Transport: No objection.** The trip generation is forecast to be similar to the existing permitted residential use. There will be a small increase in trip generation associated with the site as there will be more people living within the HMO rather than the single dwelling. This level of trip generation would not be considered a reason for refusal. In light of this and the fact the scale of development is below the temporary recession measures the highway authority would not request a S106 contribution in this instance.
- 5.8 The applicant is not intending to provide any on-site car parking spaces as a result of this development. SPGBH4 states the maximum car parking standard for an HMO within a Controlled Parking Zone (CPZ) is 1 space per 4 bed-sits. Therefore the proposals for no on-site car parking are in line with the maximum parking standards in SPGBH4 and are deemed acceptable.
- 5.9 In order to meet policies HO7 and TR1 of the Brighton & Hove Local Plan the Highway Authority would look for the development to be made car free. The development lies within CPZ 'Z' and benefits from being in a central, sustainable location, close to public transport routes and local services.
- 5.10 Therefore on this basis, as the site is in close proximity to a range of public transport and local facilities the Highway Authority would look for the standard car free condition to be included on any planning permission granted, to ensure that sustainable transport trips are promoted from this sustainable location.
- 5.11 For this development of 1 HMO house, the minimum parking standard is 1 cycle parking space per 3 bed-sits. Therefore this development should provide a minimum of 4 cycle parking spaces. In order to be in line with policy TR14 of the Brighton & Hove Local Plan 2005, the cycle parking must be secure, convenient, well lit, well signed and wherever practicable, sheltered.
- 5.12 The applicant does not indicate where they intend to provide cycle storage to meet policy TR14 of the Local Plan. It does not appear that there is adequate room to accommodate cycle parking on site.
- 5.13 Normally the highway authority would look to secure a contribution towards on-street cycle parking in lieu of not providing on-site cycle parking. However, as the development is below the Temporary Recession Measures threshold for when contributions can be requested, in this instance the highway authority would not look to secure a contribution.

- 5.14 **Access Consultation:** Objection. The bathroom does not have the required space in front of the W.C. or the necessary side transfer space. Otherwise no comment as there is no access policy relating to an HMO.
- 5.15 **Heritage Team:** No objection. The section drawings of the doors, windows and their architraves are poor and at too small a scale. However, these can be addressed by conditions requiring 1:1 scale joinery sections.
- 5.16 1:20 scale elevation drawings will be needed of the new four and six panelled internal doors. This also can be dealt with by a condition.
- 5.17 There are no large scale section details of how the relationship of the false ceiling in the rear basement room and the main part of the building to the glazed borrowed light will be addressed. A 1:1 scale section is required showing the borrowed light, its frame and the false ceiling. This could also be dealt with by condition.
- 5.18 There are no details of how the floors are to be sound and fire proofed. Apart from the basement where a false ceiling is proposed, this should be carried out fully within the existing floor/ceiling voids and all door self closing mechanisms as required should be of the concealed mortice type except where the doors are too thin to accommodate them, in which case surface mounted ones will have to be accepted, subject to them having a brass finish.
- 5.19 **NB:** These issues were covered by conditions attached to the listed building consent granted under application ref. BH2012/04036.

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
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
HO14	Houses in multiple occupation (HMOs)
HE1	Listed Buildings
HE6	Development within or affecting the setting of conservation areas

City Plan Part One (Submission Version):

SS1	Presumption in Favour of Sustainable Development
CP21	Student Housing and Housing in Multiple Occupation

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development; impact on the character and appearance of the building and the conservation area; impact on neighbour amenity; sustainability; and transport.

Principle:

8.2 The building is currently in use as a single dwellinghouse. The proposal would make more effective use of the site by providing a net increase in the number of residential units contained within the building. Policy HO14 of the Local Plan states that HMOs play an important role in providing housing for young people and people who are socially or economically disadvantaged. They are often the only choice of housing for people who would otherwise be homeless. Given the overriding level of housing need in the city, it remains important to ensure that an adequate supply of HMO accommodation is retained.

8.3 The proposal is considered compliant with policy HO3 of the Local Plan because the use is appropriate to the site and its location, and the proposal is compliant with policy HO4 because it would make full and effective use of the land available at a site within a densely populated and built up part of Brighton city centre.

8.4 Policy CP21 of the Brighton & Hove Draft City Plan Part One specifically addresses the issue of changes of use between use classes C3 and C4/sui generis HMO uses and states that:

‘In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.’

8.5 This policy is being given significant weight as the adopted Local Plan is silent on the issue. The site is located outside the recently introduced Article 4 Direction area which removes permitted development rights under Class I (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, to change from a C3 (dwellinghouses) Use to a C4 (houses in multiple occupation) Use, which came into effect from 5 April 2013.

8.6 A mapping exercise has taken place which indicates that there are 248 separate residential properties which fall within a 50 metre radius of the application site. Of these 248 residential properties, 1 has been identified as being in Class C4, mixed C3/C4 or other types of HMO in a sui generis use. This represents a percentage of 0.4%. Were the proposed change of use to

occur this would increase to 0.8%. The proposed HMO use would therefore be compliant with emerging policy CP21.

- 8.7 The objection from the Regency Square Area Society is noted. In applying the tests set out in policy CP21 of the submission City Plan Part 1 the criteria set out in the policy have been followed, namely using a 50m radius taken from the middle of the front boundary of the application site, and counting the number of residential units contained within any building or land within that 50m radius. In this instance, whilst Sussex Heights is a tall and modern block of flats, the Sussex Heights building does fall within the 50m radius and in accordance with policy CP21 the residential units contained within it have been counted. The Local Planning Authority utilises private sector housing records and council tax exemption records, in addition to records of extant planning permissions, to identify properties which are in shared use.
- 8.8 Within five wards of the city, an Article 4 direction came into force in April 2013 which requires an application for planning permission to change use from a family dwellinghouse (C3) to a small HMO (C4). Extended private sector housing licensing in relation to these 5 wards came into force in November 2012 to also cover smaller houses in multiple occupation. The application site lies outside these five wards and therefore there is less detailed information on existing HMOs available.
- 8.9 However, private sector housing licensing records and council tax exemption records are a good source of information on existing HMOs. This will enable the determination of applications for HMOs under the tests set out in Policy CP21 of the City Plan.
- 8.10 Whilst the representation received in relation to the method of determination of such applications is noted, the Local Planning Authority considers that all reasonable efforts have been made to determine the application in an appropriate and expedient fashion.
- 8.11 In principle the proposed change of use to an HMO with a self contained flat at basement level in this particular location is considered acceptable.

Design:

- 8.12 Works to extend the height of an existing rear extension at first floor level, over the original ground floor level outrigger, and to re-roof the extension in slate, have already been carried out, hence the application is part retrospective. In addition, three replacement timber sash windows have been installed to the return wall of the original outrigger at basement level. Repairs have also been carried out to the front door of the property at ground level (there is a second front entrance at basement level as well).
- 8.13 The external alterations carried out are acceptable and in keeping with the character of the building. However, section details should be requested by condition to ensure the reveals of the rear windows on the basement return wall are appropriate.

- 8.14 Other alterations to the building are limited to the interior and were considered as part of the application for listed building consent which has been granted on the basis that the works were deemed satisfactory.
- 8.15 The proposed external alterations are considered compliant with policies HE1 and HE6 of the Local Plan.

Impact on Amenity:

- 8.16 Part of the proposal includes blocking up access to a flat roof terrace at first floor level to the rear of the building and replacing with a casement window. This alteration is acceptable in principle and would improve the present amenity impact on neighbours because use of the roof terrace causes overlooking and loss of privacy for neighbouring occupiers, which are located in very close proximity to the rear elevation of the application site.
- 8.17 Whilst objections received are acknowledged, the change of use from a single dwelling to a 1-bed flat and an HMO is not considered likely to have an adverse impact on neighbour amenity in terms of the intensity of the use of the land and would not be markedly different, in terms of overall levels of activity, to the use of the building as flats, as per previous use.
- 8.18 The proposed layout would utilise existing front and rear facing windows and as such the proposal would not increase potential for overlooking or loss of privacy for neighbouring residents.
- 8.19 The proposal is not considered to be contrary to policy QD27 of the Local Plan.

Sustainable Transport:

- 8.20 In order to meet the requirements of policies TR1, TR14 and TR19 of the Local Plan, development should provide for the transport demand it would generate in accordance with maximum car parking and minimum cycle parking levels as set out in SPGBH4: Parking Standards.
- 8.21 The site is in a city centre location adjacent to the regional shopping centre and frequent bus routes and is within walking distance of Brighton mainline station. The site is also in a controlled parking zone. For the proposed development a maximum of 2 off-street car parking spaces could be provided. However, the site has no accessible external space where parking could be situated. The absence of any off-street car parking is acceptable in this sustainable location and still complies with SPGBH4, because that sets out maximum rather than minimum standards.
- 8.22 The presence of on-street parking controls also means that a planning condition can be used to ensure the development remains genuinely car free in the long terms and therefore meet the requirements of policy HO7 for car free housing development.
- 8.23 The nature and constraints of the site as an historic mid-terrace building, built up to the pavement and with no separate access to the rear yard, means provision of off-street cycle parking would also be impracticable. The applicant

suggests the store in front of the basement could be used for cycle storage and in view of the aforementioned constraints this is considered acceptable in this instance.

Sustainability:

- 8.24 In order to meet the requirements of policy SU2 of the Local Plan and SPD08: Sustainable Building Design, the conversion of the existing building into two residential units (one C3 use and one sui generis HMO use) is recommended to be accompanied by a Sustainability Checklist and measures to reduce water consumption and minimise surface water run-off.
- 8.25 The applicant has submitted a Sustainability Checklist but there are areas which could be improved upon, for example: locally sourced or re-used/recycled materials could be used; and efficient gas boilers could be installed.
- 8.26 For these reasons it is considered a planning condition should be imposed to secure further details of sustainability measures to be adopted in the development.

9 CONCLUSION

- 9.1 The proposed conversion is considered acceptable in principle and no significant adverse impact on neighbour amenity or transport is forecast. The external alterations which have been carried out are considered appropriate to the character and appearance of the listed building and the wider conservation area.
- 9.2 Accordingly approval is recommended.

10 EQUALITIES

- 10.1 Residential conversions of existing buildings should be designed and built, in so far as practicable, to be accessible and meet Lifetime Home standards in order to comply with policy HO13 of the Local Plan. In this instance the conversion involves an historic Listed building and the constraints of the site mean Lifetime Home standards cannot be met in full. However, it is recommended a condition is imposed requiring those standards to be met in the development in so far as practicable for this site.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

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Plan Type	Reference	Version	Date Received
Location Plan			2 Jan 2013
Existing Plans	12/01		18 Dec 2012
Existing Plans	12/02		18 Dec 2012
Existing Plans	12/03		18 Dec 2012
Proposed Plans	12/04	E	1 Mar 2013
Proposed Plans	12/05	F	1 Mar 2013
Proposed Plans	12/06	F	1 Mar 2013
Proposed Plans/Sections	12/07	A	1 Mar 2013
Basement Sections	12/08		1 Mar 2013
Schedule of Finishes	12/09		1 Mar 2013

- 2) All new windows shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be retained as such.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.
- 3) The external finishes of the walls to the reconstructed rear 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 windows, doors or 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 preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.
- 4) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation fronting a highway.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.
- 5) 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 preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.

11.2 Pre-Commencement Conditions:

- 6) No works shall take place until 1:1 scale section drawings of the new windows, glazing bars and reveals have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.

- 7) 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.

11.3 Pre-Occupation Conditions:

- 8) The development hereby permitted shall not be occupied 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.

11.4 Informatives:

- 1) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2) This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-
The proposed conversion is considered acceptable in principle and no significant adverse impact on neighbour amenity or transport is forecast. The external alterations which have been carried out are considered appropriate to the character and appearance of the listed building and the wider conservation area.
- 3) The applicant is advised that the scheme required to be submitted by Condition 8 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.

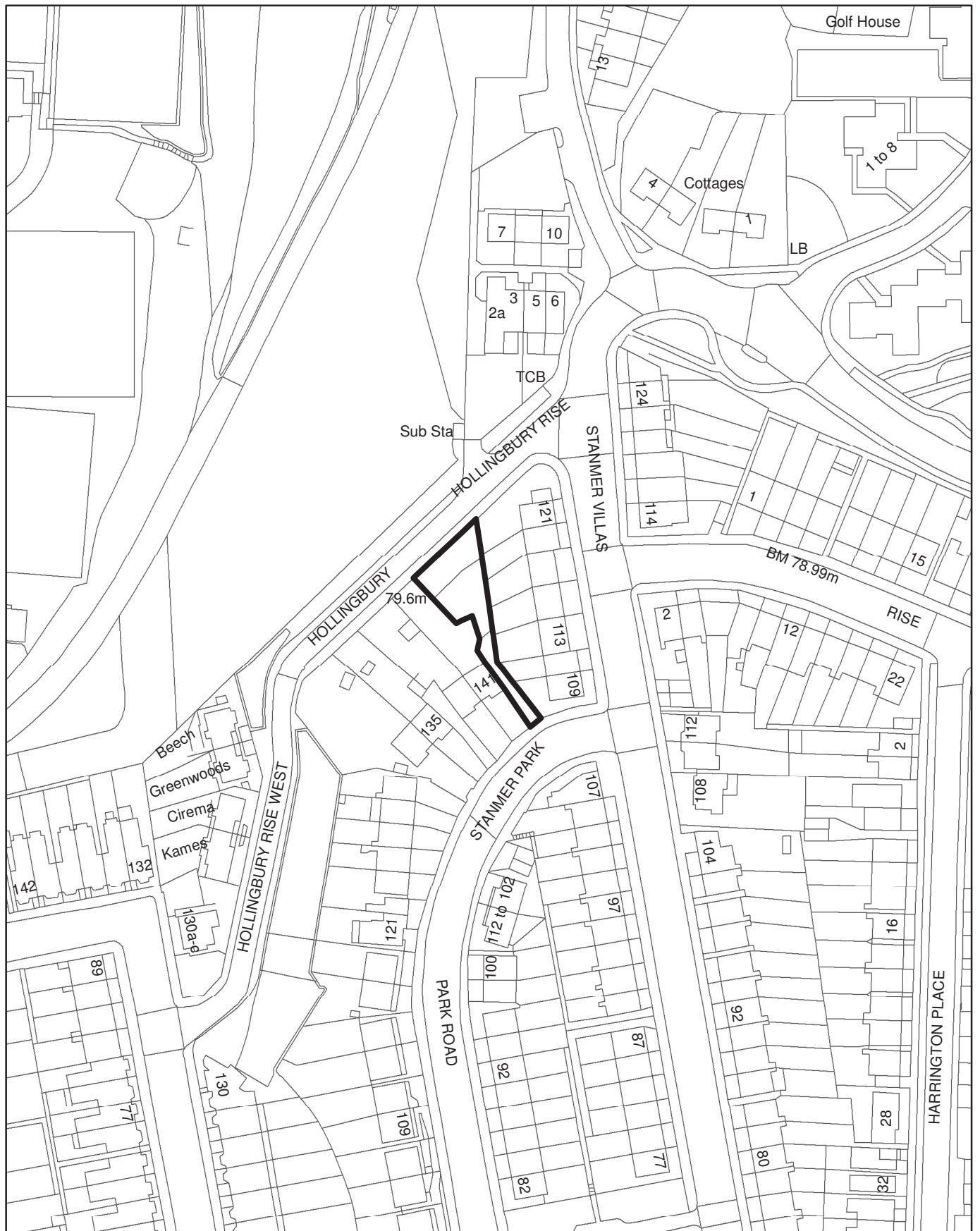
ITEM F

**Land to Rear of 141 Stanmer Park Road,
Brighton**

**BH2013/01296
Full Planning**

28 AUGUST 2013

BH2013/01296 Land to Rear of 141 Stanmer Park Road, Brighton



Scale: 1:1,250

<u>No:</u>	BH2013/01296	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To Rear of 141 Stanmer Park Road Brighton.		
<u>Proposal:</u>	Erection of 1no two bedroom detached dwelling.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	03/05/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28 June 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Building Solutions Consultants Ltd, 96 Church Road, Hove, BN3 2EB		
<u>Applicant:</u>	Mr Daniel Barker, 96 Church Road, Hove, BN3 2EB		

This application was deferred by Planning Committee to allow a site visit to take place.

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to land to the rear of properties on Stanmer Park Road and Stanmer Villas. The site adjoins the rear garden areas of 141 Stanmer Park Road and 109, 117, 119 and 121 Stanmer Villas. Access to the site is gained via a pathway/driveway located between 141 Stanmer Park Road and 109 Stanmer Villas. It would appear that the land was formerly linked to 117 Stanmer Villas Road.
- 2.2 The northern section of the site comprises a steep slope, which is located adjacent to Hollingbury Rise West, as a result of the topology of the area.

3 RELEVANT HISTORY

Land to the rear of 141 Stanmer Park Road

BH2013/02419 - Application to extend time limit for implementation of previous approval BH2009/03177 for erection of a 2 storey residential dwelling to the rear of 141. Concurrent Application.

BH2009/03177 - Erection of a 2 storey residential dwelling to the rear of 141. Approved 22/09/2010.

BH2009/00531 - Erection of a 2 storey residential dwelling to the rear of 141. Refused 11/05/2009.

141 Stanmer Park Road

BN75.896 – Erection of a detached garage to the rear of the existing premises. Granted 13.05.1975

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a single storey two bedroom detached dwelling, on land to the rear of 141 Stanmer Park Road, which is accessible via a driveway along side this neighbouring property.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6) letters of representation have been received from 111, 113, 117, 119, 121 Stanmer Villas and 141 Stanmer Park Road objecting to the application for the following reasons:**

- The size and appearance of the development is not suitable for the area,
- Increase in noise and disturbance from comings and goings of extra traffic and late night use,
- Overshadowing,
- Overlooking and loss of privacy,
- Proposal for another property in such a close proximity is too congestive and access to the site is very limited,
- 7 trees will be removed aligned along Hollingbury Rise West which will cause irreversible damage to the road leading to Hollingbury Park Avenue. 11 out of the 13 trees on the plot have long term preservation orders. The works that are detailed in the Arboricultural report dated 2009 are contradictory to those preservation orders.
- Land was sold with understanding that plot would not be developed, was sold for storage of a boat,
- In last 6 years site has not been maintained, in this time the area has increased substantially in wildlife activity,
- Development would be intrusive to neighbouring properties,
- The removal of trees would leave neighbours wide open to Hollingbury Rise West, which is a busy road meaning more noise and pollution normally absorbed by the trees,
- The development would encroach on rights of way, impinging legal rights,
- The lane and land is too small to service further use,
- Access to the property is not safe, cars would be driving too close to existing properties and would be dangerous to pedestrians traversing the pavement in Stanmer Road,
- The new dwelling will substantially alter the current landscape of the area, which will include the removal of several established old trees which provide a haven of greenery in the summer months,
- When the property is built/access route resurfaced the new structure will decrease the rate of permeability for the area significantly altering the hydrography of the area, and
- When shared access way is upgraded to asphalt or concrete this will increase the maintenance costs for drainage/sewerage system.

- 5.2 **115 Stanmer Villas, comments on the scheme and advises whilst there are no objections to the current or previous application per se there are some concerns regarding the rear access and neighbouring right of way, which is included in house deeds, from rear garden gates during construction and longer term. Seek**

assurance that this access will be maintained at all times during construction and long term. The necessary construction operations will require deep drainage construction as it is proposed to provide main sewer and unless pumped this will need to be located on the access way. There will obviously be significant construction material deliveries and waste removal by vehicles. Would like clarification on the trees to be removed as discrepancies in report, does not object to the removal of trees 4, 5, 8, 10, 11, 12, and 13.

5.3 **107B Stanmer Villas**, has no objections but would like to see conditions added for construction hours.

5.4 A **petition** signed by **25 signatories** objecting to the application on the grounds that:

- The proposed site is not suitable for the area,
- The appearance and size of a new building is inappropriate and insensitive,
- Adjoining residents will suffer overshadowing, overlooking and loss of privacy,
- There will be a large increase in noise and disturbance,
- New and existing roadways will be unsafe for pedestrians and other road users, and
- The removal of a number of trees with Tree Preservation Orders in place is unacceptable for development purposes.

5.5 **Councillor Lepper**, objects to the application - letter attached.

5.6 **County Ecologist**: The level of the submitted Bat Survey is sufficient. There was no evidence of roosting bats within the survey area. A visual check for bats by a competent climbing arborist (with suitable experience) is still required.

Internal:

5.7 **Access Officer**:

(Original comments 20/05/2013) Comments that the required 300mm leading edge clearance is absent on the entrance door and the bedroom 1 door. Confirmation is required of the provision of floor drainage for a future level entry shower.

5.8 (Additional comments 12/06/2013 following receipt of amended drawings) The amendments are fine.

5.9 **Arboriculturist**: No objection subject to suitable conditions being attached to any planning consent granted regarding tree protection and landscaping.

5.10 **Environmental Health**: No comment.

5.11 **Sustainable Transport**: Recommends approval, the Highway's comments from the previous application (BH2009/031777) still stand. There are no objections to the application subject to conditions relating to cycle parking details and a vehicle turning table and an informative relating to a vehicle crossover.

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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods

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QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

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)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 In the determination of the application the main issues for consideration are the principle of the development, secondly the design and visual amenity impacts upon the Stanmer Park Road and Hollingbury Rise West street scenes and the wider area, thirdly the impacts upon the amenities of neighbouring properties, fourthly sustainable issues, fifthly transport issues and finally the adequacy of living conditions for future occupiers.

Principle of Development:

- 8.2 There is an extant consent BH2009/03177 for a dwelling on this site. This previous permission is unimplemented and is due to expire in September 2013. Therefore there is no objection to the principle of the development.

Design and Visual Amenities Impact:

- 8.3 Policies QD1, QD2 and QD3 set out the design criteria for applications of this nature. Although policies discourages the replication of existing styles and pastiche design, unless a development proposal is within an area featuring a distinctive historic style of architecture the design policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the

neighbourhoods in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage where appropriate. As such, a residential redevelopment of the site would not be resisted in principle, but must be carefully assessed and considered in respect of the areas set out below.

- 8.4 The site to which the application relates is located to the rear of 141 Stanmer Park Road and nos. 109 to 121 Stanmer Villas. The southern most elevation of the proposed dwelling would be set back from Stanmer Park Road by approximately 33m.
- 8.5 Except for a slight extension on the south-eastern side, the footprint of the dwelling now proposed is the same as the previously approved ground floor level and would accommodate the provision of two bedrooms, a living room/dining room, a kitchen and bathroom across one floor level.
- 8.6 The proposed dwelling would have a footprint of approximately 8m by 8m although the south-eastern most corner would be set in from the rest of the southern elevation by approximately 0.9m. In the previously approved application this set back was approximately 3.1m to accommodate the provision of a light well to the lower ground floor.
- 8.7 The main entrance to the dwelling would be located within the south-western elevation. Full height bi-folding glazed doors would be inserted in the north-western and south-eastern elevations in relation to the proposed living/dining room and the two bedrooms. Windows would also be inserted within the south-eastern and south-western elevations in relation to the proposed kitchen and bathroom areas.
- 8.8 The proposed flat roof would include a parapet feature with a height which exceeds the flat roof by approximately 0.3m.
- 8.9 As part of the application a plan has been submitted which shows that the internal floor level of the proposed dwelling would have an Ordnance Survey Datum (OSD) height of 74.8m whilst the parapet of the roof would be 77.8m OSD. The submitted plan also shows that the eaves of no. 141 Stanmer Park Road are located 80.4m OSD whilst the pavement level of Hollingbury Rise West, located to the north of the site measures 80.3m OSD.
- 8.10 Due to the design of the proposed dwelling and the existing urban form of nos. 109 to 121 Stanmer Park Villas and 141 Stanmer park Road the proposed dwelling would not be easily viewable from within Stanmer Park Road or Stanmer Park Villas. Hollingbury Rise West is set at a much higher level than the site due to the topography of the area. Although some trees along the northern boundary of the site would be removed to accommodate the proposal, an issue discussed in more detail below, it is not considered that the proposed dwelling would be highly visible from within this northern neighbouring street scene. Overall the proposed modern design is considered appropriate in this location which would not compromise the quality of the local environment.

Living Conditions for Future Occupiers:

- 8.11 Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. The proposed 2 bedroom dwelling would have sole use of the rest of the plot surrounding the property, which would be landscaped. This proposed external amenity space is of a size considered to be acceptable for the scale and character of the development.
- 8.12 Policy HO13 requires new residential dwellings to be built to Lifetime Homes Standards, which enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. There are sixteen standards relating to Lifetime Homes and as the proposal is for a new build development all of the standards must be incorporated into the design (except the standard relating to communal staircases and lifts). A comprehensive Lifetime Homes Checklist has been submitted as part of the application setting out how the proposal would comply with all the relevant Lifetime Homes Standards. Since submission of the application the floorplans have been amended to address issues raised by the Council's Access Officer, with regards to a 300mm leading edge clearance to the main entrance door and the door of bedroom 1 and confirmation that floor drainage would be provided for a future level entry shower. It is recommended that a condition is attached to an approval to ensure full compliance with policy HO13.

Impact Upon Amenities of Neighbouring Properties:

- 8.13 The proposed dwelling will be located to the rear of 141 Stanmer Park Road and nos. 109 to 121 Stanmer Villas. The main entrance to the dwelling will be in the west elevation.
- 8.14 The orientation of the property results in the proposed south facing glazed folding doors, which relate to bedroom 2, facing along the proposed access route.
- 8.15 No windows are proposed which would face towards the neighbouring properties located along Stanmer Park Villas.
- 8.16 The proposed full height glazed doors which would be installed in the north-west facing elevation of the new dwelling would face onto the garden area and beyond towards the boundary with Hollingbury Rise West, which is set at a higher level.
- 8.17 Due to the single aspect of the proposed dwelling and the and the existing treatments on all boundaries of the site, namely standard height solid garden fencing and a brick built structure to the rear of 141 Stanmer Park Road, it is not considered that the development will have a significant adverse impact upon the amenities of the neighbouring properties with regards to overlooking, loss of privacy, overshadowing or loss of sunlight/daylight.

Sustainability Issues:

- 8.18 Policy SU2 and SPD08 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.

- 8.19 As previously stated the proposal is considered to constitute a Greenfield development. In order to comply with SPD08 the proposed new dwelling should be constructed to Code for Sustainable Homes Level 5. Since submission of the application an amended Sustainability Checklist has been submitted in which it is stated that the proposed dwelling would be constructed to Code for Sustainable Homes Level 5. It is also stated within the Checklist that the development would include measures such as the use of locally sourced materials, timber certified from sustainable sources, re-used/recycled materials, the provision of rain water butts and an air source heat pump. A condition should be attached to any approval to ensure that the development is constructed to Level 5.
- 8.20 Policy SU2 of the Brighton & Hove Local Plan requires all new developments to make provision for adequate refuse and recycling facilities. The plans submitted show the provision of refuse and recycling storage along part of the eastern boundary of the site, within the proposed rear garden amenity space. It is recommended that a condition is attached to any approval to ensure the provision of such facilities.

Transport Issues:

- 8.21 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.
- 8.22 The site is located outside of the City's controlled parking zones and free on-street parking is provided within the vicinity of the site.
- 8.23 A driveway is located along the side of 141 Stanmer Park Road, which the applicant intends to use for both pedestrian and vehicular access to the new dwelling. In association with the new dwelling, one off-street parking space would be provided.
- 8.24 A car turntable was proposed within the approved application BH2009/03177 to address concerns raised in application BH2009/00531. The installation of a car turntable is retained in the current application, which would allow one vehicle at a time to enter and leave in a forward gear.
- 8.25 Plans submitted as part of the application show the provision of cycle storage adjacent to the eastern boundary of the site. It is recommended that a condition is attached to ensure that such facilities are provided.

- 8.26 It is acknowledged that third party letters of objection refer to the fact that some neighbours have access rights to some of the land and raise concerns regarding impacts that the proposal would have upon use of this right; however such issues are civil matters and therefore are not material planning considerations. With regards to comments regarding the resurfacing of this access the plans submitted do not indicate any intention to resurface the access driveway. However under Class F of the Town and Country Planning (General Permitted Development) Order 2008 the applicant/developer could resurface the driveway without planning permission subject to the surface being made of porous material or provision being made for direct run-off to permeable/porous areas if the area exceeds 5m².

Landscaping:

- 8.27 Thirteen of the trees located within the site boundary are covered by a Tree Preservation Order. The applicant intends to remove seven of these existing trees for reasons of sound Arboricultural Management or as the trees are of low quality and value. The Council's Arboriculturist is in full agreement with the Arboricultural Report submitted as part of the application. However, if approved, it is recommended that conditions should be attached for the protection of the retained trees during construction works and the submission of a landscaping scheme, additional to the landscaping shown on the plans submitted, to mitigate the loss of seven trees.

Bats:

- 8.28 Since submission of the application an up-to-date Bat Survey has been submitted in which it is stated that no evidence of bat activity at the site was found and that there is limited potential for roosts in the trees within the site. It is however recommended by the County Ecologist that, as with the 2009 application, a visual check by a competent climbing arborist is carried out and that a suitably qualified bat surveyor should be available on site when the trees proposed for removal are felled. It is recommended that a condition is attached requiring such action.

9 CONCLUSION

- 9.1 The development would make efficient and effective use of the site. Its height, design and bulk would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition it is deemed that the new residential property would not have a significant adverse impact upon the amenities of neighbouring properties.

10 EQUALITIES

- 10.1 The development would be required to comply with all reasonable Lifetime Homes criteria and to meet Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site Location and Block Plans	AL-100	-	24 th April 2013
Proposed Ground Floor Plan	AL-101	Rev. B	26 th June 2013
Proposed Roof Plan	AL-102	Rev. A	26 th June 2013
Proposed South and East Elevations and Sections	AL-103	Rev. A	27 th June 2013
Proposed North and West Elevations	AL-104	-	24 th April 2013
Proposed Site Sections	AL-105	-	24 th April 2013
Existing Site Plan	AL-106	-	3 rd May 2013

- 3) No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse hereby approved as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 4) 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, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed within the eastern or southern elevations of the dwellinghouse hereby approved without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 5) Access to the flat roof over the dwellinghouse 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.

- 6) Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

- 7) 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.

11.2 Pre-Commencement Conditions:

- 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 QD1 of the Brighton & Hove Local Plan.

- 9) No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 5 as a minimum 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.

- 10) No works to trees on the site shall take place until a visual check for bats has been carried out by a competent climbing arborist in accordance with the recommendation set out in the RW Green Limited Bat Survey, submitted on 17 July 2013. Tree felling shall only take place when a suitably qualified bat surveyor is available on site in accordance with the recommendation set out in the RW Green Limited Bat Survey.

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

- 11) No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
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.
- 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, 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.

11.3 Pre-Occupation Conditions:

- 13) 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.
- 14) 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.
- 15) 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 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 16) The development shall not be occupied until the parking area has been completed and the vehicle turning table has been installed and is fully operational in accordance with the approved plans. The parking area and

vehicle turning table shall thereafter be retained and shall not be used other than for the parking and turning of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and entering/leaving the public highway and to comply with policy TR7 of the Brighton & Hove Local Plan.

11.4 Informatives:

- 1) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2) 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).
- 3) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (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). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 4) This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The development would make efficient and effective use of the site. Its height, design and bulk would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition it is deemed that the new residential property would not have a significant adverse impact upon the amenities of neighbouring properties.

Development Control
Hove Town Hall
Norton Road
Hove

For the attn: Liz Arnold.

15th May 2013

Planning Application No. BH 2013/01296 : Land to the rear 141 Stanmer Park Road, Brighton.

I would like to register my objection to the above application for the development of a two bedroom dwelling on this site. This small plot of land lies behind properties in Stanmer Park Road and Stanmer Villas and such a development would have a detrimental impact on these properties. They would suffer overshadowing and loss of privacy. There are also access problems which would also impact on neighbouring houses.

I also understand that for this development to proceed it would mean that several mature trees would have to be felled, many of them having tree preservation orders. The land is on an incline and the steep road at the back, Hollingbury Rise West, could also be adversely affected if this application is approved.

Please can you place this letter before the Planning Committee when it come to consider this application.

Jeane Lepper

Councillor, Hollingbury and Stanmer.

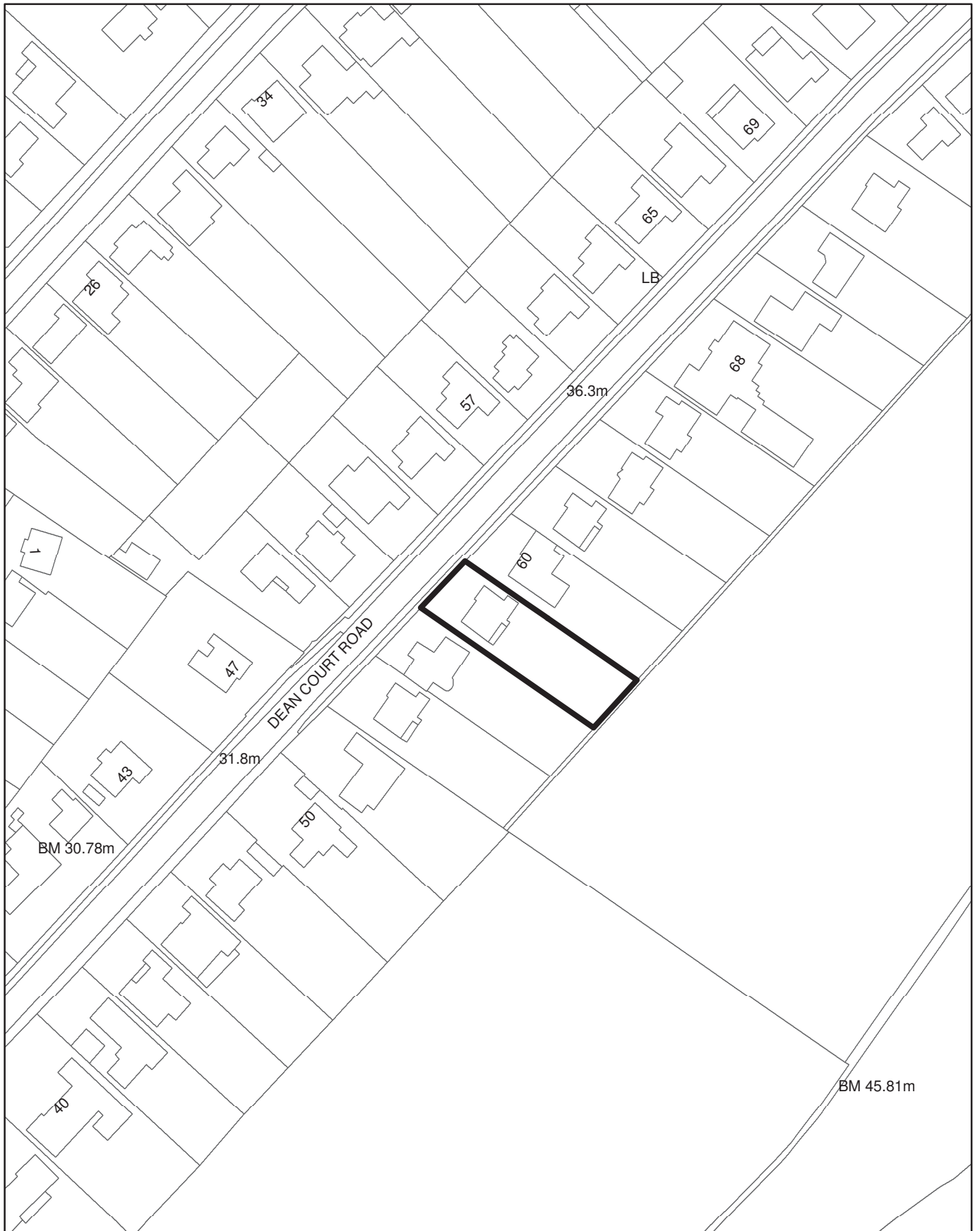
ITEM G

58 Dean Court Road, Rottingdean, Brighton

**BH2013/01893
Householder Planning Consent**

28 AUGUST 2013

BH2013/01893 58 Dean Court Road, Rottingdean, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/01893	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	58 Dean Court Road, Rottingdean, Brighton		
<u>Proposal:</u>	Erection of two storey side and rear extension with a loft conversion incorporating roof extensions, rooflights and associated external alterations.		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	10/06/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05 August 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DH Design, 11 Dartmouth Crescent , Brighton, BN24HY		
<u>Applicant:</u>	Mr Adam Gander, 58 Dean Court Road, Rottingdean, Brighton, BN2 7DJ		

This report was deferred by Planning Committee to allow a site visit to take place.

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to a two storey detached property of mock Tudor design to the south eastern side of Dean Court Road. There is an existing single storey addition with balcony above to the rear and a single storey addition to the north eastern side elevation. The South Downs National Park adjoins the site to the rear of the property.

3 RELEVANT HISTORY

BH2013/00033 - Erection of two storey side and rear extension with a loft conversion incorporating roof extensions and creation of two rear gables, a rear dormer, a balcony, rooflights and associated external alterations. Refused 4 March 2013. The reasons for refusal referred to the design of the extension and resulting impact on amenity and the appropriateness of a front rooflight.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of two storey side and rear extension with a loft conversion incorporating roof extensions, rooflights and associated external alterations. The applicant submitted an additional planning statement on 6 August 2013.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Six (6)** letters of representation have been received from **51, 60 and 73 Dean Court Road, 13 Welesmere Road and 9 and 11 Challoners Close**, supporting the application for the following reasons:

- Appropriate in regards to scale, design and materials,
- Proposal would respect the character and appearance of the surrounding area,
- The proposal would not result in loss of privacy to neighbouring occupiers,
- The design makes best use of the available space,
- Would allow a local family to live in an appropriate scale house, within walking distance of the local school and thus would not add to local traffic congestion.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

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

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- QD14 Extensions and alterations
QD27 Protection of Amenity

Supplementary Planning Document

- SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations relate to the impact of the development upon the appearance of the property and the surrounding area, and the effect upon the residential amenities of neighbouring occupiers.

8.2 It is noted that the incorrect property is shown in the photographic schedule (L-102) under “existing street scene”.

Design and Visual Impact:

8.3 The proposal is a resubmission of a previous application for substantial additions to the rear incorporating a loft conversion which was refused for the following reasons:

- *The proposed addition, by reason of scale, design, siting, bulk and height would result in an unsympathetic and overly dominant addition that relates poorly to the existing building and detracts from the appearance and character of the building and the wider surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.*
- *The proposed development, by reason its height, depth and bulk would result in an unacceptably overbearing and visually dominant impact towards No.56 Dean Court Road. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.*
- *The proposed rooflight to the front elevation is poorly sited, excessive in scale and relates poorly to the existing building, detracting from the appearance and character of the building, the street scene and the wider surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).*

8.4 The applicant has attempted to address the reasons for refusal by remodelling the proposed additions to the rear, replacing the two gabled ended additions with a flat roofed addition, hipped away at the rear of the property and by removing the rooflight to the front roofslope.

8.5 The existing property has a stepped appearance to the rear with the south western section of the rear elevation set back approximately 0.6m back from the north eastern section. There is an existing single storey addition to the south

western end of the rear elevation which protrudes out 1.5m from the rear with a terraced area above.

- 8.6 The proposed scheme would comprise of a two storey addition to the rear. The north eastern element would project out 4m from the existing rear wall, would be 6.5m in depth and would take in the existing 1.4m side extension.
- 8.7 The south western element of the addition would be 5m in width and would project out 3.2m beyond the existing rear elevation at first floor level.
- 8.8 The ground floor addition would extend to the same depth as the north eastern element. There would be a terraced area, 1.5m in depth above the ground floor addition. The addition would comprise of a flat roof, hipped away on all three sides at the same pitch as the existing roof. The proposal would be finished in render and facing bricks to match existing.
- 8.9 Three rooflights are proposed to the rear roofslopes, two to the north eastern roofslope and a further rooflight to the south western roofslope. The existing side window at first floor level on the south western elevation would be repositioned closer to the front elevation.
- 8.10 It is considered that whilst the general design approach is more sympathetic to the original building than the previously refused scheme the overall depth of the proposal at first floor level remains unchanged and thus the overall bulk and scale of the addition are still considered excessive and harm the appearance and character of the building.
- 8.11 The removal of the gabled ended elements and the flat roofed central dormer has reduced the contrived and cluttered appearance to the rear, though the extension of the roofslope to the north east has resulted in an unbalanced appearance to the rear roofslope and the loss of the original roof form of the building.
- 8.12 To achieve the required depth to the rear extension a large expanse of flat roof has been proposed. Though there would be an internal, low pitched roof, enclosing the flat roof section to help screen this element of the design in longer views, it is still considered to result in an inappropriate roof form that relates poorly to the pitched roofs of the existing building.
- 8.13 The overall effect of the rear additions and extended roof form would detract from the design and proportions of the original dwelling resulting in an overly dominant and disjointed appearance. The scale and bulk of the proposal would overwhelm the existing dwelling, obscuring the original form and proportions of the building. The additions would also be highly visible from the open space to the rear of the site that forms part of the South Downs National Park and would further detract from the visual amenity of the wider surrounding area.
- 8.14 The extended side elevation would be set well back from the front elevation and is not considered to result in any significant harm to the appearance or character of the building or the Dean Court Road street scene.

- 8.15 The proposed rooflights are satisfactorily sited and are not considered to result in any significant harm to the appearance and character of the building or the wider surrounding area.
- 8.16 Overall, the proposal, due to its excessive bulk and scale would fail to complement the original dwelling and would detract from the appearance and character of the building and the wider surrounding area.

Impact on Residential Amenity:

- 8.17 The proposal is considered to result in a detrimental impact to the residential amenity currently enjoyed by the adjoining property to the south, No. 56 Dean Court Road. The revised design, with a pitched roof to the rear, rather than double gable ended elements has removed some of the height and bulk of the scheme at roof level, though to counteract this, the flank wall, adjacent to No.56 would be extended up by a further 0.8m and overall the proposal is still considered to result in a visually dominant and overbearing impact to this property.
- 8.18 The proposed flat roofed element would extend 3.8m beyond the existing ridge, whilst the rear addition would project 3.2m beyond the existing rear elevation at first floor level. The proposed screening adds additional bulk at first floor level. The bulk, depth and height of the proposed additions in conjunction with the siting of the existing property, set further back in the plot than No.56 and also at much higher ground level would result in an overly dominant and overbearing impact on this property.
- 8.19 The adjoining property to the north has a substantial ground floor addition to the rear and is set at a much higher ground level than the application property and for these reasons it is not considered that the proposed additions would result in any significant loss of light, overshadowing, loss of outlook or overbearing impact to this property.
- 8.20 There is already significant overlooking towards both of the adjoining properties and their gardens from the existing terraced area to the rear of the building. Whilst the additional high level windows and terraced area would increase the opportunity for both real and perceived overlooking and loss of privacy to a degree, it is not considered that this would be significantly over and above existing levels. Furthermore the proposed terraced area would include a screen and would be set back from the protruding element to the north eastern part of the rear elevation reducing the likelihood of overlooking.
- 8.21 The proposed rooflights and windows to the side elevation could be conditioned to be obscure glazed and restricted opening if the proposal was otherwise acceptable and this would ensure that there would not be any significant overlooking towards adjoining properties.

9 CONCLUSION

9.1 The proposed addition, by reason of scale, design, bulk, height and roof form would result in an unsympathetic and overly dominant addition that would detract from the appearance and character of the building and the wider surrounding area. Furthermore, the proposed development, by reason its height, depth and bulk would result in a significantly extended flank elevation at first floor level that would have an unacceptably overbearing and visually dominant impact towards No.56 Dean Court Road.

10 EQUALITIES

10.1 None.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

- 1) The proposed addition, by reason of scale, design, bulk, height and roof form would result in an unsympathetic and overly dominant addition that would detract from the appearance and character of the building and the wider surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan.
- 2) The proposed development, by reason its height, depth and bulk would result in a significantly extended flank elevation at first floor level that would have an unacceptably overbearing and visually dominant impact towards No.56 Dean Court Road. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Site location plan	L-100		10 June 2013
Block plan	L-101		10 June 2013
Site photographs	L-102		10 June 2013
Existing plans and elevations	L-103		10 June 2013
Proposed plans and elevations	L-104	A	10 June 2013
Planning Statement			6 August 2013

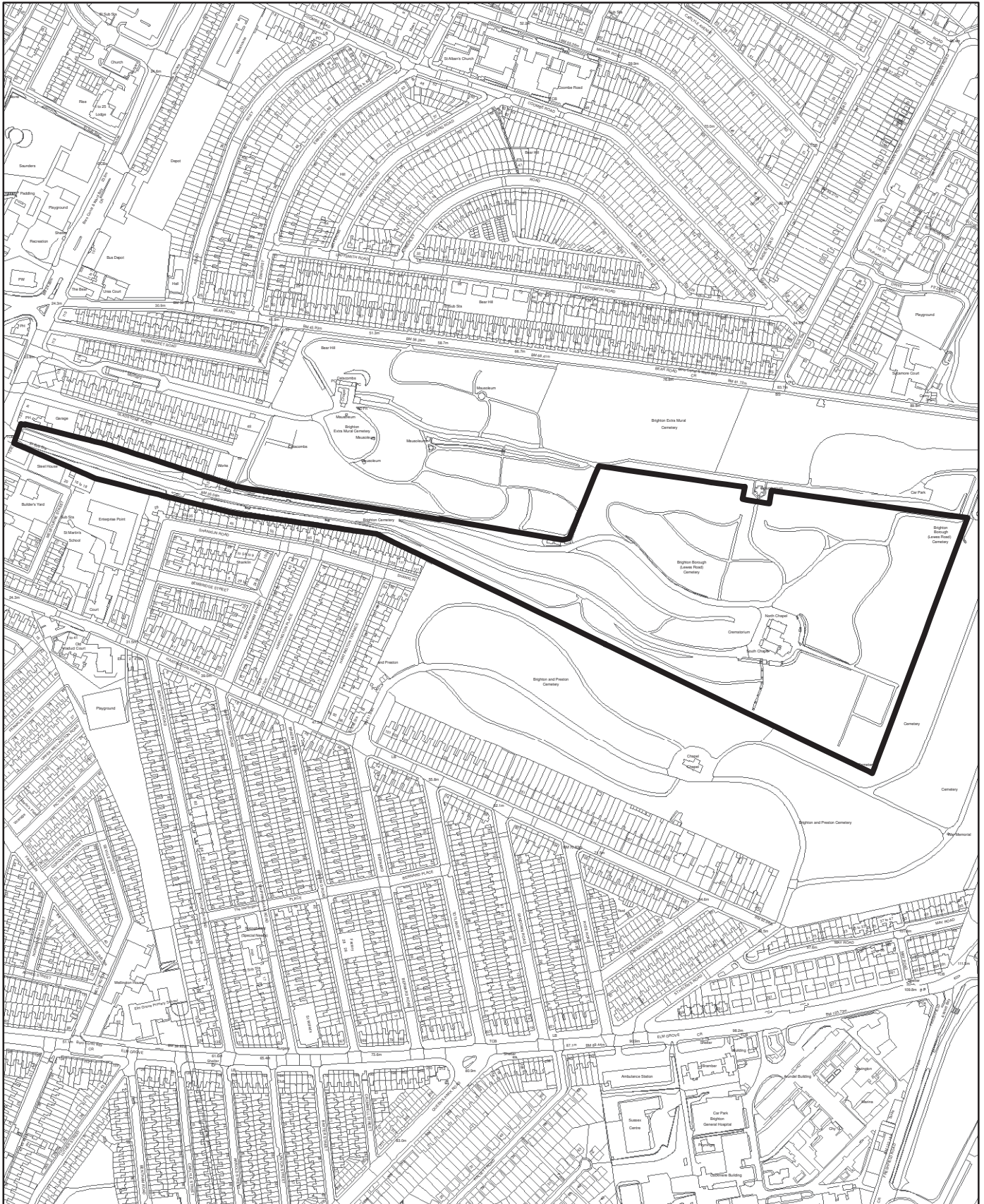
ITEM H

**Woodvale Crematorium,
Lewes Road, Brighton**

**BH2013/01566
Full Planning**

28 AUGUST 2013

BH2013/01566 Woodvale Crematorium, Lewes Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01566	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Woodvale Crematorium Lewes Road Brighton		
<u>Proposal:</u>	Installation of 16 no. illuminated bollards to South driveway.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	24/05/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19 July 2013
<u>Listed Building Grade:</u> Crematorium is Grade II			
<u>Agent:</u>	Evolution, 6 St Johns Place, Hove, BN3 2FJ		
<u>Applicant:</u>	Brighton & Hove City Council, Mr Paul Holloway, Brighton Town Hall, Bartholomew Square, Brighton, BN1 1JA		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the southern drive which provides access from Lewes Road to Woodvale Crematorium.
- 2.2 Woodvale Crematorium is located within the grounds of Brighton Borough (Lewes Road) Cemetery. The property is Grade II Listed. The building was originally designed and built as cemetery chapels in 1857 with the crematorium added to the rear of the two chapels in 1930 and a further extension in 2000. The building is constructed of knapped flint with Caen Stone dressings beneath steeply-pitched slate roofs. The style is Victorian Gothic and the two matching chapels (north and south) lie either side of a central three-stage tower and spire. To the rear (east) is the flat-roofed crematorium extension with a tall octagonal chimney at the south east corner. Internally the two chapels have exposed timber roofs supported on moulded stone responds, gothic arched doorways and plastered walls. As well as its architectural interest the building has historic interest as the first crematorium in Sussex.

3 RELEVANT HISTORY

- BH2013/01587** - Widening of existing catafalques to North and South chapels and installation of shutter to Crematory. Approved 26/06/2013.
- BH2013/00930** - Internal and external alterations including removal of existing 3no cremators and associated equipment and installation of 2no new cremators, associated equipment and flue gas treatment plant. Installation of new power cabinet and external fans, chiller unit and outdoor units to the roof with safety guarding. Existing rooflights to have the sides rebuilt with external louvres. Replacement of existing electronic panel convector heaters within north and south chapels, tower and crematorium with new column radiators and

replacement of cast iron ogee gutter and downpipes. (Part-Retrospective)
Approved 29/05/2013.

BH2013/00929 - Alterations and refurbishment works within a crematorium including removal of existing 3. no cremators and associated equipment and installation of 2no new cremators, associated equipment and flue gas treatment plant. Installation of new power cabinet and external fans, chiller unit and outdoor units to the roof with safety guarding. Existing rooflights to have the sides rebuilt with external louvres. Replacement of existing electronic panel convector heaters within north and south chapels, tower and crematorium with new column radiators and replacement of cast iron ogee gutter and downpipes.
Approved 17/05/2013.

BH2010/03223 - Change of Use from Garden Workers Office to Coroners Court. Approved 10/12/2010.

BH2009/00618 - Proposed repairs and replacements to stonework. Rebuilding of flint facings to tower walls. Structural repairs to buttresses including some stone replacements. Leaded light repairs. Approved by Secretary of State 26/06/2009

4 THE APPLICATION

- 4.1 Planning permission is sought for the installation of 16 no. illuminated bollards to the south drive.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** No responses received.
- 5.2 **CAG:** The group recommends refusal due to the inappropriate nature of the lighting in respect of the heritage gardens and driveway and further notes that no clear case has been made for the installation of the lighting. The group request that if officer's recommendation is for approval then the matter should be referred to the Planning Committee.
- 5.3 **County Archaeology:** Although the application is situated within an Archaeological Notification Area, do not believe that any significant archaeological remains are likely to be affected by the proposals. For this reason have no further recommendations to make in this instance.
- 5.4 **County Ecologist:** (Original comment 8/07/2013) The proposed development lies within the Woodvale, Extra-mural and Downs Cemeteries Site of Nature Conservation Importance (SNCI). The SNCI is designated for its broad-leaved woodland, dense scrub, rough grassland, relict chalk grassland and pond. There are also bat records from the local area and it is likely that the site is used as a foraging area for bats.
- 5.5 Given the scale of the proposed development and the fact that it is only intended that the bollards are lit during the times when the grounds are open to the public, it is unlikely that there will be any significant impact on the SNCI and local biodiversity.

- 5.6 If it is proposed to extend the lighting times beyond those stated in the Design and Access Statement, national guidance should be followed to minimise any potential impact on bats.
- 5.7 (Additional comments 30/07/2013 following query from Case Officer) Given the type of lighting proposed and the fact that the site is used as foraging rather than as a roost and the greatest activity will be during the summer when the days are longer, consider that the use of lights between 8:00 and 19:00 everyday is acceptable. The BCT guidance should still be followed with respect to the type and wattage of bulbs that should be used, baffling etc.
- 5.8 **Natural England:** From the information provided it does not appear to fall within the scope of the consultation that Natural England routinely comments on.
- Internal:**
- 5.9 **Heritage:** (Original comments 16/07/2013) Seek amendments and further information. It should be queried whether it is necessary to install a bollard between the two lighting columns at the head of the driveway, in front of the listed chapels.
- 5.10 Two other issues require clarification. There are three options shown for the head of the bollard but it is not clear which design is proposed. Linked to this there are two alternative light sources (high output SON and MBI or low energy CFL). It should be clarified which is to be used and also that the chosen type produces a white light (not yellow/orange which is inappropriate in historic settings).
- 5.11 (Final comments 23/07/2013 following receipt of amendments and further information) Confirm that the revised plan and additional information satisfactorily addresses previous concerns, would now recommend approval.
- 5.12 **Sustainable Transport:** Supports the application as the Highway Authority has no objections to the application. The proposed bollards are not located on the adopted highway and are not forecast to have a negative highway impact.

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:

SU9	Pollution and nuisance control
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
QD25	External lightning
QD27	Protection of Amenity
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
NC6	Development in the countryside/downland
HE3	Development affecting the setting of a Listed Building
HE11	Historic parks and gardens
HE12	Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impacts of the proposed illuminated bollards upon the visual amenities of the Woodvale Crematorium/Cemetery and the surrounding area, the impacts upon the amenities of neighbouring properties and the impacts upon wildlife.
- 8.2 Under policy QD25 proposals for external lightning will be required to form part of an overall design strategy which demonstrates how they work in harmony

with existing and surrounding lighting and create a balance between light and shadow which avoids both over-lighting and under-lighting.

- 8.3 Planning permission will not be granted for lighting units which emit over-intense light in the context of the use of the building or space to be illuminated and/or can be seen to cause detriment to amenity, environment, highway safety or cause significant light pollution especially upward light pollution.
- 8.4 Woodvale Crematorium is accessed from Lewes Road via a single lane and a one-way traffic system, with the southern side provide access and the northern side egress. These roads also provide parking for visitors.
- 8.5 The driveway is currently lit by 10 existing columns from the main entrance of Lewes Road up to the point of the Corners Office. There are also 2 existing columns outside the North and South Chapels. The remainder of the driveway is unlit.
- 8.6 Consent is sought for the installation of 16 illuminated bollards to the southern section of the one-way driveway in order to light the way for customers and staff between the hours of 8am and 7pm each day.
- 8.7 Since submission of the application justification for the proposal has been received. It is stated that currently the area around the crematorium and main driveway, used by both staff and customers, are not well lit. Funeral services run until around 4.30pm however the driveway can become dark before this, due the presence of tall trees overshadowing the driveway, which can cause problems for customers and staff leaving the site either in vehicle or on foot.
- 8.8 Since the submission of the application the proposal has been amended in order to omit the installation of an additional lighting column opposite the chapels as it was considered that such installation would be inappropriate as the character further up the valley is more informal in character and sylvan in landscaping.
- 8.9 The proposed 1.1m high Edison light bollards (louvered option), which would be of a simple design, in cast aluminium with a black finish, would represent a more appropriately low key lighting solution and would illuminate at driveway level only, in a white light.
- 8.10 As part of the application a new feeder pillar would be installed between the eastern most existing light column and the western most proposed light bollard.
- 8.11 The site lies within the Woodvale, Extra-mural and Downs Cemeteries Site of Nature Conservation Importance (SNCI). The County Ecologist comments that the proposal is unlikely to cause a significant impact on the SNCI and local biodiversity given the scale of the development proposed and the intended hours of use of the lights. However it is stated that if the lighting times are extended beyond those stated national guidance should be followed in order to minimise any potential impact on bats. It is recommended that a condition be attached to an approval to restrict the hours of use of the lighting in order to

ensure that the proposal does not have a harmful impact upon local biodiversity, especially bats.

9 CONCLUSION

9.1 It is considered that the proposal would not have an adverse impact upon the visual amenities of the related crematorium and cemetery or the surrounding area including the surrounding Site of Nature Conservation Importance. Furthermore it is considered that the proposal would not have a significant adverse impact upon the amenities of neighbouring properties and, subject to the compliance with the attached condition, would not cause significant harm to species protection. The proposal accords with policies of the Brighton and Hove Local Plan, approval is therefore recommended.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
External Lighting to Drive Site Location Plan	278/100	Rev. P1	16 th May 2013
External Bollard Lighting to Drive Block Plan	278/101	Rev. P1	16 th May 2013
Site Plan Road Lighting	1274/ES1	Rev. 3	22 nd July 2013

- 3) The lighting bollards hereby approved shall not be lit other than between the hours of 8:00 and 19:00.
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.

11.2 Informatives:

- 1) In accordance with the National Planning Policy Framework and PolicySS1 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:

PLANNING COMMITTEE LIST – 28 AUGUST 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 the proposal would not have an adverse impact upon the visual amenities of the related crematorium and cemetery or the surrounding area including the surrounding Site of Nature Conservation Importance. Furthermore it is considered that the proposal would not have a significant adverse impact upon the amenities of neighbouring properties and, subject to the compliance with the attached condition, would not cause significant harm to species protection.

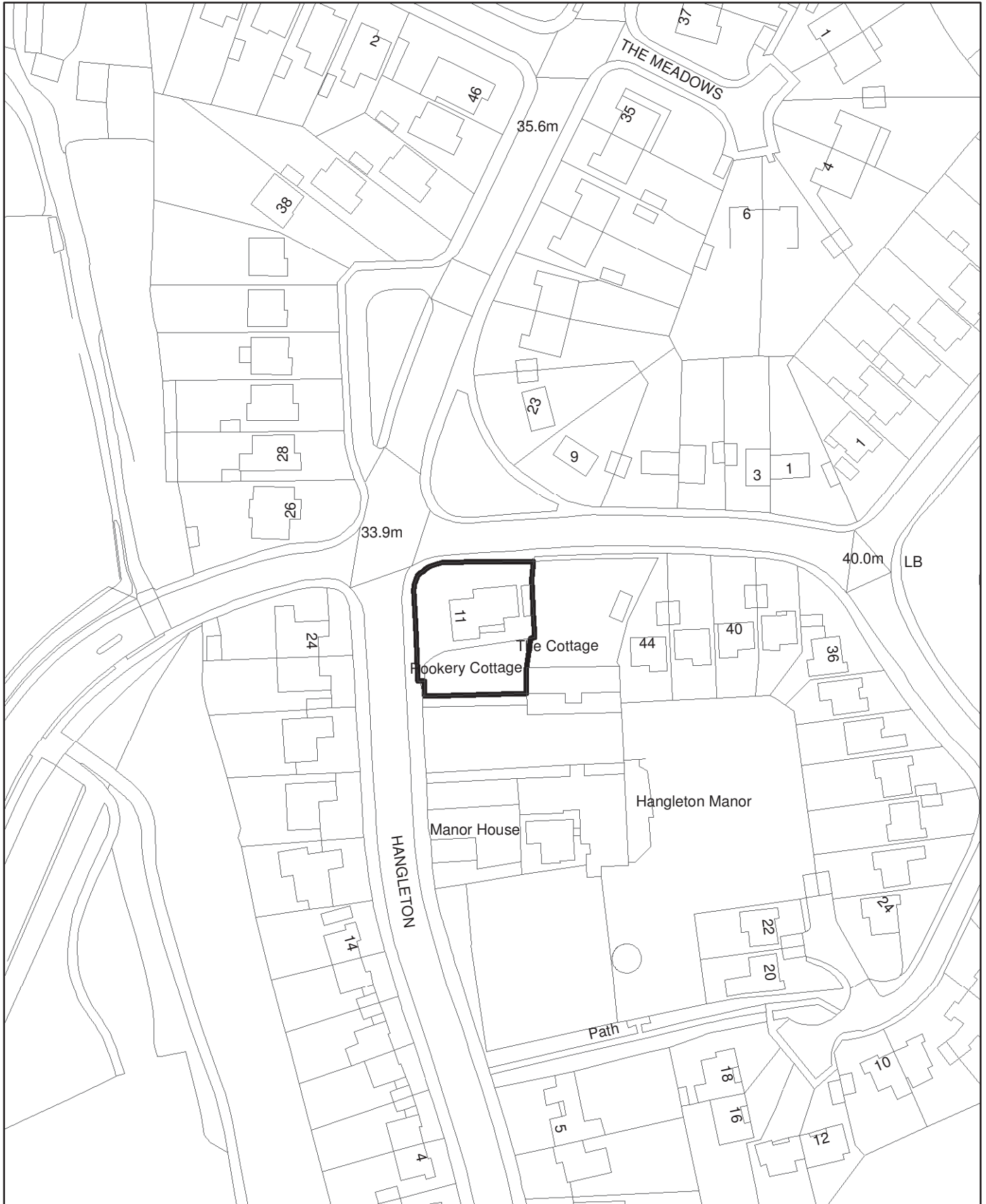
ITEM I

The Bungalow, 11 Hangleton Lane, Hove

**BH2013/01855
Full Planning**

28 AUGUST 2013

BH2013/01855 The Bungalow, 11 Hangleton Lane, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01855	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Bungalow 11 Hangleton Lane Hove		
<u>Proposal:</u>	Erection of single storey side, front and rear extension incorporating associated roof alterations.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	02/07/2013
<u>Con Area:</u>	Hangleton Manor	<u>Expiry Date:</u>	27 August 2013
<u>Listed Building Grade:</u> adj Grade II & Grade II*			
<u>Agent:</u>	Alan Phillips Architects, 31 Montefiore Road, Hove, BN3 1RD		
<u>Applicant:</u>	Mr Jerjes Philips, The Bungalow, 11 Hangleton Lane, Hove, BN3 8EB		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a detached bungalow located at the junction of Hangleton Lane and Hangleton Valley Drive, Hove, within the Hangleton Manor Conservation Area. The property has a stepped profile with a hipped roof and prominent chimney stack. A small detached garage sits to the east side.
- 2.2 The bungalow sits on a parcel of land bounded by Hangleton Lane and Hangleton Valley Drive to the north and west, and to the east and south by the original curtilage of The Cottage and Rookery Cottage, a Grade II Listed semi-detached building. The original side garden to the listed building now falls under the ownership of 11 Hangleton Lane, and forms an extension of their otherwise small rear garden. The original boundary wall to The Cottage and Rookery Cottage remains within the rear garden to 11 Hangleton Lane, and falls under the same Grade II listing. At its closest point the listed wall sits approximately 1m from the rear elevation of 11 Hangleton Lane. The site also forms part of the setting of Hangleton Manor further to the south, itself a Grade II* Listed Building.
- 2.3 To the west of the site are a run of similar detached and semi-detached bungalows fronting Hangleton Valley Drive, with a run of detached houses opposite. Directly to the east of the site are the main gardens to The Cottage and Rookery Cottage, which are set back from Hangleton Lane behind tall boundary hedges. Further to the east Nos 38 – 44 Hangleton Lane are a run of more modern detached houses that gradually step forward from the recessed building line to The Cottage and Rookery Cottage. To the rear of the site is the frontage and car park to the Grade II* listed Hangleton Manor.

3 RELEVANT HISTORY

BH2012/02882- Erection of single storey side, front and rear extensions incorporating associated roof alterations. Refused 03/01/2013 for the following reason:

- *The proposed development, by virtue of its increased bulk, form and prominence within the street, represent an incongruous set of additions to a sensitive site that would detract from the appearance of the Hangleton Manor Conservation Area, and the setting of the Grade II and Grade II* listed buildings adjacent, contrary to policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan.*

BH2012/00417- Erection of single storey extensions to front, rear and side and installation of rooflights to south facing roofslope. Refused 26/04/2012

BH2011/02201- Erection of single storey side and rear extensions incorporating associated roof alterations. Approved 19/09/2011.

BH2010/00107- Creation of new residential dwelling. Refused 17/03/2010

BH2008/03212- Single storey side and rear extension. Approved 26/11/2008.

BH2008/01602 & BH2008/01884- Planning and Listed Building Consent for a new opening and gate to the Grade II listed garden wall for pedestrian access. Approved 12/08/2008.

BH2007/03756- Creation of opening to Grade II listed wall in relation to proposed new bungalow. Refused 29/11/2007.

BH2007/03755- Proposed bungalow fronting Hangleton Valley Drive. Refused 29/11/2007.

4 THE APPLICATION

- 4.1 The application is a resubmission following the above refusal and again seeks planning permission for the demolition of the side garage and the construction of single storey extensions to the front, east side and rear elevations.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** None received
- 5.2 **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 *programme of archaeological works*. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.
- 5.3 **Archaeological Society:** Comment. Hangleton and the surrounding area has a number of archaeological records including being the site of some deserted medieval villages, and the location of a Saxon burial. The Benfield valley was the subject of archaeological investigation prior to the creation of the Brighton bypass. The proposed development may possibly reveal some vestige of the Saxon or medieval period and as such the Brighton & Hove Archaeological

Society would suggest that you contact the County Archaeologist for his recommendations

- 5.4 **Conservation Advisory Group: Objection**. The Group recommend refusal due to the inappropriate nature of the proposal in relation to Hangleton Manor and Conservation Area. The Group noted the increased scale, the proximity to the Manor and the previous Planning Inspectorate comments contained in APP/Q1445/A/10/2131097. In light of the views expressed, the Group requested that if the officers determined this matter under delegated powers and approved the application, then the matter should be referred to the Planning Committee

Internal:

- 5.5 **Heritage: No objection**
- 5.6 **Sustainable Transport: No objection**

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) 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
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Document:

SPD12	Design guide for extensions and alterations
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Brighton & Hove City Plan Part One (submission document)

CP12	Heritage
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed extensions on the appearance of the building and wider conservation area, the amenities of neighbouring properties, and the setting of neighbouring listed buildings and boundary wall.
- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential 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. Policy HE6 specifically relates to development within conservation areas, requiring (amongst others) a consistently high standard of design reflecting the scale and character of the area, and no harmful impact on the townscape and roofscape of the conservation area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. Policy HE3 states that proposals that would have an adverse impact on the setting of listed buildings will not be permitted.

- 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.

Design and Appearance:

- 8.5 The site falls within the Hangleton Manor Conservation Area and within the setting of the adjacent Grade II listed Rookery Cottage and The Cottage, which was originally an outbuilding (probably the gatehouse) of the Grade II* listed Hangleton Manor beyond. No.11 Hangleton Lane forms a post-war detached hipped roof bungalow set in isolation from the surrounding development within a small but prominent corner plot between the listed cottages and the junction of Hangleton Lane and Hangleton Valley Drive. Although sitting considerably beyond the general building line formed from Rookery Cottage through to 38 Hangleton Lane, the bungalow is modest in scale and appears relatively subservient set back in its plot. Its simple 'L' shape form provides a suitable degree of visual interest without appearing excessively dominant within the street or overpowering views beyond to the listed buildings. Notwithstanding this, its very presence forms an anomalous structure that detrimentally impacts on the original historic setting of the listed buildings.
- 8.6 The application seeks planning permission for front, rear and side extensions to the property. Planning permission has previously been granted for a 3m deep rear extension and a hipped roof extension to the east side of the building under BH2011/02201. The rear and east side extensions remain as approved and no harm is again identified with regard these aspects of the scheme. This application seeks permission to extend the existing recessed west frontage forward by 2m with the pitched roof above extended accordingly. As amended, the plans detail that the main roof of the building would be no higher than current, with the existing chimney stack retained within the extended roof.
- 8.7 The previous application (BH2012/02882) sought permission to bring the approved side extension forward of the main building, with a matching projection to the west side and an enlarged chimney stack. This application was refused on appeal owing to concerns that the proposed forward projections of the building would serve to detract from and obscure views of the listed buildings to the rear. Specifically, the Inspector noted that *'the increased scale may not greatly impede views of the listed buildings'*, however *'by introducing 'a more dominant structure in the foreground of views of the ...listed buildings... would detract further from their settings'*.
- 8.8 This application has responded to these concerns by reducing the scale of the east side extension back to that previously approved, and similarly setting the front extension to the west side back behind the main building line. The chimney stack would now remain as existing. It is considered that the cumulative impact and reduced massing of the proposed works is sufficient to ensure the satisfactory preservation of views over the building towards the listed buildings behind. Whilst the resultant building would have an increased massing, this would be formed by extensions that would be subordinate to the existing

building and retain its recessive appearance in the street. As such it would not have a significantly more dominant presence in views of the listed buildings than existing.

- 8.9 For these reasons the proposed development is now considered to accord with policies QD14, HE3 & HE6 of the Brighton & Hove Local Plan.

Impact on Amenity:

- 8.10 The proposed extensions would not result in the loss of light or the overlooking of the adjacent properties, in accordance with policy QD27 of the Brighton & Hove Local Plan.

Other Matters:

- 8.11 As detailed above, the rear extension is set away from the Grade II listed boundary wall to the south by a minimum of 1 metre. The Heritage Officer considers that it is necessary for the listed wall to be protected by condition during building works. This is consistent with the previous approved schemes. In the event planning permission is granted a condition should be attached requiring the submission of a method statement detailing appropriate protective measures during the course of construction works.
- 8.12 The County Archaeologist has identified that the site is within an Archaeological Notification Area defining the medieval and post-medieval manorial complex of Hangleton. A programme of archaeological works is requested via condition in the event planning permission is granted. Given the number of extensions proposed incorporating excavations to the front, side and rear of the building, it is considered expedient to request such a programme in the event permission is granted.

9 CONCLUSION

- 9.1 The proposed extensions will not cause significant harm to the residential amenity of neighbouring properties, and the visual impact of the additions will not detract from the character and appearance of the property, the setting of the surrounding listed buildings, or the wider conservation area, in accordance with development plan policies.

10 EQUALITIES

- 10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

PLANNING COMMITTEE LIST – 28 AUGUST 2013

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

Plan Type	Reference	Version	Date Received
Existing site plan	11HL.01	-	07/06/2013
Existing block plan	11HL.02	-	07/06/2013
Proposed site plan	11HL.03	-	07/06/2013
Proposed block plan	11HL.04	-	07/06/2013
Existing plans and elevations	11HL.06	-	07/06/2013
	11HL.07	-	07/06/2013
Proposed plans and elevations	11HL.12	-	31/07/2013
	11HL.13	-	31/07/2013
	11HL.14	-	31/07/2013

- 3) 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 policies QD14 and HE6 of the Brighton & Hove Local Plan.
- 4) No development shall take place until a method statement setting out how the existing listed boundary wall is to be protected, maintained and stabilised during and after demolition and construction works, has been submitted to and approved in writing by the local planning authority. Works shall be carried out in strict accordance with the approved method statement.
Reason: To ensure the satisfactory preservation of the listed wall and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 5) No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the developer has secured the implementation of a further 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. The works shall be carried out in accordance with the approved scheme.
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.

11.2 Informatives:

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

PLANNING COMMITTEE LIST – 28 AUGUST 2013

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

- 2) This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed extensions will not cause significant harm to the residential amenity of neighbouring properties, and the visual impact of the additions will not detract from the character and appearance of the property, the setting of the surrounding listed buildings, or the wider conservation area, in accordance with development plan policies.

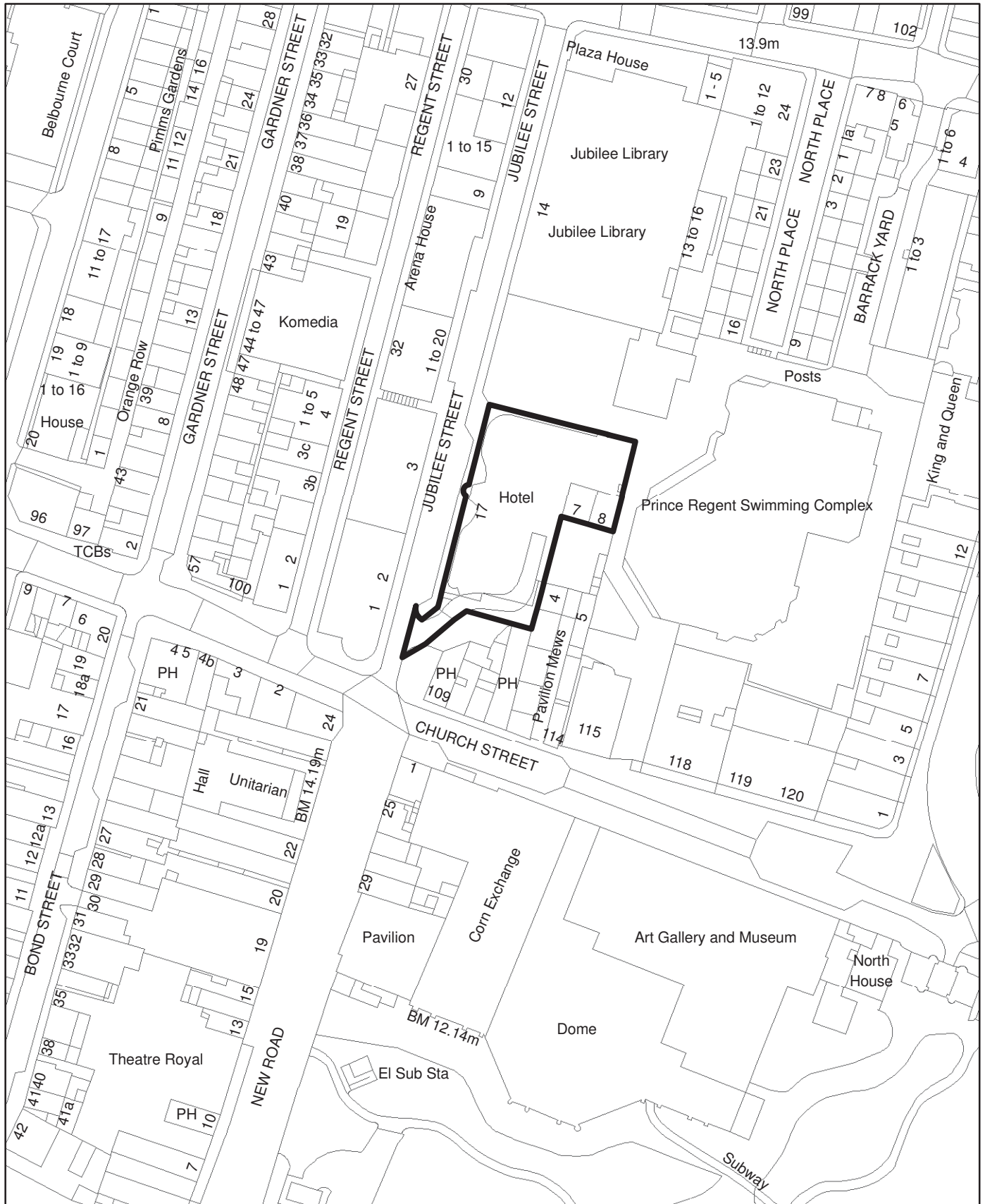
ITEM J

**East House 7 & West House 8 Pavilion Mews
& 17 Jubilee Street, Brighton**

**BH2013/01034
Full Planning**

28 AUGUST 2013

BH2013/01034 East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01034	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street Brighton		
<u>Proposal:</u>	Extensions and alterations to the existing building to provide an additional 14no new hotel guest suites, enlargement of one of the ground floor commercial units, refurbishment of basement car park into a multi-purpose music venue, the formation of a 3no bedroom penthouse flat, associated landscaping and alterations.		
<u>Officer:</u>	Anthony Foster Tel 294495	<u>Valid Date:</u>	12/07/2013
<u>Con Area:</u>	North Laine CA	<u>Expiry Date:</u>	06 September 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Chalk Architecture Ltd, The Chalk Store, 102a Gloucester Road, North Laine, Brighton, BN1 4AP		
<u>Applicant:</u>	Mr Steph Thrasyvoulou, 17 Jubilee Street, Brighton, BN1 1GE		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises an existing 4 storey hotel, with ground floor restaurant and basement parking area, which forms part of the Jubilee Square development. Also forming part of the application site are 2 no. two storey dwellings, 7 and 8 Pavilion Mews, which adjoin the hotel to the rear.
- 2.2 The site forms part of the recent Jubilee Street redevelopment, which involved the reinstatement of this street, a square, library building and surrounding mixed use development. The development was subject to a detailed planning brief, masterplan and visual impact analysis. This ensured that the whole development has a strong design unity and cohesion in terms of building masses, heights, forms, designs, materials and colours, which are sympathetic to the character of the conservation area.
- 2.3 The northern façade of the building forms the southern boundary of Jubilee Square, and the existing ground floor restaurant opens out onto the square, and includes a 'Winter Garden' comprising of an outdoor seating area for the restaurant, sectioned off from the main square by a number of pots with trees and other planting.

- 2.4 The main entrance to the hotel is from Jubilee Street, which opens into the main reception. The upper floors are utilised for bedroom accommodation as part of the hotel. The third (top) floor is set back from the main frontage.
- 2.5 The two storey dwellings to the rear were built as part of the Pavilion Mews development, accessed from Church Street. Pavilion Mews is a gated residential development, with an open car park area to the front of the two application dwellings.
- 2.6 The applicant has submitted amended drawings removing some aspects from the scheme which were originally included in the application following discussions with the case officer.

3 RELEVANT HISTORY

BH2013/01035: Demolition of East House, 7 and West House, 8 Pavilion Mews, Brighton. Under consideration

BH2008/02283: Extension of ground floor restaurant, new mid floor terrace seating with glass balustrade and change of use for pair of adjoining mews houses to a hotel. Refused 30/09/2008

BH2005/00119: Construction of 80 bedroom hotel with basement car parking for not more than 30 cars, separate restaurant, A1/A3 units and meeting rooms in sub-basement. Approved 18.07.05.

BH2004/01869: Construction of 96 bed hotel with basement parking for 38 cars (including 8 for residential development on Church Street), restaurant and three retail/restaurant units. (MAJOR AMENDMENT to scheme approved under BH2001/00843). Approved 21.09.04.

BH2001/00843: Mixed development comprising: central library and square, residential (including affordable housing provision), hotel, business and retail use, restaurants/bars/café bars (with outside seating), theatre use and doctor's surgery, new road (Jubilee Street, pedestrian and cycle links, servicing, disabled parking and cycle parking) together with hard and soft landscaping on land at Church Street, Regent Street, Jubilee Street, North Road and Barrack Yard, Brighton. Approved 05.11.01.

Pavilion Mews

BH2003/00987/FP - Conversion and extension of existing funeral directors to form 4 no. residential units and 2 no. live/work units. Retention of 2 no. ground floor retail (A1) units fronting Church Street – Approved 06.11.2003.

BH2005/01057/FP - Conversion of storage building to form 2 no. dwellings. Alterations to previously approved parking layout BH2003/00987/FP – Refused on 24.05.2005. Subsequent appeal APP/Q1445/A/05/1184467 allowed on 13.10.2005.

4 THE APPLICATION

- 4.1 Planning permission is sought for extensions and alterations to the existing building to provide an additional 14no new hotel guest suites, enlargement of the one of the ground floor commercial units, refurbishment of basement car

park into multi-purpose music venue, the formation of a 3no bedroom penthouse flat, associated landscaping and alterations.

- 4.2 The proposals can be separated into distinct parts. At basement level the existing car park, which currently provides parking for 19 cars, is proposed to be converted into a music venue. The existing ramped access from street level would be removed and a dedicated entrance provided at ground floor level to the south of the building contained within a three storey extension, to the existing southern elevation.
- 4.3 The proposed 3 storey extension to the south west corner of the building would provide additional commercial floorspace to the ground floor area, and 4no additional hotel rooms at first and second floor level. This extension is to be finished with a flat roof and contrasts with the existing building through its use of painted flint panels. Also to the south, at third floor level an additional 2no hotel rooms are proposed. This part of the extension would be finished to match the existing elevational treatment of the hotel.
- 4.4 To the western elevation railings are proposed to either side of the existing main entrance to the hotel to provide an additional seating area for the existing A3 use and a smoking area. As is a large banner located centrally above the existing entrance.
- 4.5 To the eastern elevation, the existing 2 mews properties no 7 and 8 Pavilion Mews are proposed to be demolished and replaced by a 4 storey extension to provide additional A3 space at ground floor level and 8no hotel rooms at 1st, 2nd and 3rd floor levels. This extension has been designed as a continuation of the existing hotel and part of the existing flint wall between the site and the Prince Regent Swimming pool would be rebuilt with a high level window providing light to the ground floor element.
- 4.6 A penthouse is proposed to the existing roofspace which would provide a 3no bed flat. The penthouse would be set back circa 5m from the north, east and west elevations of the existing building.
- 4.7 The application also proposes extensive biodiverse roofs to the extensions and existing parts of the hotel roof and also a living wall located in the north east corner of the building which is the south east corner of Jubilee Square.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Thirteen (13) letters of representation have been received from 2, 3 (x2), 4(x2), 5, 6, 6a Pavilion Mews, 15 Arena House (x2), Regent Street, 11 Atrium House, Regent Street, Pavilion Mews Management Company, and LCE Architects objecting to the application for the following reasons:**
 - Loss of two residential units is contrary to policy
 - Noise and disturbance from the music venue
 - The penthouse would destroy the roofscape
 - Overlooking of surrounding terraces

- Interlocking of rooms and loss of privacy
 - The proposed rear extension would dwarf the adjoining mews and appear incongruous
 - Increased pressure upon the sewerage network within the area
 - Noise and disturbance during construction
 - Parking and access to the mews would be compromised
 - The masterplan heights were set as part of the original planning brief, there is no good reason to alter these now
 - The additional storey may have an impact upon the thermal performance of the library
 - The ground floor extension would take over part of the public square
 - Increased loss of light
- 5.2 **Two (2)** letters of representation have been received from **Flat 4 71 Montpelier Road, 74 Marine Parade**, supporting the application for the following reasons:
- This will offer local businesses the opportunity to expand and grow
 - The provision of a high quality music venue is welcomed
 - The living wall would provide much needed greenery to that area
 - The proposal has been designed with careful consideration to the existing scheme and will enhance the building and surrounding area
- 5.3 **Sixty-three (63)** standard letters of general support have been received, the address details are appended to this report (Appendix A)
- 5.4 **Sussex Police: Comment.** Any extension to the main building should incorporate doors and windows to the same standard as existing build so that any new products introduced do not compromise the overall security of the development. I have concerns over the introduction of a multi purpose music venue. I would ask that in respect to the proposed A3 element, any consent for A3 usage is conditioned so that “alcohol” is ancillary to food which is prepared on the premises and served at a table by waitresses
- 5.5 **CAG: Object.** With particular reference to the future stability of the flint wall and the desire to retain properties of this scale within the area. The developers should consider reconfiguring the development concept to retain the properties.

Internal:

5.6 **Heritage: Object**

The Proposal and Potential Impacts

The design and capacity of the MyHotel site were carefully considered as part of the original masterplan and planning application. The design and height of the hotel building and its relationship to the square and the library was considered of crucial importance by CABE. The parapet line of the hotel at this level and the set back of the top floor are critical to the design success of the building and its relationship to the wider development and the square. They ensure that the scale of the building is well related to that of the smaller historic buildings to the south of it and to the library to the north. It is considered that the site was designed to its maximum capacity at the time, and it is therefore unlikely extension will be appropriate in principle.

- 5.7 The penthouse additional floor relates poorly to the design of the building. It will be visible from the library and the square, and also likely glimpsed in views from surrounding streets. The building already has one set-back floor; a further floor is considered excessive to the scale and massing of the building. The materials, design and roof-form of the extension are also out-of-keeping with the remainder of the building.
- 5.8 The extension to the south side is executed in contrasting materials to the remainder of the building. Due to constraints on the site (topography and size of plot), the horizontal emphasis in the design of the west façade does not follow through in the extension, such that it relates poorly to the main building.
- 5.9 The extension and addition at 3rd floor level risks harmfully encroaching on the neighbouring 2 storey buildings which characterize the conservation area. The existing design appropriately steps down in this area to allow for a successful transition between the 2 storey buildings and the Jubilee Street development.
- 5.10 It would be difficult – given the constraints on this site – to achieve a meaningful extension in this location that achieves a good transition between the existing building and neighbouring buildings and is acceptable in design terms. The loss of the access to the car parking (and conversion of the basement) is however considered acceptable and creates the potential opportunity to improve the streetscape in this location.
- 5.11 The extension to the east requires the demolition of two mews properties. Although the buildings have been much altered, they form part of a relatively complete mews. The mews forms a quiet and secluded street within the conservation area, which acts as a reminder of the former character of this area of the city and is a rare survival of this form in the conservation area. The flint gable end and traditional first floor and roof form are also visible from the passageway beside the swimming pool, and form some of the last historic survivals in this area. Although hotel use of these spaces would likely be acceptable in heritage terms, the external historic form of the properties should be retained.
- 5.12 The extension to the north intrudes into the square. The canopy design (with cables, planted roof and glazing/planters under) introduces visual clutter to the façade and disrupts its proportions and the overall unity of its design and layout. The proposal would result in enclosure of a part of the square, and therefore the conversion of public space to private. It could prejudice the implementation of the original planting scheme and care is required to ensure access by emergency vehicles to the swimming pool is not restricted.
- 5.13 The canopy and large sign to the west elevation similarly disrupts the proportions, unity and design of the façade. The railings and cables in particular will add clutter to the façade.
- 5.14 Mitigations and Conditions
The design and capacity of the MyHotel site were carefully considered as part of the original masterplan and planning application. It is considered that the site

was designed to its maximum capacity at the time, and extension is therefore inappropriate in principle.

- 5.15 **Environmental Health: Comment**. The application proposes many changes to the premises, one of which is that change of the basement from a car park to a live music venue. This proposal has the potential to negatively impact the business above and local residents on Jubilee Street.
- 5.16 Given the fact that the live music is proposed to take place in the basement, which was originally a car park, it is unlikely that it will affect local residents. This due to the fact the car park is likely composed of thick concrete which will provide good sound proofing.
- 5.17 It is also noted that the entrance to the live music venue does not exit directly onto Jubilee Street, and therefore there is unlikely to be an issue with regards to smokers.
- 5.18 However, the applicant should be aware that there is the potential for the transmission of noise and vibration through the building, from the basement. This could ultimately lead to current operations being adversely affected, and it is therefore recommended that acoustic advice if sought, if not done so already.

5.19 **Sustainable Transport: Comment**

Trip Generation

The proposals are for:

- 14 additional hotel rooms
- 1 new penthouse residential unit
- Extensions to the existing A3 units by 135m² and 40m²
- A new bar and live music venue approximately 650m²

While two residential units are to be lost.

- 5.20 In light of the proposed increase in existing floor space there is considered to be an increase in trip generation to and from the site as a result of these proposals.

5.21 Car Parking

The applicant is not proposing any on-site car parking spaces. There are currently 19 car parking spaces at basement level. The applicant is proposing to convert the existing car parking spaces to a live music venue.

- 5.22 SPG04 states that the maximum car parking standard for the proposed uses in a CPZ are as follows:

- A3 Restaurants/Cafes – 1 car space per 5m² of public area plus 1 car space per 4 full time staff;
- C1 Hotels – 1 space per 2 bedrooms for non-operational car parking;
- C3 Dwellings – 1 car space per dwelling plus 1 space per 5 dwellings for visitors;
- Sui Generis Music Venue – No maximum standards quoted within SPG04.

- 5.23 Therefore the proposed provision of no on-site car parking spaces is in line with these standards and given the central and sustainable location of the site the proposed level of car parking is deemed to be acceptable.
- 5.24 In order meet policy H07 and TR1 of the Brighton & Hove Local Plan and the Highway Authority would look for the residential element of the development to be made car free. The development site lies within CPZ Z and benefits from being in a central sustainable location close to public transport routes including Brighton railway station and local services.
- 5.25 Therefore on this basis as the site is in close proximity to a range of public transport and local facilities the Highway Authority would look for the standard car free condition to be included on any planning permission granted, to ensure that sustainable transport trips are promoted from this sustainable location.
- 5.26 Cycle Parking
SPG04 states that the minimum cycle parking standards for the proposed land uses is as follows:
- A3 Restaurants/Cafes – 1 cycle parking space and an additional space per 300m²;
 - C1 Hotels – 1 space per 10 staff;
 - C3 Dwellings – 1 space per dwelling plus 1 space per 3 dwellings for visitors;
 - Sui Generis Music Venue – No maximum standards quoted within SPG04.
- 5.27 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield stands and that they are designed in accordance with the guidance in the Manual for Streets section 8.2.22.
- 5.28 Therefore the applicant should provide cycle parking in line with these minimum standards. The applicant has not provided any information in relation to cycle parking and the logical location to provide on-site cycle parking (the basement) is proposed to be converted.
- 5.29 From the submitted plans it is not evident where policy compliant cycle parking can be provided on-site and therefore the Highway Authority cannot recommend that this aspect is conditioned. In lieu of providing on-site cycle parking the Highway Authority would look for a contribution towards on-street cycle parking provision as is detailed in Policy TR14 of the Local Plan. In addition to the S106 contribution the Highway Authority would look for a contribution of £2000 for 8 cycle parking spaces.
- 5.30 Vehicular Access
There is an existing vehicular access from Jubilee Street which provides access to the existing basement car park. In Figure 2 (Ground Floor Plan) in the Design & Access Statement the applicant states that the existing dropped kerb will be retained for access. Normally the Highway Authority would look for

redundant dropped kerbs to be reinstated to footway so they are not to the detriment of pedestrians.

5.31 By developing the basement out the vehicular crossover is redundant and to ensure it is not to the detriment of pedestrians the Highway Authority would look for it to be reinstated back to footway. The Highway Authority therefore recommends a condition that requires the applicant to reinstate the redundant crossover back to footway. The reinstatement of footway will ensure the development will be in accordance with policy TR8 (Pedestrian Routes) and TR7 (Safe Development) of the Brighton & Hove Local Plan, by providing short, safe, attractive and direct routes for walking.

5.32 Loading/Un-loading

The loading/un-loading related to the existing land uses is likely to remain as existing. Although some of the existing uses do currently utilise the basement car park area. There is a loading bay on Jubilee Street, directly outside the development.

5.33 While servicing of development ideally should occur on-site the Highway Authority would not wish to see deliveries parking in the area between the development site and the adjacent building (Waggon and Horses pub). If loading/un-loading was undertaken from here it would mean delivery vehicles would be reversing out onto a carriageway with a contra flow cycle lane and heavy pedestrian movements. It is also likely that vehicles could overhang the carriageway and block the footway for pedestrians.

5.34 Instead of loading and un-loading from this location safe and legal loading could take place from the loading bay directly outside of the development site on Jubilee Street. Therefore the Highway Authority is of the view that safe and legal loading could occur from the existing loading bays on Jubilee Street. Due to the nature of the land uses and that the commercial units operate delivery services the Highway Authority would recommend that a condition is included to secure the need to produce a Delivery & Service Management Plan for the development.

5.35 Developer Contribution

In order to comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the applicant is expected to make a financial contribution of £24,000 towards sustainable transport improvements. This is calculated below:

Total Contribution = £86, 744

5.36 Given the central location of the site it is likely that some of these trips will be linked with other destinations within the city centre. Therefore the Highway Authority would look for a contribution of £24,000 which includes the additional £2000 for cycle parking. The S106 contribution will go towards the following improvements:

Pedestrian improvements in the North Laine area including tactile paving and dropped kerbs. Roads where improvements will be made include but are not limited to Spring Gardens, Church Street, Portland Street and Tichborne Street; On-street cycle parking provision in the local area. This could include a Pedal Cycle Parking Place (PCCP) in North Place or additional on-street cycle parking in the local vicinity.

- 5.37 **Access Officer:** These comments are for the penthouse only. Need confirmation of the Lifetime Homes issues not obvious on plan (reinforced partitions for grab rails, floor drainage for future level entry shower).

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:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
HO8	Retaining housing
EM9	Mixed uses and key mixed use sites
EM15	Jubilee Street site – mixed uses
HE6	Development within or affecting the setting of conservation areas
SR14	New hotel and guest accommodation

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features

Brighton & Hove City Plan Part One (submission document)

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the loss of residential units, the principle of a music venue, the impact of the proposed alterations upon the character of the existing building, street scene and conservation area, impact on amenity and highways issues.

Principle of the loss of residential floorspace:

- 8.2 Policy HO8 relates to the retention of housing. It confirms that planning permission will not be granted for proposals involving a net loss of units of residential accommodation unless one or more of the following exceptional circumstances applies:
- The residential accommodation is classified as unfit for human habitation and it can be demonstrated that it cannot be made fit for habitation;
 - A separate access to the residential accommodation is impracticable;
 - Where it can be demonstrated that the change of use is the only practicable way of preserving the existence or special architectural or

historic character of a listed building or other building of architectural or historic interest;

- d. Where the proposal would result in a net gain in units of affordable housing; or
 - e. Where previous use of a building would be a material consideration.
- 8.3 The application seeks the demolition of 2no existing residential dwellings and their replacement with a four storey extension to provide additional commercial floorspace. The application does propose a single residential unit as a penthouse addition to the existing hotel. However there is an in principle objection to an additional storey proposed which is discussed below.
- 8.4 The change of use does not conform to any of the exception criteria (a-e) as defined in Policy HO8, it is therefore considered that the proposal would result in the net loss of a single residential unit contrary to policy.

Principle of Music venue:

- 8.5 The loss of the existing parking spaces within the basement is accepted by the Sustainable Transport officer. The applicant has indicated that the music venue would form part of the existing hotel and be run by the current owners. The Environmental Health officer raises no objection to the use of the basement as a music venue, in terms of the impact on amenity to residents within the area. As such it is considered acceptable in principle.

Design:

- 8.6 Local Plan Policies QD1, QD2, and QD14 confirm that development must be high quality, both in design terms and materials used, be of an appropriate height, scale and bulk and particularly extensions must be well sited, designed and detailed in relation to the host property and use materials sympathetic to the parent building.
- 8.7 Policy HE6 relates to development within or affecting the setting of a conservation area, and confirms that proposals should preserve or enhance the character or appearance of the area.
- 8.8 The development was subject to a detailed planning brief, masterplan and visual impact analysis. This ensured that the whole development has a strong design unity and cohesion in terms of building masses, heights, forms, designs, materials and colours, which are sympathetic to the character of the conservation area.
- 8.9 There are a number of distinct elements to the alterations which impact on the host building; these are the extensions to the southern elevation, alterations to the western elevation at ground floor level, and the alterations to eastern elevation.

8.10 Southern extension

This extension is proposed to the southern elevation of the hotel. The extension proposed is 13.5m long x 4.0m wide x 8.8m high. The extension would result in the removal of the existing vehicular entrance to the basement car park.

- 8.11 The extension itself is to be finished with painted flintwork panels and significant levels of glazing to the western elevation. The extension therefore would be of a modern design, however due to the choice of materials and slightly awkward relationship to the existing hotel in terms of floor levels, it is considered that it would significantly alter the visual appearance of the southern elevation, which includes clean vertical and horizontal lines defining the window proportions of the building, both at ground floor and upper levels. This unity is present along the Jubilee Street frontage and is visible in longer views from the south along New Road. The proposed southern extension therefore is considered to have an unacceptable impact on the host building, the street scene and the surrounding conservation area.
- 8.12 The proposed third floor extension would result in an infill extension designed to replicate the floors below and finished in like materials. Whilst this may be acceptable in appearance in relation to the existing building, this part of the proposal is considered acceptable in design terms, the existing building appropriately steps down in this area to allow for a successful transition between the 2 storey buildings to the south and the Jubilee Street development.
- 8.13 Eastern extension
The extension to the east requires the demolition of two mews properties, and would be formed as a four storey extension finished replicating the existing building in design terms. Although the mews buildings have been much altered, they form part of a quiet and secluded street within the conservation area, which acts as a reminder of the former character of this area of the city and is a rare survival of this form in the conservation area. The flint gable end and traditional first floor and roof form are also visible from the passageway beside the swimming pool, and form some of the last historic survivals in this area. It is therefore considered that this extension would have a harmful impact upon the appearance of the conservation area and the mews properties to south.
- 8.14 Roof extension
The penthouse extension would provide an additional residential dwelling. The design and capacity of the MyHotel site were carefully considered as part of the original masterplan and planning application.
- 8.15 The parapet line of the hotel at this level and the set back of the top floor are critical to the design success of the building and its relationship to the wider development and the square. They ensure that the scale of the building is well related to that of the smaller historic buildings to the south of it and to the library to the north.
- 8.16 The proposed materials, design and roof-form of the extension are out-of-keeping with the remainder of the building. It would be visible from the library and the square, and also likely glimpsed in views from surrounding streets. The building already has one set-back floor; a further floor is considered excessive to the scale and massing of the building. It is therefore considered

that the penthouse extension would be to the detriment of the existing building, street scene and surrounding conservation area.

8.17 Western elevation alterations

The application proposes railings to either side of the existing main entrance to the hotel to provide an additional seating area for the existing A3 use and a smoking area and a large banner above the existing hotel entrance. It is considered that the banner disrupts the proportions, unity and design of the existing façade, and the railings would result in additional clutter to the façade, to the detriment of the existing building and street scene.

8.18 Given the above it is considered that the proposed extensions by virtue of their design, scale, height, bulk and massing would result in unsympathetic extensions to the existing property to the detriment of the character of the street scene, and surrounding conservation area.

Impact on Amenity:

8.19 Policy QD27 seeks to protect amenity issues and confirms that permission will not be granted for development where it would cause material nuisance and loss of amenity to proposed, existing and/or adjacent occupiers and residents.

8.20 Policies SU9 and SU10 relate to noise nuisance and confirms that new development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment.

8.21 Neighbouring occupiers

The proposed change of use of the basement is not considered to cause any great harm in terms of noise nuisance or amenity issues than existing, due to the proposed location within the existing basement area, and given the city centre location of the development.

8.22 In terms of overlooking the proposed roof extension and extension to the eastern elevation has the potential to increase overlooking and interlooking between existing residential units surrounding the site. The eastern extension would overlook the parking and access area to Pavilion Mews which has the potential to change the character of the mews space as this is not currently overlooked by the development. The proposed roof extension has the potential for interlooking between the proposed development and the residential flats to the north west of the site.

8.23 Whilst this may occur to some extent the nature of the use of the penthouse is different to the existing hotel rooms. It is likely that as the proposed roof extension is for a residential dwelling that the property would be occupied over a more sustained period of time than one would occupy a hotel room. It is therefore considered that there would be an increase in the perceived level of overlooking/interlookng resulting from the proposed roof extension to the detriment of the amenity of adjoining residents.

8.24 In terms of overshadowing and loss of light it is considered that the proposed extensions given their location would not result in significant overshadowing in

relation to neighbouring amenity. The proposed 4 storey extension would introduce significant bulk to the north side of Pavilion Mews. Whilst the mews by its nature is significantly enclosed, the existing mews properties which would be demolished provide relief against the backdrop of the existing 4-storey hotel building. It is therefore considered that the proposed bulk would result in an increased sense of enclosure for the residents of the mews to the detriment of their existing level of amenity.

8.25 Future occupiers

Policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health. The proposed residential unit appears to provide a reasonable layout and is substantial in respect to internal accommodation.

8.26 Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should comply with the standards. The proposal appears to generally accord however further details would be required were the scheme otherwise considered acceptable.

Sustainable Transport

8.27 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.

8.28 The application proposes the loss of 19 existing carparking spaces which are currently used for hotel guests. The Sustainable Transport Officer raises no object to the loss of the carparking spaces, given the central and sustainable location of the site and as the standards defined within SPG04 are maximum standards and not minima.

8.29 In terms of cycle parking the applicant has not identified an area which is suitable for the require level of additional cycle parking for the proposed development, and from the plans it is not evident where the required 8 cycle parking spaces could be provided.

8.30 Loading/un-loading related to the existing land uses is likely to remain as existing. There is a loading bay on Jubilee Street, directly outside the development. The Sustainable Transport Officer has raised concern over the retention of the existing dropped curb. If this were retained it would result in delivery vehicles reversing onto a carriageway with a contra flow cycle lane and heavy pedestrian movements. This could be controlled by a suitably worded condition were the scheme otherwise considered acceptable.

8.31 As noted by the Sustainable Transport Officer, the application site is within a sustainable location but there is scope for improvements in local provision for sustainable modes. The Sustainable Transport Officer has calculated that a contribution of £24,000 should be provided towards improving sustainable modes of transport within the vicinity of the development.

Sustainability:

- 8.32 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.
- 8.33 The applicant has provided a completed sustainability checklist which indicates that the proposed penthouse dwelling would be built to Code Level 4 of the Code for Sustainable Homes, and that the proposed commercial extension would be built to BREEAM 'very good' including 50% reduction in water and energy sections. This is in line with SPD08 and as such is considered acceptable.

Other issues:

Ecology/Biodiversity:

- 8.34 The applicant has submitted a plan which details the location of a proposed living wall and green roofs within the proposed development, also proposed is an apiary to the top floor. The provision of such measures is considered appropriate in a town centre location. However full details of the proposed roofs and wall would be required by condition to ensure that the proposals would be sustained and also retained.

9 CONCLUSION

- 9.1 Cumulatively the proposed extensions would have detrimental impact upon the character and appearance of the existing building, the street scene and the North Laine conservation area, including views of the buildings to the south and Jubilee library and longer views along Jubilee Street and New Road. The application would result in the loss of a single residential unit and have a perceived detrimental impact upon the amenities of the neighbouring residential occupiers.

10 EQUALITIES

- 10.1 The proposed residential component would need to achieve lifetime home standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

- 1) The proposed penthouse roof extension by reason of its siting, design, scale and increased massing at higher level would increase the visual bulk of the building to the detriment of the character and appearance of the existing building, the street scene and the North Laine conservation area, including views of the buildings to the south and Jubilee library and longer views along Jubilee Street and New Road. As such the proposal is contrary to policies QD1, QD2, QD4, QD14 and HE6 of the Brighton & Hove Local Plan.

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- 2) Cumulatively the proposed extension and alteration to the southern and western elevations by reason of its siting, design, scale and increased massing at higher level would increase the visual bulk of the building to the detriment of the character and appearance of the existing building, the street scene and the North Laine conservation area, including views of the buildings to the south and Jubilee library. As such the proposal is contrary to policies QD1, QD2, QD4, QD14 and HE6 of the Brighton & Hove Local Plan.
- 3) The proposal would result in the net loss of a single residential dwelling and the applicant has failed to demonstrate any exceptional circumstances. As such the proposal is contrary to policy HO8 of the Brighton & Hove Local Plan.
- 4) It is considered that the proposed extensions would result in an unacceptable impact upon the amenity of the neighbouring occupiers of Pavillion Mews, Church Street and Arena House, in terms of increased building bulk, a perceived increased sense of enclosure, overlooking and interlooking as such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The proposal fails to meet the travel demands that it creates or help to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR TR19, and QD28 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 Parking Standards.

11.2 Informatives:

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

- 2) This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Site and Block Plan	A.01		25/04/2013
Demolitions Block Plan	A.02		25/04/2013
Photo Survey	A.03		02/04/2013
Photo Survey	A.04		02/04/2013
Photo Survey	A.05		02/04/2013
As Existing Basement Plan	A.06		02/04/2013
As Existing Ground Floor Plan	A.07		02/04/2013
As Existing 1 st Floor Plan	A.08		02/04/2013
As Existing 2 nd Floor Plan	A.09		02/04/2013
As Existing 3 rd Floor Plan	A.10		02/04/2013
As Existing Roof Plan	A.11		02/04/2013
As Existing Elevations	A.15	A	25/04/2013

PLANNING COMMITTEE LIST – 28 AUGUST 2013

As Existing Elevations	A.16	A	25/04/2013
Entrance Landscaping & Canopy Existing	A.17		02/04/2013
As Proposed Basement Plan	D.21		02/04/2013
As Proposed Ground Floor Plan	D.22	A	13/08/2013
As Proposed 1 st Floor Plan	D.23		02/04/2013
As Proposed 2 nd Floor Plan	D.24	A	02/04/2013
As Proposed 3 rd Floor Plan	D.25		02/04/2013
As Proposed Roof Plan	D.26		02/04/2013
As Proposed Upper Roof Plan	D.27		02/04/2013
As Proposed West Elevation	D.31	A	13/08/2013
As Proposed South Elevation	D.32		01/05/2013
As Proposed East Elevation	D.33	A	13/08/2013
As Proposed North Elevation	D.34	A	13/08/2013
As Proposed Sectional East Elevation	D.35		25/04/2013
Landscape & Biodiversity Overview Axonometric	D.40		02/04/2013
Entrance Landscaping Proposed	D.51	A	13/08/2013

Appendix A

List of Supporters

42 Bennett Road	103A High Road, London
44 Rugby Road	9 Friars Mews, London
58 Franklin Road	21 Jupiter Way, London
29 Buckingham Street	123 Ellesmere Road, London
42 Tidy Street	112 Haden Court, London
48a Brunswick Square	Marlborough Place, London
91 Hangleton Way	260 High Street, London
77 Montpelier Road	15 The Atrium Ashford
3 College Gardens	9 Wolstonbury Close, Hurstpierpoint
Flat 5 41 Ventnor Villas	18 Crocker End, Nettlebed
46 Sherbourne Road	8 Lulworth Avenue, Tunbridge Wells
43 St Nicholas Road	1 Argyll Place, Portsmouth
45 St Nicholas Road	81 Cuthbert Road, Portsmouth
97 Braeside Avenue	2 Kennedy Close, Portsmouth
79a St Georges Road	295 Twyford Avenue, Portsmouth
52 Astra House, Kings Road	53 Victoria Gardens Colchester
34a St James Street	72 Parkway, Eastbourne
801A High Road, London	28 Mariners Way Paignton
25 Cardoza Road, London	Flat 9 31 Gratwicke Road, Worthing
18 Russell Square, London	1 Clarendon Mews, Worthing
100 Victoria Mansions, London	The Coppa Dolla Inn, Broadhempston
1 Norgrove Street, London	19 Tolchers, Totnes
19 Stapleton Road, London	1b Station Road Shepperton
85 Warm Lane, London	2 Ledbury Road Crescent, Gloucester
26C Wickham Road, London	35 Barnfield Road, Exeter
25 Cumberland Road, London	7 Hingston Road (x2), Torquay
75 Kitto Road, London	16 Pheonix Drive, Letchworth
78A North End Road, London	2B The Broadway Haywards Heath
59 Marlow Road, London	3 x Undisclosed

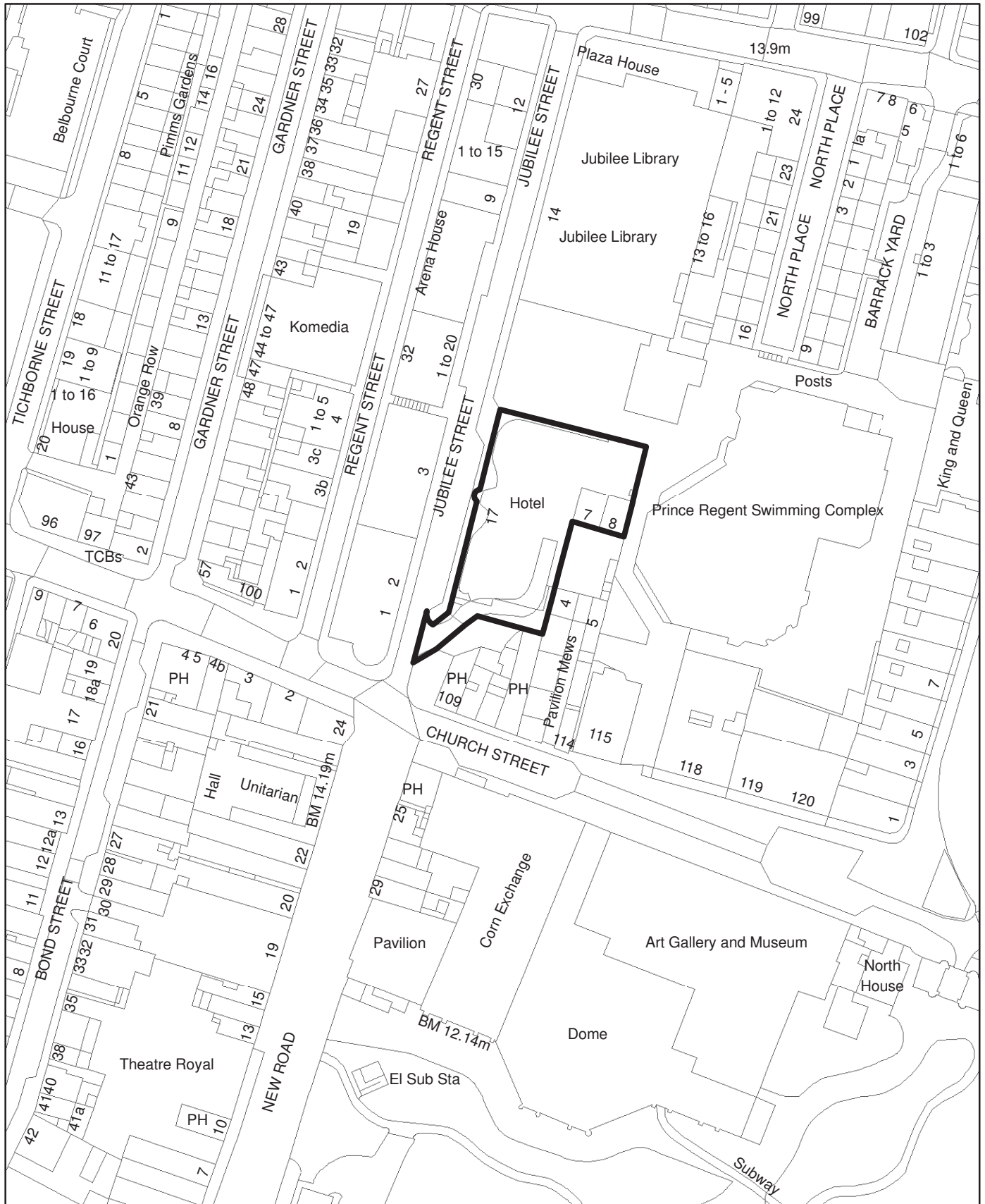
ITEM K

**East House 7 & West House 8 Pavilion Mews
& 17 Jubilee Street, Brighton**

**BH2013/01035
Conservation Area**

28 AUGUST 2013

BH2013/01035 East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01035	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street Brighton		
<u>Proposal:</u>	Demolition of East House, 7 and West House, 8 Pavilion Mews, Brighton.		
<u>Officer:</u>	Anthony Foster Tel 294495	<u>Valid Date:</u>	12/07/2013
<u>Con Area:</u>	Constraints	<u>Expiry Date:</u>	06 September 2013
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Chalk Architecture Ltd, The Chalk Store, 102a Gloucester Road, North Laine, Brighton, BN1 4AP		
<u>Applicant:</u>	Mr Steph Thrasyvoulou, 17 Jubilee Street, Brighton, BN1 1GE		

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** Conservation Area Consent for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises an existing 4 storey hotel, with ground floor restaurant and basement parking area, which forms part of the Jubilee Square development. Also forming part of the application site are 2 no. two storey dwellings, 7 and 8 Pavilion Mews, which adjoin the hotel to the rear.
- 2.2 The site forms part of the recent Jubilee Street redevelopment, which involved the reinstatement of this street, a square, library building and surrounding mixed use development. The development was subject to a detailed planning brief, masterplan and visual impact analysis. This ensured that the whole development has a strong design unity and cohesion in terms of building masses, heights, forms, designs, materials and colours, which are sympathetic to the character of the conservation area.
- 2.3 It is the two dwellings to the north end of Pavilion Mews which form part of this application for conservation area consent

3 RELEVANT HISTORY

BH2013/01034: Extensions and alterations to the existing building to provide an additional 14no new hotel guest suites, enlargement of the one of the ground floor commercial units, refurbishment of basement car park into a multi-purpose music venue, the formation of a 3no bedroom penthouse flat, associated landscaping and alterations. Under consideration

BH2008/02283: Extension of ground floor restaurant, new mid floor terrace seating with glass balustrade and change of use for pair of adjoining mews houses to a hotel. Refused 30/09/2008

BH2005/00119: Construction of 80 bedroom hotel with basement car parking for not more than 30 cars, separate restaurant, A1/A3 units and meeting rooms in sub-basement. Approved 18.07.05.

BH2004/01869: Construction of 96 bed hotel with basement parking for 38 cars (including 8 for residential development on Church Street), restaurant and three retail/restaurant units. (MAJOR AMENDMENT to scheme approved under BH2001/00843). Approved 21.09.04.

BH2001/00843: Mixed development comprising: central library and square, residential (including affordable housing provision), hotel, business and retail use, restaurants/bars/café bars (with outside seating), theatre use and doctor's surgery, new road (Jubilee Street, pedestrian and cycle links, servicing, disabled parking and cycle parking) together with hard and soft landscaping on land at Church Street, Regent Street, Jubilee Street, North Road and Barrack Yard, Brighton. Approved 05.11.01.

Pavilion Mews

BH2003/00987/FP - Conversion and extension of existing funeral directors to form 4 no. residential units and 2 no. live/work units. Retention of 2 no. ground floor retail (A1) units fronting Church Street – Approved 06.11.2003.

BH2005/01057/FP - Conversion of storage building to form 2 no. dwellings. Alterations to previously approved parking layout BH2003/00987/FP – Refused on 24.05.2005. Subsequent appeal APP/Q1445/A/05/1184467 allowed on 13.10.2005..

4 THE APPLICATION

- 4.1 Conservation Area Consent is sought for the demolition of the existing 2no two-storey mews properties to the northern end of Pavilion Mews adjacent to the existing MyHotel site.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: One (1)** letter of representation has been received from **Pavilion Mews Management Company** objecting to the application for the following reasons:
- Loss of two residential units is contrary to policy
 - The proposed rear extension would dwarf the adjoining mews and appear incongruous
 - The masterplan heights were set as part of the original planning brief, there is no good reason to alter these now
 - The additional storey may have an impact upon the thermal performance of the library
- 5.2 **CAG: Object.** With particular reference to the future stability of the flint wall and the desire to retain properties of this scale within the area. The developers should consider reconfiguring the development concept to retain the properties.

Internal:

- 5.3 **Heritage: Object.** The extension to the east requires the demolition of two mews properties. Although the buildings have been much altered, they form part of a relatively complete mews. The mews forms a quiet and secluded street within the conservation area, which acts as a reminder of the former character of this area of the city and is a rare survival of this form in the conservation area. The flint gable end and traditional first floor and roof form are also visible from the passageway beside the swimming pool, and form some of the last historic survivals in this area. Although hotel use of these spaces would likely be acceptable in heritage terms, the external historic form of the properties should be retained.

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

HE8 Demolition in Conservation Areas

Brighton & Hove City Plan Part One (submission document)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The issue for consideration is whether the loss of the existing buildings on the site would adversely affect the character and appearance of the North Laine Conservation Area.
- 8.2 Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, 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 area's 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 The Heritage officer considers that the existing properties form part of a relatively complete mews, which acts as a reminder of the former character of this area of the city and is a rare survival of this form in the conservation area. The flint gable end and traditional first floor and roof form are also visible from the passageway beside the swimming pool, and form some of the last historic survivals in this area.
- 8.5 The applicant has submitted a full application for the redevelopment of the site however the Council Heritage officer has raised concern over the suitability of the proposals in terms of its impact upon the character of the surrounding North Laine Conservation Area. As such this application ref BH2013/01034 is considered to be unacceptable and has been recommended for refusal.
- 8.6 No appropriate replacement scheme for the site has therefore been submitted or approved to date. In the absence of such a scheme, the proposed demolition would result in an empty site which may become ill kempt and unsightly, to the detriment of the street scene and the North Laine Conservation Area. Refusal is therefore recommended.

9 CONCLUSION

9.1 In the absence of an acceptable replacement scheme for the site, the demolition of the existing buildings would result in the creation of a vacant unsightly area of land that would be detrimental to the character and appearance of the North Laine Conservation Area, contrary to policy HE8 of the Brighton & Hove Local Plan.

10 EQUALITIES

10.1 None Identified

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1) In the absence of an acceptable replacement scheme for the site, the demolition of the existing buildings would result in the creation of a vacant unsightly area of land that would be detrimental to the character and appearance of the North Laine Conservation Area, contrary to policy HE8 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	A.01		25/04/2013
Demolitions Block Plan	A.02		25/04/2013
Photo Survey	A.03		02/04/2013
Photo Survey	A.04		02/04/2013
Photo Survey	A.05		02/04/2013
As Existing Basement Plan	A.06		02/04/2013
As Existing Ground Floor Plan	A.07		02/04/2013
As Existing 1 st Floor Plan	A.08		02/04/2013
As Existing 2 nd Floor Plan	A.09		02/04/2013
As Existing 3 rd Floor Plan	A.10		02/04/2013
As Existing Roof Plan	A.11		02/04/2013
As Existing Elevations	A.15	A	25/04/2013
As Existing Elevations	A.16	A	25/04/2013
Entrance Landscaping & Canopy Existing	A.17		02/04/2013
As Proposed Basement Plan	D.21		02/04/2013
As Proposed Ground Floor Plan	D.22	A	13/08/2013
As Proposed 1 st Floor Plan	D.23		02/04/2013
As Proposed 2 nd Floor Plan	D.24	A	02/04/2013
As Proposed 3 rd Floor Plan	D.25		02/04/2013
As Proposed Roof Plan	D.26		02/04/2013
As Proposed Upper Roof Plan	D.27		02/04/2013
As Proposed West Elevation	D.31	A	13/08/2013
As Proposed South Elevation	D.32		01/05/2013

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As Proposed East Elevation	D.33	A	13/08/2013
As Proposed North Elevation	D.34	A	13/08/2013
As Proposed Sectional East Elevation	D.35		25/04/2013
Landscape & Biodiversity Overview Axonometric	D.40		02/04/2013
Entrance Landscaping Proposed	D.51	A	13/08/2013

ITEM L

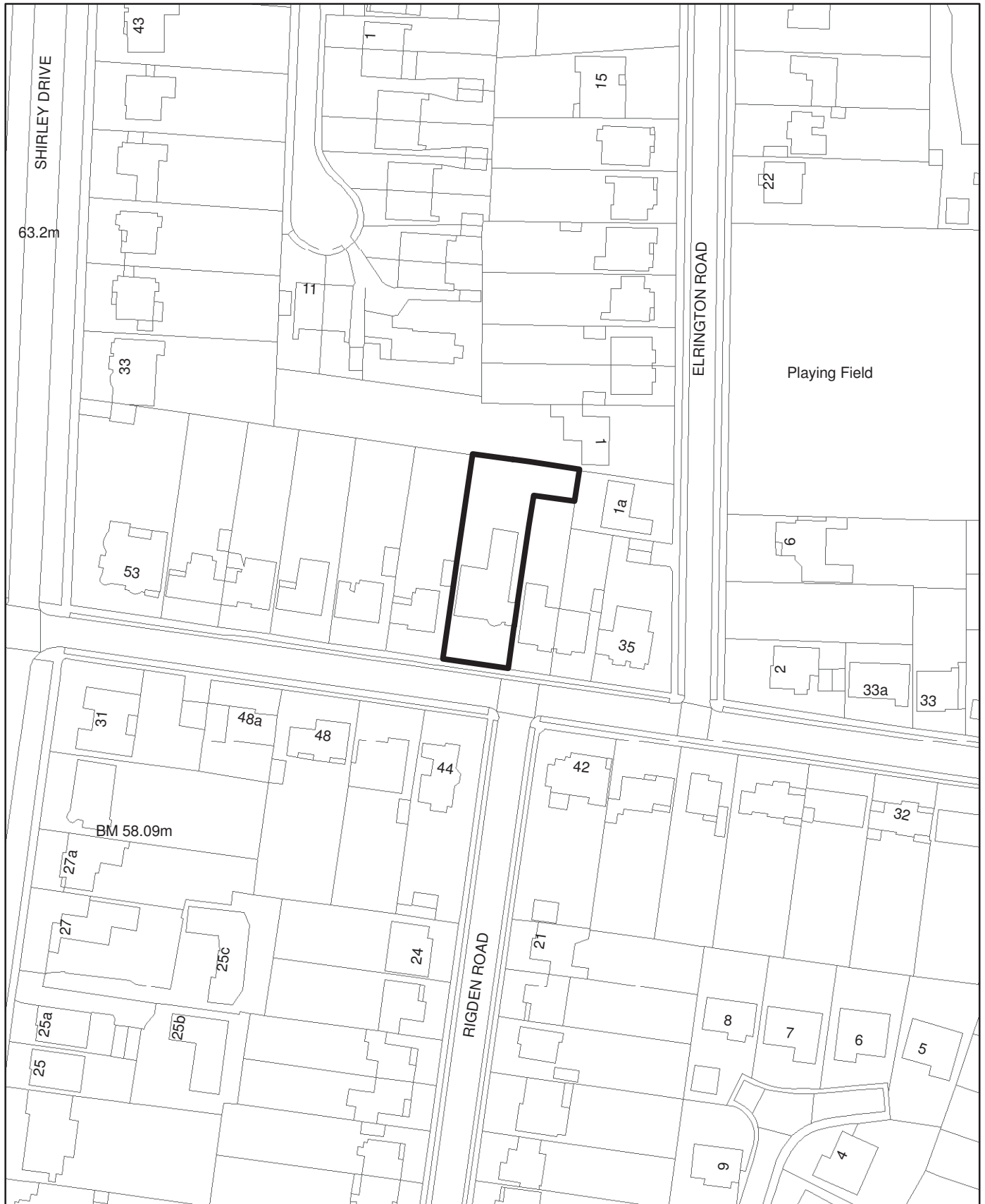
41 Hove Park Road, Hove

BH2013/02063

Householder Planning Consent

28 AUGUST 2013

BH2013/02063 41 Hove Park Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02063	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	41 Hove Park Road Hove		
<u>Proposal:</u>	Remodelling and extension of main roof to facilitate loft conversion incorporating rooflights and a lantern light. Installation of lantern lights to flat roof at rear.		
<u>Officer:</u>	Clare Simpson Tel 292454	<u>Valid Date:</u>	27/06/2013
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	22 August 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton, BN3 5SG		
<u>Applicant:</u>	Mr & Mrs Guy Barwell, 41 Hove Park Road, Hove, BN3 6LH		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a large detached family home on the north of Hove Park Road close to the junction of Rigden Road. The area is characterised by single family dwellings with hipped roofs. Front gable projections are a common feature.
- 2.2 The property has been previously extended to the rear and the original roof form appears to have been altered in the past.

3 RELEVANT HISTORY

BH2009/00860 Demolition of existing rear conservatory and erection of a new single storey timber framed glazed conservatory with extension. Approved 12/06/2009

BH2004/02752/FP Loft extension and conversion to provide a bedroom, bathroom and study Approved 09/06/2005

This planning permission was granted consent but not implemented. It did involve an element of infilling between the two gables but did not create the stepped ridge as currently proposed.

BH2004/00905/FP Roof extension and conversion to provide a bedroom, bathroom and study. Refused for the following reason:

- The proposed rear dormers, by virtue of their size, bulk and position within the roofslope, would constitute unsightly features on the property and are therefore detrimental to the appearance of the building. The proposal is therefore contrary to development plan policy BE1 of the Hove Borough Local Plan and policies QD1 and QD14 of the Brighton & Hove Local Plan

Second Deposit Draft, and to the provisions of Supplementary Planning Guidance Note SPGHI: Roof Alterations and Extensions.

4 THE APPLICATION

- 4.1 Planning permission is sought for the remodelling and extension of main roof to facilitate additional roofs. The proposal would in-fill an area between the existing two gables and new ridge across this bridge. A section of flat roof would then be formed connecting this roof section to two rear gable extensions at the back of the house. The roof extension is proposed to accommodate roof lights including a central lantern roof light on the proposed flat roof. A secondary element to the application is the formation of lantern lights to the existing flat roof on the rear extension.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **37, 45, 48 Hove Park Road, 13, 18 Rigden Road, 1a Elrington Road** supporting the application. No reasons are given.

Internal:

- 5.2 None received

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:

QD1	Design
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Document

SPD12	Design Guide for Extensions and Alterations
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and the impact on amenity of neighbouring occupiers

Planning Policy:

- 8.2 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.3 Policy QD1 of the Brighton & Hove Local Plan requires proposals to demonstrate a high standard of design to make a positive contribution to the visual quality of the area. Policy QD14 states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - uses materials sympathetic to the parent building.
- 8.4 The recently adopted Supplementary Planning Document Design Guide for Extensions and Alterations (SPD12) offers general advice on extensions to roofs. It advises that rhythm and continuity of the rooflines are often a key

visible element within a street scene therefore any poorly designed or excessively bulky additions can have a significantly harmful impact on both the appearance of the property and the continuity of a streetscape even in those street scenes containing varied building forms where the scale and bulk of roofs remains largely consistent.

Design and impact on the character of the area:

- 8.5 The Urban Characterisation Study states that the character of the Hove Park area derives from 'large interwar and post war houses on generous plots set back from tree-lined roads'. Much of Rigden Road in which the application site is located, is reflects this character. Roof forms are generally tiled and hipped often with double front gable features. The property has however had its roof form altered in past. The larger front gable is likely to have been a non-original feature as it projects forward of the original hipped roof. Despite this alteration, the front gables of the application site remain the prominent features. The existing roof slope makes negligible impact on the street scene.
- 8.6 The proposal is to extend the roof slope in between the two gables effectively infilling the existing valley and thus creating two additional bedrooms and a bathroom. There is no objection to the principle of this approach. In isolation the infill roof slope would not appear alien in the street scene, an example of an approved design is evident in the 2004 planning approval for rooms in the roof (see Planning history). However in this application in order to maximise internal space, it is proposed that a section of flat roof is formed before the roof would step-up to create two rear gable ends to the property.
- 8.7 In this regard it is noted there are instances rear hips rising behind the principle roof ridge in the area. 45 Hove Park Road being an example. But the relationship proposed in this application appears quite different. The upstand creates a second 'tier' to the roof ridge and the two gable ends extending perpendicular to this adds further incongruity. Attempts have been made to look for alternative designs for the scheme, but have not avoided a stepped ridge to the roof.
- 8.8 The overall appearance when viewed from the street will be an expansive but disjointed roof form. This would be visible in longer views in the locality when approaching the site from Rigden Road opposite. Further dominance would be created by the proposed roof lantern for the flat roof section of the property. It is considered that the proposal would result in an awkward roof form which would be a prominent in the street. When viewed from the rear, the roof extensions would be visible from neighbouring gardens although the disjointed appearance to the proposed roof is most evident from the front and sides of the property. The impact on neighbours is discussed in the section below.
- 8.9 A secondary element of the planning application is the proposal to form two rooflights on the existing rear extension. The lantern roof lights would project above the height of the flat roof but are considered appropriately sited and of an acceptable size.

- 8.10 Overall it is considered that the development by reason of its design and form in relation to the existing house and in the context of the surrounding area would create contrived and disjointed roof to the building which fails to respect the existing features of the property and would harm the existing character and appearance of Hove Park Road. The development is therefore considered contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document – Design Guide for Extensions and Alterations (SPD12)

Impact on Amenity:

- 8.11 In regard to the impact of the extensions on residential properties it is considered that the works would not result in significant harm. The positioning of the house in relation to its neighbours means that loss of light and overshadowing would not be an issue. Much of the bulk of the extension would be in the infill section and have no impact on neighbouring occupiers. The extension to the side roof slopes are not considered to result in significant increased sense of enclosure as no principle windows on neighbouring properties would face the extended roof form.
- 8.12 The new windows on the rear elevation at second floor level may provide some elevated longer views over the rear sections of adjoining gardens however general privacy to garden spaces would be affected. Similarly the side roof lights are not considered to cause a loss of privacy.
- 8.13 In regard to the proposed lantern roof lights for the existing rear extension, it not considered that they present amenity issues for neighbouring occupiers. They are located towards the middle to the extension and being at ground floor level they are not visually dominating.
- 8.14 Whilst the proposal is for roof extensions of a significant scale, views from the new bedrooms in the roof would be directed to the rear of site avoiding a loss of privacy to neighbouring occupiers. It is considered the proposal will not cause significant harm to neighbouring occupiers and is in accordance with policy QD27 of Brighton & Hove Local Plan.

9 CONCLUSION

- 9.1 The development by reason of its design and form in relation to the existing house and in the context of the surrounding area would create contrived and disjointed roof to the building which fails to respect the existing features of the property and harm the existing character and appearance of Hove Park Road.

10 EQUALITIES

- 10.1 No equalities issues have been identified in this application

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

- 1) The development by reason of its design and form in relation to the existing house and in the context of the surrounding area would create contrived and disjointed roof to the building which fails to respect the existing features of the property and harm the existing character and appearance of Hove Park Road. The development is therefore considered contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document – Design Guide for Extensions and Alterations (SPD12)

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	933.00		21 June 2013
Existing Ground Floor Plan	933.01	a	21 June 2013
Existing First Floor Plan	933.02		21 June 2013
Existing Attic Plan	933.03		21 June 2013
Existing Roof Plan	933.04		21 June 2013
Existing Sections	933.05		21 June 2013
Existing Elevations	933.06		21 June 2013
Existing 3D Visualisation	933.07		21 June 2013
Proposed First Floor Plan	933.08	a	21 June 2013
Proposed Second Floor Plan	933.09	a	21 June 2013
Proposed Roof Plan	933.10	a	21 June 2013
Proposed Sections	933.11	a	21 June 2013
Proposed Elevations	933.12	a	21 June 2013
Proposed 3D Visualisations	933.13		21 June 2013

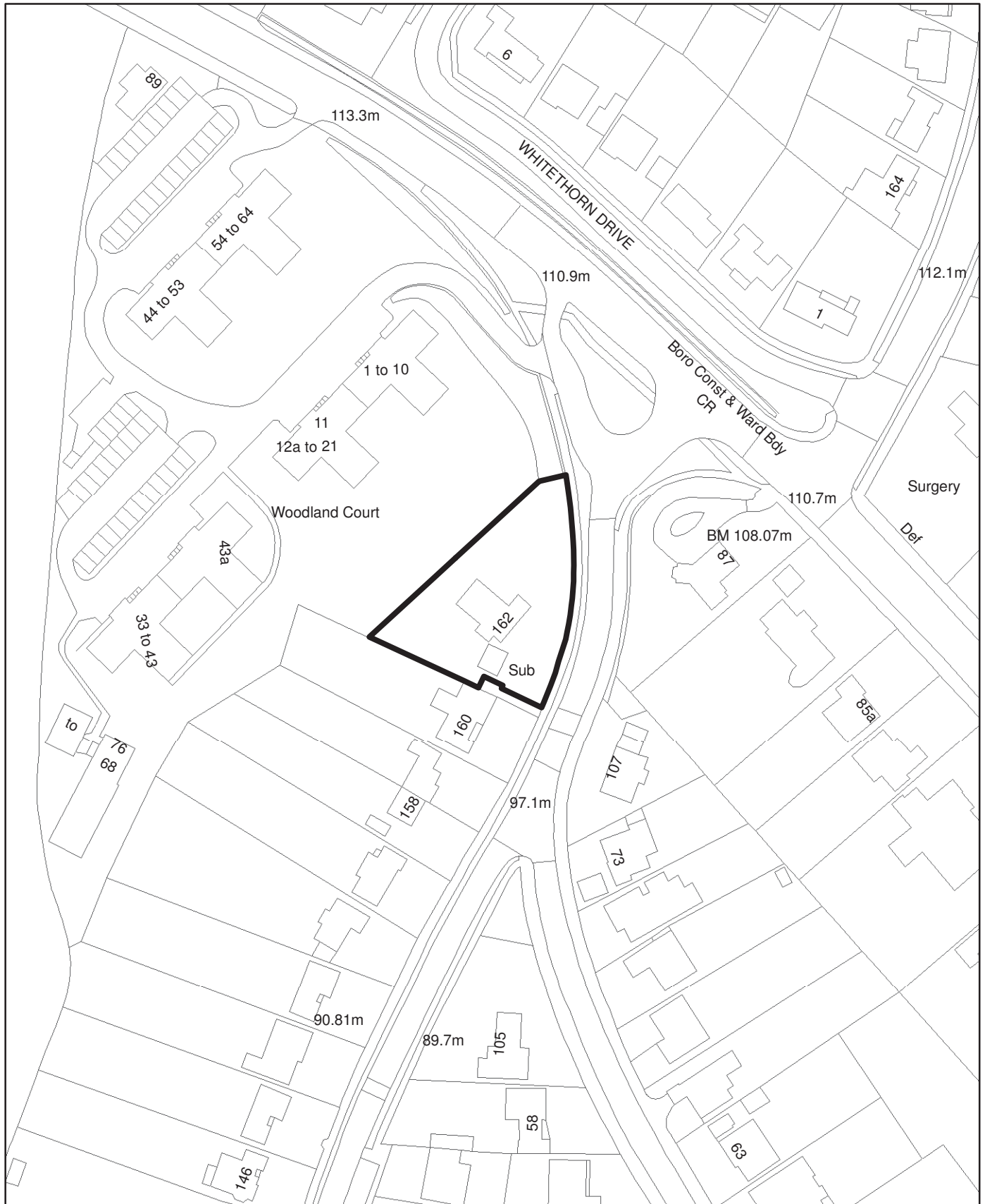
ITEM M

162 Woodland Drive, Hove

**BH2013/01505
Full Planning**

28 AUGUST 2013

BH2013/01505 162 Woodland Drive, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01505	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	162 Woodland Drive, Hove		
<u>Proposal:</u>	Demolition of existing bungalow and erection of 2no five bedroom dwellings (Part retrospective).		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	21/05/2013
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	16 July 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	A Davies Design, 5 Goldsmid Mews, Farm Road, Hove		
<u>Applicant:</u>	Mr Kevin Fitzpatrick, 19 Withdean 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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a partially developed site on the western side of the northern end of Woodland Road in Hove. The site is more specifically located near the junction of Woodland Drive and Dyke Road Avenue.
- 2.2 At present the site has been partially redeveloped with a substantial level of development upon the northernmost plot. The structure at the time of a site visit was a completed shell, set over three floors and comprises physical differences to an extant planning consent (BH2010/01288).
- 2.3 The site originally comprised a detached dwelling on a large wedge shaped site that as a result has a generous width in comparison to most other dwellings on Woodland Drive. This in return results in the plot having a shallower depth due to the encroachment of Woodland Court, a large purpose built block of flats to the rear; beyond the rear boundary and behind many properties on the northern side of Woodland Drive.
- 2.4 The site has varying topography with a steep slope down from north east to south west. The front and rear boundaries had substantial planting which along with a timber fence and topography screened the original dwelling and the site from the public highway.

3 RELEVANT HISTORY

- BH2012/03444** - Application for approval of details reserved by conditions 2, 6, 9, 10, 12, 13 and 15 of Application BH2010/01288. – **Approved** 17/12/2012
- BH2010/01288** - Erection of 2no two storey houses to replace existing bungalow – **Approved** 29/06/2010

91/3/0186(f) – Single storey extension to provide billiards room and bedroom – **Approved** 02/05/1991

3/78/0529 – Erection of additional garage and storage buildings – **Approved** 30/10/1978

4 THE APPLICATION

- 4.1 Planning permission is sought for revisions to a previous approval (BH2010/01288) seeking the erection of two no. dwellings and to allow changes including use of the roof space for additional accommodation, rooflights, new windows and doors within elevations, rearrangement of internal accommodation and an increase in the lower ridge to accommodate additional height within the roofspace.
- 4.2 Within Plot one, the major changes comprises of the small increase in ridge height to the lower section, new rooflights, one rear facing, two north facing and two upon the small lean-to section at the rear. In addition the works include the reduction of a front entrance canopy, creation of a front Juliet balcony at first floor level, a smaller front window at first floor level, the removal of a first floor side window (north elevation), insertion of side patio doors and relocation of a side facing window (south elevation) and changes to the windows and doors upon the rear elevation including new patio doors and different fenestration patterns.
- 4.3 Within plot two (currently under construction) the major changes comprises of small increase in ridge height to the lower section, new rooflights, one south facing cabrio style, four north facing and two upon the small lean-to section at the rear. The garage of plot two is also shown as converted into living accommodation, reduction of a front entrance canopy, creation of a front Juliet balcony at first floor level, side facing door (north elevation), omission of a side facing window north elevation, enlargement of a first floor window on the front elevation. In addition the rear elevation has been amended to include a further set of patio doors, the reduction in the scale of the original patio doors, rescaling of window to reduced their size and different fenestration patterns
- 4.4 It should be noted that the design of the approved dwellings included rear and front facing triangular gable windows, similar to those in this application. Furthermore, the overall maximum height of the dwellings would not increase and additional height is restricted to the lower ridge element of the roof.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Five (5) letters of representation have been received from (19 Woodland Court, 17 Woodland Court (x3 different addressees) 16 Woodland Court) objecting** to the application for the following reasons:
- The area additional windows overlooking Woodland Court which looks directly into properties in Woodland Court
 - The gable windows overlooks flats to the rear
 - The roof and glazing reflect light into the properties at Woodland Court

- There are presently a variety of trees along the rear boundary which add variety and interest to the environment and evergreen trees to replace these would add to the darkness and shade on the gardens of the next houses reducing the quality of the environment and value
- The submitted plans are inaccurate and omit openings
- The accesses including the angles and slope are unsuitable and proposed hazard
- The houses are oversized and inappropriate for the plot

Internal:

- 5.2 **Arboriculture:** Comment. The reports submitted are comprehensive and the Arboricultural team is in full agreement with them.
- 5.3 Three trees (one Lawson Cypress, one Silver Birch, one Honey Locust, along with mixed hedging) have already been removed from the site. These species would not have been placed under a Tree Preservation Order as they were of little public amenity value. However, it is pleasing to note two replacement trees will be planted.
- 5.4 The Arboricultural report submitted states how the trees to remain on site, including those on the verge outside the site, will be protected during the course of development. Therefore a condition securing the on-going protection should be added to any consent and sufficient information has already been submitted with the application.
- 5.5 Overall the Arboricultural team have no objection to the proposals in the application subject to suitable conditions being attached to any consent granted.
- 5.6 **Access consultant:** Comment. All entrances including the rear doors should have level or gently sloping approaches and level thresholds. The elevations appear to show steps at the glazed doors at the front, back and side
- 5.7 Spare space should be made available for a future vertical lift, although there appears to be lots of space to do so.
- 5.8 **Sustainable Transport:** Comment. Recommended approval as the Highway Authority has no objections to this application.
- 5.9 The Highway Authority's comments from the previous application (BH2010/01288) still stand. The Highway Authority would recommend conditions to secure details of cycle parking and an informative in relation to the proposed new vehicular access.

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 parking
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation of re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – Effective and efficient use of sites
QD4	Design – Strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities

HO5	Provision of private 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

SPD03	Construction and Demolition waste
SPD06	Trees and development sites
SPD08	Sustainable building construction
SPGBH4	Parking Standards
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

8 CONSIDERATIONS & ASSESSMENT

8.1 The planning history of the site and specifically extant permission BH2010/01288 are a key consideration in this case. The proposal must consider the changes between the two cases and any additional impact. The prime issues in this case are the intensification of the development upon the site, the design of the proposed buildings and their impact upon the character and appearance of the area, the residential amenity of adjacent occupiers, the transport safety and demand of scheme, the landscaping and arboricultural interest upon the site and the living accommodation standards for occupiers.

8.2 Planning history:

Planning permission for the demolition of the existing bungalow and associated outbuildings and the erection of two detached dwellings was granted permission (BH2010/01288) in June 2010. Each of the proposed dwelling would have benefited from an attached integral double garage, two storeys of living accommodation, 5 bedrooms, a front and rear garden and a front facing balcony.

8.3 The dwellings subject of the application reflects a similar approach to design, siting, massing and scale, but includes an additional floor of accommodation located within the roofspace including rooflights and an increase of the lower lying ridge height. In addition, there are also amended windows and door details upon the elevations at ground and first floor level. Accordingly, the extant permission and structures granted planning permission must be given significant weight as a material consideration in this case. It should be noted that there would not be an overall increase in the highest point of the dwellings.

8.4 In addition, the pre-commencement details relating to materials, refuse and recycling, cycle parking, landscaping, arboriculture, sustainability and land levels have been discharged under reference BH2010/01288.

8.5 Design:

The proposed dwellings are considered well designed by reason of their scale and height, detailing and materials; and introduce further visual interest at street level.

- 8.6 Both dwellings are three storeys in height and designed with a gable front and side projecting feature. The height and scale of both dwellings are considered acceptable and are in accordance with the wider design features of the street and dwellings in the vicinity.
- 8.7 The extant permission included the two front and rear facing triangular gable windows; and the proposal to accommodate using the roof seeks the insertion of side facing rooflights and an increase in the lower ridge height which are acceptable in visual terms. The gable windows continue to relate well to the modern aspects of the design and the height changes do not increase the overall height or scale of the dwelling and are a good use of existing space.
- 8.8 The changes to fenestration upon the ground and first floor are acceptable and the building would continue to offer a positive appearance from the street and wider public area. Each of the dwellings is of a traditional design approach, but with some modern detailing which is considered acceptable. The proposed balconies, glazed section of the gable feature length windows are considered good detailing that compliment the appearance of the site and the area.
- 8.9 The siting of the dwellings continues to be acceptable and reinforces many of the positive qualities of the neighbourhood. The siting maintain the current building line and appropriately reflects the curving nature of the northern section of the site by following a slightly set back siting for the dwelling and therefore emphasises the current layout of the built developed form. The height of the proposal is acceptable and steps up with the topography of the area maintaining a correct visual relationship with the properties in the streets from longer views.
- 8.10 The proposed dwellings continue not have a significant impact upon the skyline or permeability of the site and the development have the same links as neighbouring residential properties to the surrounding areas and local amenities.
- 8.11 The site is situated approximately 80m north of the Woodland Drive conservation area. The former bungalow was not considered to have any positive impact upon the setting of the conservation area due to its discordant appearance to the positive qualities of the conservation area and by reason of the sufficient distance between dwelling and the conservation area.

Residential amenity:

- 8.12 The proposed dwelling would not have a further harmful impact upon the amenities of adjacent residential occupiers.
- 8.13 The buildings would remain sufficiently sited from flats in Woodland Court to the rear across a wide grassed/amenity area so as not cause to loss of light, overshadowing or loss of privacy. It is also considered that the dwellings would be sufficiently spaced from the flats as to not cause a harmful loss of outlook.
- 8.14 Letters received from occupiers of flats in Woodland Court express concern that the gable windows result in a loss of privacy. Having examined the views

available from the present rear facing gable window it is clear that the window does not create a harmful relationship and that distances between the properties in Woodland Court remain entirely appropriate.

- 8.15 It is considered that the development would continue to have an acceptable impact upon the immediate dwelling to the south (160 Woodland Road) by virtue of the design, the spacing between the parties and compatibility of the shared residential use.
- 8.16 The proposed residential unit adjacent to 160 Woodland Drive (unit 1) has been designed with three side facing openings, one at an upper level which serves a bathroom and two at ground floor including glazed doors which would not cause overlooking. The houses have largely been designed with a rear and front facing aspects to maintain privacy of all adjacent parties. A planning condition should continue to be imposed to ensure that the upper floor side facing windows are obscure glazed and fixed shut unless opening parts are greater than 1.7 above the floor level of the room it serves.
- 8.17 There are side facing windows upon the flank elevation of 160 Woodland Drive at upper level, but these are obscured glazed and as such will not have a harmed outlook.
- 8.18 The spacing between the two units (unit 1 and 160 Woodland Drive) is 5m the spacing also includes a flat roof garage and an electricity substation. It is considered that the spacing is sufficient so as to not cause a detrimental loss of outlook, light or overshadowing.
- 8.19 It is considered that a number of planning conditions would be necessary to retain the levels of amenity for neighbouring properties and for mutual amenity of the two proposed dwellings. Firstly, the design for the two dwellings includes a front balcony/terrace area which would be likely to cause overlooking given the topography of the site and the design of the terraces; the proposed screening overcomes the potential of mutual overlooking by providing an additional visual barrier which comprises of frosted glazing around 1.7m in height. The proposed screen should be secured by condition to ensure longer term privacy. Secondly it is considered that changes or extension to the property could result in overlooking, loss of privacy or outlook; as such it is considered that permitted development rights to extend, make alterations or include new openings should be withdrawn by condition.
- 8.20 Comments with regards to the reflectiveness of windows and roofing materials are noted. It is considered that any initial loss of amenity from this aspect is likely to diminish as materials weather and their reflective properties dull over time and would not be considered a reasonable ground for refusal in this case.

Traffic and highway safety:

- 8.21 The Transport Planning team comment that the creation of an additional access continues to be acceptable in this case and that The Highway Authority's comments from the previous application (BH2010/01288) still stand.

- 8.22 The new access would have adequate sightlines and visibility splay required for a 30mph road as such there is not considered to be any safety concerns with regards to the new access. The existing access would be re-employed and as such there is not considered to be a material change in its usage or an impact.
- 8.23 Appropriate details of cycle parking have been discharged and these details can continue to be secured by planning condition.
- 8.24 An informative note informing the applicant of necessary amendments to the Traffic Regulation Order and Highway Licence requirements should be added to any consent granted.

Living accommodation standards:

- 8.25 Both the proposed dwellings would have access to a good quality and amount of private amenity space, with a rear garden for one unit and a side garden that would be private for the other.
- 8.26 Both dwellings would have a generous amount of living space including kitchen, dining room, living room conservatory, bedrooms, bathrooms and en-suite bathrooms. The design and access statement declares that both units would meet Lifetime Homes criteria and these criteria can be secured by condition.

Sustainability:

- 8.27 The previous scheme had a requirement to attain Level 3 of the Code for Sustainable Homes. A pre-commencement planning condition requiring registration with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report achieve Level 3 for all residential units have been formally discharged.
- 8.28 The status of the site as previously developed land when approved, the previous and extant permission including discharge of planning condition outlining the acceptance of the Level of Code 3 for Sustainable Homes are material considerations in considering what level of Code for Sustainable Homes to impose on the present scheme.
- 8.29 Although the new dwellings both would partially overlap the existing dwelling on the site, it remains clear that the new dwellings would be a substantial increase in the amount of development on the site and would under present guidance have provided fresh opportunity from which to consider at least one of the dwellings for a high standard of sustainability.
- 8.30 However, by reason of the extant permission, that the noted changes would have given little opportunity to reconsider or raising the overall sustainability standards; and that the pre-commencement conditions have already been previously agreed and the development commenced, it is not considered reasonable in which to seek a higher standard at this stage of proceedings.
- 8.31 Compliance with a final certification of Level 3 of Code for Sustainable Homes can be secured by planning condition.

9 CONCLUSION

9.1 The development is considered to make an efficient and effective use of land and maintain an appropriate density and siting which would maintain the positive qualities of the character and appearance of the neighbourhood. The development is well designed, would not harm the amenities of adjacent residential occupiers and would accord with the policies of the adopted Local Plan.

10 EQUALITIES

10.1 The dwellings will meet Lifetime Homes standards and are required to meet Part M of Building Regulations

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be completed in accordance with the approved drawings and details listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Plan	-	-	14/05/2013
Block Plan	-	-	14/05/2013
Existing Floor Plan	12011/09.001	-	21/05/2013
Existing Elevations	12011/09.002	-	21/05/2013
Land Levels	12011/10.001	B	30/07/2013
Street Elevation	12011/10.002	A	30/07/2013
Ground Floor Plan (Plot 1)	12001/11.001	D	30/07/2013
First Floor Plan (Plot 1)	12001/11.002	D	30/07/2013
Second Floor Plan (Plot 1)	12001/11.003	C	30/07/2013
Roof Plan (Plot 1)	12001/11.004	C	30/07/2013
Ground Floor Plan (Plot 2)	12001/11.005	B	30/07/2013
First Floor Plan (Plot 2)	12001/11.006	B	30/07/2013
Second Floor Plan (Plot 2)	12001/11.007	B	30/07/2013
Roof Plan (Plot 2)	12001/11.008	B	30/07/2013
Front Elevation (Plot 1)	12001/13.001	B	30/07/2013
Rear Elevation (Plot 1)	12001/13.002	B	30/07/2013
Side Elevation (Plot 1)	12001/13.003	C	06/08/2013
Side Elevation (Plot 1)	12001/13.004	B	30/07/2013
Front Elevation (Plot 2)	12001/13.005	B	30/07/2013
Rear Elevation (Plot 2)	12001/13.006	B	30/07/2013
Side Elevation (Plot 2)	12001/13.007	B	30/07/2013
Side Elevation (Plot 2)	12001/13.008	C	06/08/2013
Arboricultural Report - May 2010	-	-	14/05/2013
Supporting Arboricultural	-	-	14/05/2013

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Information – Dec 2012			
Materials Schedule	-	-	
Cycle and Refuse Storage Sheds	-	-	14/05/2013

- 2) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 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 windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed dwelling hereby approved without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The first floor windows in the side elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The proposed side screening serving the balconies shall be obscurely glazed and shall be implemented in strict accordance with the approved details. The privacy screen shall be of a minimum height of 1.7metres above the terrace level and thereafter retained as such
Reason: To ensure adequate screening and to prevent mutual overlooking to accord with policies QD1 and QD27 of the Brighton & Hove Local Plan
- 6) 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

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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.

- 7) The details set out in the Arboricultural Report dated May 2010 and the Supporting Arboricultural Information dated December 2012 shall be implemented on site

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.

- 8) The agreed materials used in the development shall be natural slate, white render (Manufacturer is Monocouche – White B00), timber door, white uPVC frames and a light grey aluminium window frames and in strict accordance with the schedule of material received on 14/08/2013.

Reason: In the interests of the visual amenity of the are and to accord with Policy QD1 of the Brighton & Hove Local Plan

- 9) The finished land levels of the site and building heights shall be in strict accordance with detail of drawing 12011.10.001B.

Reason: To ensure the protection of amenities of adjacent residential occupiers, for the avoidance of doubt, in the interests of the visual amenity of the area and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

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

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

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

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

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

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

- 13) None of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been

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

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) The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366 or networkCo-ordination@brighton-hove.gov.uk) prior to any works commencing on the public highway.
- 3) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (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). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 4) 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).
- 5) 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:-

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The development is considered to make an efficient and effective use of land and maintain an appropriate density and siting which would maintain the positive qualities of the character and appearance of the neighbourhood. The development is well designed, would not harm the amenities of adjacent residential occupiers and would accord with the policies of the adopted Local Plan

Information on Pre-application Presentations and Requests**Upcoming presentations – Dates TBC**

Anston House, Preston Road, Brighton – site redevelopment

City College, Wilson Avenue, Brighton – additional accommodation

Hippodrome, Middle Street, Brighton – refurbishment and extension

The BOAT, Dyke Road Park, Brighton – outdoor theatre

One Digital, Hollingdean Road, Brighton - student accommodation development

Date	Address	Ward	Proposal
16 th July 2013	Circus Street, Brighton	Queen's Park	Pre-application proposed re-development
20 th November 2012	City College, Pelham Street	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.
30 th October 2012	Brighton & Hove Bus Depot, Industrial House, Gill House, Tecore House & The Builder Centre all on Conway Street, Units 1 – 3 Ellen Street & The Agora, Ellen Street	Goldsmid	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 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

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.

			vehicles.
9 th October 2012	1. Hannington Lane	1. Regency	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.
	2. Brighton Square	2. Regency	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).
28 th August 2012	Infinity Foods, Norway Street	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.
15 th May 2012	1. Brighton Station, Block J	1. St Peters & North Laine	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

	2. Woolards Field, Lewes Road	2. Moulsecoomb & Bevendean	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.
24 th April 2012	PortZed, 9-16 Aldrington Basin, Land south of Kingsway, Basin Road North, Portslade	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.
21 st February 2012	Anston House, 137-139 Preston Road, Brighton	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.

PLANS LIST 28 August 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

BH2012/03305

Marks & Spencer Brighton Retail Park Carden Avenue Brighton

Installation of 2no refrigerated storage containers to rear service yard between 1st November and 31st January annually.

Applicant: Marks and Spencer PLC

Officer: Pete Campbell 292359

Approved on 24/07/13 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 refrigerated containers hereby approved shall only be in situ during the period of 1st November to 31st January annually and in the locations specified on the approved drawings.

Reason: The refrigerated containers are not considered suitable as a permanent form of development and in order to safeguard the amenity of neighbouring occupants, the appropriate use of the service yard and the visual amenity of the area, in accordance with policies QD1 and QD27.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan	IL12233/001		15/05/2013
Existing site plan	9010		15/05/2013
Proposed site plan	9002	F 02	
Refrigerated container specification sheet			16/10/2012

BH2013/01073

22 & 24 Carden Avenue Brighton

Demolition of existing day care centre and chalet bungalow and erection of 5no four bedroom detached houses.

Applicant: Mr & Mrs Alan Young

Officer: Jonathan Puplett 292525

Refused on 05/08/13 DELEGATED

1) UNI

Policy HO20 seeks to retain community facilities and only allows the loss of such

facilities if a number of criteria are met. The applicant has failed to demonstrate that the proposed replacement community facility at no. 287 Dyke Road Hove would provide a facility for the existing users which are equal to or better than the existing facilities, and fails to demonstrate that the replacement facility would be utilised as part of an overall strategy supported by the Adult Social Care and Health Team. Based upon the information submitted it has not been demonstrated that the proposed development would be compliant with policy HO20 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development would be of a density out of keeping with the typical character of detached dwellings in the immediate area surrounding the application site. The proposed dwelling designs (tall narrow buildings), with limited spacing between the dwellings, are not of a type common in the surrounding street scene and area, and would appear as incongruous features in the street scene. The proposed development is therefore contrary to policies QD1, QD2 and HO4 of the Brighton and Hove Local Plan.

3) UNI3

The proposed eastern-most dwelling would have an overbearing and enclosing impact upon present and future occupiers of the neighbouring dwelling sited to the east of the application site, no. 26 Carden Avenue. The proposed development would also cause increased overshadowing of this neighbouring property. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/01568

97 Cuckmere Way Brighton

Certificate of lawfulness for proposed enlargement of existing rear dormer and insertion of 2no velux windows to front roof slope.

Applicant: Mr Andy Maskell

Officer: Louise Kent 292198

Approved on 29/07/13 DELEGATED

BH2013/01653

52 Graham Avenue Brighton

Erection of detached garden room with raised decking in rear garden.

Applicant: Sam Parsons

Officer: Andrew Huntley 292321

Refused on 23/07/13 DELEGATED

1) UNI

The garden room and terracing would cause significant harm to neighbouring amenity by reason of overlooking and loss of privacy to neighbouring properties. Therefore, the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/01711

10 Solway Avenue Brighton

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

Applicant: Mr & Mrs Scott

Officer: Louise Kent 292198

Approved on 07/08/13 DELEGATED

BH2013/01716

33 Stoneleigh Avenue Brighton

Erection of a single storey rear extension.

Applicant: Mr James Boys

Officer: Wayne Nee 292132

Approved on 25/07/13 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	n/a		28 May 2013
Existing and proposed	687/01	A	11 July 2013

BH2013/01727

193 Ladies Mile Road Brighton

Erection of raised decking to rear with steps to garden and associated alterations.

Applicant: Ms Harvey

Officer: Robin K Hodgetts 292366

Approved on 25/07/13 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

Prior to the raised timber decking hereby approved being brought into use, the privacy screen shown on plan number ADC558/02 revision A received on 15/07/13 shall be constructed in full and permanently retained as such thereafter.

Reason: To safeguard the amenity of the neighbouring property at 191 Ladies Mile Road and comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Block plan	ADC558/BP		29/05/13
Location plan	ADC558/LP		29/05/13
Existing plans and elevations	ADC558/01		29/05/13
Proposed plans and elevations	ADC558/02	A	15/07/13

BH2013/01756

9 Kenmure Avenue Brighton

Erection of a single storey rear extension.

Applicant: Patricia Janes

Officer: Andrew Huntley 292321

Refused on 22/07/13 DELEGATED

1) UNI

In the absence of accurate elevation drawings correctly showing the size and relationship to the existing dwelling, it is insufficient to fully assess the impact of the proposed extension on the visual amenity and character of the area. As such, the proposal is contrary to the requirements of policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

Notwithstanding the above reason for refusal, the scale of the extension adds significant bulk to the rear of the bungalow to its visual detriment causing harm to the character of the area. In addition the proposal would result in poor relationship between the proposed extension and host dwelling. This poor relationship would be detrimental to the character and appearance of the host dwelling and wider area, which is also exacerbated by the fact this side of the building is visible from public viewpoint. Therefore, the proposal is contrary to Policy QD14 of the Brighton & Hove Local Plan.

BH2013/01777

29 Braybon Avenue Brighton

Demolition of garage to facilitate creation of two storey side extension, single storey rear extension and alterations to rear decking and front doorway.

Applicant: Mr Jon Stubbs

Officer: Wayne Nee 292132

Approved on 31/07/13 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 details of a scheme to provide a 1.8m high privacy screen along the northern extent of the raised decking hereby permitted, to protect the privacy of the occupiers of no. 31 Braybon Avenue, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the raised decking shall not be brought into use until the approved screening is in place. The privacy screen shall thereafter be retained in situ.

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

3) UNI

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.

Plan Type	Reference	Version	Date Received
Site plan	420(PL)3	B	03 June 2013
Elevations	420(PL)1	C	03 June 2013
Plans	420(PL)2	C	03 June 2013

BH2013/01823

20 Winfield Avenue Brighton

Erection of two storey rear extension.

Applicant: Mr David Lamb

Officer: Andrew Huntley 292321

Refused on 31/07/13 DELEGATED

1) UNI

The proposed rear extension, by virtue of its design and size, would result in visually intrusive and bulky addition, and as a result would be detrimental to the visual amenities of the parent property and the wider area. The proposal is therefore contrary to policies contrary to Policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed extension, by reason of its height, depth and being close to the southern boundary, would appear visually overbearing and have a detrimental impact on the residential amenity of number 19 Winfield Avenue by way of outlook. The proposal is therefore contrary to Policy QD27 of the Brighton & Hove Local Plan.

BH2013/01863

10 Carden Avenue Brighton

Erection of additional higher fencing to West and South elevations. (Part retrospective)

Applicant: Mr Anthony Radmall

Officer: Robin K Hodgetts 292366

Approved on 02/08/13 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 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			10/06/13
Proposed Side elevation			10/06/13
Existing Side elevation			10/06/13
Existing and proposed rear elevation			10/06/13

BH2013/01886

1A Warmdene Way Brighton

Erection of single storey side extension.

Applicant: Mr Robert Walters

Officer: Pete Campbell 292359

Refused on 05/08/13 DELEGATED

1) UNI

The proposed development by virtue of its cramped appearance, reducing the visual separation between the host building and the neighbouring property of no.1 Warmdene Way and uncomplimentary roof form represents and unsympathetic addition which would be significantly detrimental to the visual appearance and character of; the host property, its relationship with the neighbouring property and the wider setting. The application is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005.

2) UNI2

The siting of the proposed extension, in close proximity to the eastern boundary of the site and side windows serving the neighbouring property of no.1 Warmdene Way, would have an overbearing and enclosing presence which would be detrimental to the residential amenity of the neighbouring occupants contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

BH2013/01967

170 - 172 Carden Hill Brighton

Conversion and extensions to existing office building (B1) to form 4no three bedroom dwellings.

Applicant: Goassets Limited

Officer: Jonathan Puplett 292525

Refused on 07/08/13 DELEGATED

1) UNI

The proposed development would be of a density out of keeping with the typical character of dwellings in the immediate area surrounding the application site (i.e. nos. 154-168 Carden Hill). The proposed plot sizes would be uncharacteristically small and the development would be cramped. The spacing between the proposed building and no. 168 Carden Hill alongside would not be adequately retained. The proposed dwelling type and built form (a terrace of 4 dwellings) would appear out of keeping with the character of the development in the immediate street scene. The proposed development would not emphasise or enhance the positive qualities of the local area and would be contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

2) UNI2

The proposed dwellings would fail to enhance the quality and character of the street scene. The proposed roof form is excessively bulky and the proposed materials and detailing are an incoherent mix of traditional and contemporary styles. Overall the proposed development is not considered to be of a sufficiently high standard of design. The proposed development is therefore contrary to policies QD1, QD2 of the Brighton & Hove Local Plan.

3) UNI3

The proposed dwellings would fail to enhance the quality and character of the street scene. The proposed roof form is excessively bulky and the proposed materials and detailing are an incoherent mix of traditional and contemporary styles. Overall the proposed development is not considered to be of a sufficiently high standard of design. The proposed development is therefore contrary to policies QD1, QD2 of the Brighton & Hove Local Plan.

4) UNI4

The proposed development would result in the loss of the existing office use of

the property. The applicant has failed to demonstrate that the existing office use is redundant and has failed to demonstrate that the proffered alternative uses set out in policy EM5 of the Brighton & Hove Local Plan have been explored. Based upon the information submitted the proposed development is therefore contrary to policy EM5.

5) UNI5

The proposed development does not incorporate sufficient measures to demonstrate that Lifetime Homes Standards would be met where practicable. The development would not deliver an adequate level of accessibility of future residents and is contrary to policy HO13 of the Brighton & Hove Local Plan.

BH2013/01998

23 Tangmere Road Brighton

Erection of two storey and single storey rear extensions.

Applicant: Mr Paul Davis

Officer: Andrew Huntley 292321

Approved on 07/08/13 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 first floor window in the western elevation of the two-storey extension hereby permitted shall be obscure glazed 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.

3) UNI

The first floor window in the eastern elevation of the two-storey extension hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

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 and Existing Plans and Elevations	13066 - 01	C	29.07.2013

5) UNI

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

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

BH2013/02005

34 Graham Avenue Brighton

Prior approval for the erection of single storey rear extension, which would extend beyond the rear wall of the original house by 4.8m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.5m.

Applicant: Mr Paul Nixon

Officer: Chris Swain 292178

Prior approval not required on 29/07/13 DELEGATED

BH2013/02149

2-8 Carden Avenue Brighton

Non Material Amendment to BH2011/03358 to alterations to the balcony treatment to the building using glazing protection and railings.

Applicant: Hallmark Care Homes

Officer: Liz Arnold 291709

Approved on 02/08/13 DELEGATED

BH2013/02150

2-8 Carden Avenue Brighton

Non Material Amendment to alterations to the boundary treatments at London Road and Carden Avenue. Retaining the existing boundary wall to London Road and building new brick piers faced in render and new metal entrance gates to Carden Avenue.

Applicant: Hallmark Care Homes

Officer: Liz Arnold 291709

Approved on 02/08/13 DELEGATED

PRESTON PARK

BH2013/00439

93 Springfield Road Brighton

Loft conversion incorporating a dormer and rooflights to rear elevation and a rooflight to the front elevation.

Applicant: Victor Ellis

Officer: Louise Kent 292198

Refused on 29/07/13 DELEGATED

1) UNI

The proposed rear dormer, by reason of its inappropriate design, size and siting involving the unsympathetic removal of a section of the adjoining roofslope, would represent an incongruous extension to the roof of the dwelling that would harm the character and appearance of both the building and the roofscape of this part of the Preston Park Conservation Area. The proposed development is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and SPGBH1 'Roof Alterations & Extensions'

2) UNI2

The proposed rear rooflights are not of a sympathetic 'conservation style', are poorly sited, excessive in number and over large. They would relate poorly to the existing building and when read in conjunction with the proposed rear dormer would give the roofslope a cluttered appearance which would have an unacceptable impact upon the character and appearance of both the building and the roofscape of this part of the Preston Park Conservation Area. The proposed development is thereby considered contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and SPGBH1 'Roof Alterations & Extensions'

BH2013/00998

Flats 1B & 1A 2 Lancaster Road Brighton

Relocation of existing bathroom window at No 1A from side to rear to facilitate erection of single storey rear extension to No 1B. Replacement of existing side window at No 1B with new bi-folding doors.

Applicant: Paul & Gill Jones

Officer: Louise Kent 292198

Refused on 30/07/13 DELEGATED

1) UNI

The extension, due to its footprint, siting, height and scale would represent an inappropriate and contrived addition that fails to respect the built form and the character and setting of the existing dwelling. As such, it would form an unsympathetic and incongruous addition and would be detrimental to the character and appearance of the existing property and the adjoining properties, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed extension, by virtue of its siting, height, footprint and massing, would result in an unneighbourly development by reason of building bulk along neighbouring boundaries. As such the proposal would adversely impact on the levels of residential amenity, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed extension by reason of height, footprint and scale with the creation of a small lightwell area would result in increased bulk for the existing occupiers, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/01581

19 Rugby Road Brighton

Erection of single storey rear extension.

Applicant: Mr & Mrs D Poore

Officer: Pete Campbell 292359

Approved on 25/07/13 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 development hereby permitted shall match in materials, 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 rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

4) UNI

The 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, location plan and elevations	045. EXG.01		18/07/2013
Proposed floor plans, location plan and elevations	048.2013. PL.01/A		18/05/2013
Design and Access Statement	048/ds		17/05/2013

BH2013/01584

6 Old Shoreham Road Brighton

Erection of single storey rear extension and roof alterations to existing extension.

Applicant: Mr Marcus Abel

Officer: Pete Campbell 292359

Refused on 29/07/13 DELEGATED

1) UNI

The proposed extension by reason of its excessive length, scale, and uncomplimentary design particularly the roof form, would adversely impact upon the visual appearance and character of both the host building and the terrace of which it forms a part of. The application is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005.

BH2013/01594

London Gate 72 Dyke Road Drive Brighton

Creation of new crossover.

Applicant: RBG Ltd

Officer: Andrew Huntley 292321

Approved on 29/07/13 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	PF/RBG LG CO		30.05.2013
Site Layout Plan	PF/RBG LG CO	A1	30.05.2013
Location	PF/Q8285		30.05.2013

BH2013/01673

5 Chester Terrace Brighton

Erection of single storey side extension and alteration to fenestration.

Applicant: Mr Andy Wright

Officer: Sonia Gillam 292265

Refused on 19/07/13 DELEGATED

1) UNI

The proposed extension, by virtue of its inappropriate form, size and design would not respect the historic form, layout and design of the property, and therefore would fail to preserve or enhance its traditional character or make a positive contribution to the visual quality of the environment. As such the proposal would be detrimental to the character and appearance of the property and the Preston Park conservation area and is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

Report from: 18/07/13 to: 07/08/13

2) UNI2

The proposed extension, by virtue of its siting, size, height and massing, in combination with the change in ground levels between the properties, would adversely affect the amenities of the occupiers of no. 3 Chester Terrace resulting in loss of light and outlook, overbearing visual impact and an increased sense of enclosure. As such the proposal would detrimentally impact on the residential amenity of this adjacent property and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/01762

Land rear of 7-9 Springfield Road Brighton

Erection of 2no single storey courtyard houses with associated landscaping and pedestrian and cycle access from Springfield Road.

Applicant: Geneva Investment Group Ltd

Officer: Liz Arnold 291709

Refused on 31/07/13 DELEGATED

1) UNI

The development would result in the loss of open space which would have a harmful impact on the quality and character of the local area. Furthermore, the development, by reason, of its siting, footprint, scale and excessive footprint would appear discordant and contrived in relation to the prevailing pattern and layout of surrounding a development and represents a cramped form of development. The proposal would therefore fail to emphasise and enhance the positive qualities of the local neighbourhood. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The outlook from bedrooms two would be oppressive, resulting in a sense of enclosure, as a result of the height of the rear boundary wall of the site and the proximity of the bedroom windows to this wall. Therefore 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.

BH2013/01773

4 Sandgate Road Brighton

Demolition of existing single storey rear extension and erection of part one, part two storey rear extension.

Applicant: Mr John Hems

Officer: Pete Campbell 292359

Refused on 01/08/13 DELEGATED

1) UNI

The proposed extension by virtue of its inappropriate design, excessive scale and uncomplimentary finish would adversely impact upon the visual appearance and character of; the host building, the terrace and the wider surrounding area. The application is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005.

BH2013/01842

51 Coventry Street Brighton

Erection of a single storey rear extension.

Applicant: Simon Woodhead

Officer: Andrew Huntley 292321

Approved on 29/07/13 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 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 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. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	13/039/02		06.06.2013
Block Plan	13/047/03		06.06.2013
Existing and Proposed Elevations and Layouts.	13/039/01		06.06.2013

BH2013/01862

80 Chester Terrace Brighton

Replacement of ground floor rear pitched roof with flat roof.

Applicant: Ms Belinda Coote

Officer: Liz Arnold 291709

Approved on 01/08/13 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 Floor, Block and Location Plans & Elevations	100	-	10th June 2013
Proposed Floor Plans & Elevations	200	-	10th June 2013

BH2013/01937**48 Florence Road Brighton**

Erection of first floor rear extension including alterations to fenestration and replacement of roof tiles from concrete clay to natural slate.

Applicant: Mr J G Finlayson

Officer: Andrew Huntley 292321

Approved on 02/08/13 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 new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plans	101		12.06.2013
Proposed Plans	102	A	12.06.2013
Existing Elevations 1	103		12.06.2013
Proposed elevations 1	104	B	25.07.2013
Existing Elevations 2	105		12.06.2013
Proposed Elevations2	106	B	25.07.2013
Site Location Plan	107	A	12.06.2013
Site Block Plan	108	A	12.06.2013

BH2013/02023**46 Hamilton Road Brighton**

Certificate of Lawfulness for proposed removal of existing and erection of rear dormer window.

Applicant: Mr & Mrs Webbe

Officer: Andrew Huntley 292321

Approved on 29/07/13 DELEGATED

REGENCY**BH2012/04081****Flat 2 45 Norfolk Square Brighton**

Replacement of existing timber casement window with timber sash window to front elevation.

Applicant: Mr Gary Pickard

Officer: Helen Hobbs 293335

Approved on 19/07/13 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 panelling below the window should match exactly the dimensions and detailing of the panelling below the 3rd floor windows of No. 45 Norfolk Square (flat 4).

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 ashlar lining out and banded rustications and storey band above the ground floor window and first floor window cills shall be carried out and completed to match exactly the original renderwork.

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

4) UNI

A skirting board shall be reinstated inside the reconstructed bay to match exactly the existing skirting board in the room.

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

5) UNI

Details of the method of repair of the cracks in the front wall on the upper floors and of the first floor front window cills and any additional structural supporting or tying in works that may be required that are not shown on the approved drawings shall be submitted to and approved by the local planning authority before these works commence.

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

The new renderwork shall be carried out using a mix of 1part natural hydraulic lime, 2 parts clean well graded sand and 1 part stone dust and shall be polished smooth and shall be painted with a smooth masonry paint to match the colour of the rest of the building.

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

BH2012/04082

Flat 2 45 Norfolk Square Brighton

Replacement of existing timber casement window with timber sash window to front elevation.

Applicant: Mr Gary Pickard

Officer: Helen Hobbs 293335

Approved on 19/07/13 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 ashlar lining out and banded rustications and storey band above the ground floor window and first floor window cills shall be carried out and completed to match exactly the original renderwork.

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

The new renderwork shall be carried out using a mix of 1part natural hydraulic lime, 2 parts clean well graded sand and 1 part stone dust and shall be polished

smooth and shall be painted with a smooth masonry paint to match the colour of the rest of the building.

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

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	RP-01		24th December 2012
Block plan	RP-02		24th December 2012
Existing and proposed elevation	RP-03		24th December 2012
Proposed elevation	RP-05		17th January 2013
Existing and proposed front elevations	43672/01		24th December 2012
Temporary support and reinforced concrete beam details	43672/02		24th December 2012
Proposed front elevation -interior			19th June 2013
Proposed section through window			19th June 2013
Sections through stile, window architrave and meeting rails			19th June 2013
Sections through cill and head, glazing, window head and bottom rail			19th June 2013

5) UNI

Details of the method of repair of the cracks in the front wall on the upper floors and of the first floor front window cills and any additional structural supporting or tying in works that may be required that are not shown on the approved drawings shall be submitted to and approved by the local planning authority before these works commence.

Reason: As insufficient information has been submitted, to ensure the satisfactory appearance of the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

BH2013/01450

Flat 4 45 Norfolk Square Brighton

Internal alterations to layout of flat and replacement of timber single glazed bathroom window with timber double glazed window.

Applicant: Mr S Cohen

Officer: Helen Hobbs 293335

Approved on 23/07/13 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 proposed mouldings to the panels in the bathroom door should exactly match the mouldings of adjacent original doors.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE 1 of the Brighton & Hove Local Plan.

3) UNI

No works shall take place until details of any mechanical extracts required for either the bathroom or the proposed kitchen have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE 1 of the Brighton & Hove Local Plan.

4) UNI

The proposed skirting should exactly match the original skirting's that survive in the same room (front living room to flat 4).

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

BH2013/01666

38 Ship Street Brighton

Installation of ATM machine to front elevation.

Applicant: Ms Claire Douglas

Officer: Helen Hobbs 293335

Refused on 25/07/13 DELEGATED

1) UNI

The solidity and bulk of the ATM would make it an incongruous feature on a traditional shop front and would greatly imbalance the attractive formal design of the shop front, harming its careful proportions, furthermore it would unbalance and harm this uniform group of properties the site lies within. The development would therefore fail to preserve the character and appearance of the existing property, street scene and the surrounding Old Town Conservation Area contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan 2005.

BH2013/01670

43 Preston Street Brighton

Removal of existing curved timber and metal fascia and replacement with timber fascia and mouldings. (Retrospective)

Applicant: J B Howard Properties Ltd

Officer: Guy Everest 293334

Approved on 23/07/13 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
1:1250 Site Location Plan			22/05/2013
Existing Elevations	1273-03		22/05/2013
Proposed Front Elevation	1273-03	A	22/05/2013

BH2013/01689

66 Preston Street Brighton

Internal alterations and refurbishment including raising of floor level and removal of false ceiling in South bar area, relocation of bar and formation of new opening in existing structural wall. Installation of new door opening to garden area.

Applicant: Indigo Pub Company

Officer: Adrian Smith 290478

Approved on 31/07/13 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 existing floor to the south wing shall be retained at all times.

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

3) UNI

This approval is limited to the works shown on the approved drawings. 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

Within 3 months of works commencing details of the original cornice detailing to the south wing shall be submitted to the Local Planning Authority. The corncicing shall be repaired and reinstated to match exactly the originals. In the event no corncicing is salvageable, large scale details of the proposed replacement cornice shall be submitted for approval to the Local Planning Authority within 3 months of works commencing.

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

Within 3 months of works commencing details of the existing balustrades to the main staircase shall be submitted to the Local Planning Authority. The balustrades shall be repaired and reinstated to match exactly the originals. In the event no balustrades are salvageable, large scale details of the proposed replacement balustrades shall be submitted for approval to the Local Planning Authority within 3 months of works commencing.

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

The new walls shall be scribed around all existing features including any skirting boards, dado rails, picture rails and cornices, and the existing features shall not be cut into or damaged. Any new skirting boards, picture rails, dado rails and cornices shall be run around the new walls and the blocked up doors to match exactly the originals in each respective part of the building.

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

7) UNI

No works shall take place until full details of the proposed fireplace surround and hearth 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.

BH2013/01694

Rooftop Telecommunications Site 31 to 38 Kings Road Brighton

Installation of a second 2.5metre high stub monopole on the Northeast corner of the plantroom roof. Replacement of the existing 6no antennas and redistribution between the existing monopole and the new monopole (4no on the new monopole and 2no on the existing). Installation of 2no new 600mm diameter dish antennas (1no on each monopole) plus other ancillary works.

Applicant: Telefonica UK Ltd.

Officer: Christopher Wright 292097

Refused on 31/07/13 DELEGATED

1) UNI

The proposed telecommunications installation would, by reason of its siting and height, give the rooftop a cluttered appearance and would represent an incongruous feature that would be readily visible and have a detrimental visual impact on the historic character and appearance of the Old Town Conservation Area. As such the proposal is contrary to the requirements of policies HE6, QD23 and QD24 of the Brighton & Hove Local Plan 2005.

BH2013/01697

Flat 1 22 Vernon Terrace Brighton

Erection of single storey infill extension to rear.

Applicant: Mr Thomas Mercer

Officer: Adrian Smith 290478

Approved on 23/07/13 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			03/06/2013
Block plan			03/06/2013
Existing plans and elevations	MERC01_01		29/05/2013
Proposed plans and elevations	MERC01-02	A	29/05/2013

BH2013/01698

Sussex Heights 14 St Margarets Place Brighton

Installation of 4no communication masts on rooftop.

Applicant: Mr Roger Horlock

Officer: Jason Hawkes 292153

Approved on 30/07/13 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

Any proposed cables and wires shall be flush to the building and new equipment and the scheme shall not include any wires such as overhead wires which a bird could fly into.

Reason: To ensure species of nature conservation importance are appropriately protected, in accordance with Policy QD18 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document SPD11 Nature Conservation and Development.

3) UNI

The new equipment shall only be installed and thereafter maintained outside of the nesting season of the peregrine falcons (March - July). The roof of the building shall only be accessed during this time in the event of an emergency.

Reason: To ensure species of nature conservation importance are appropriately protected, in accordance with Policy QD18 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document SPD11 Nature Conservation and Development.

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			4th June 2013
Plan View	MNET001-001	A	4th June 2013
West Elevation View	MNET001-002	A	4th June 2013
East Elevation View	MNET001-003	A	4th June 2013
North & South Elevation Views	MNET004	A	4th June 2013
Roof Mount Frame and Bracket Details			21st May 2013
Antenna Details			21st May 2013
Access Point Details			21st May 2013
Airfiber Details			21st May 2013

BH2013/01706

Flat 3 6 Montpelier Terrace Brighton

Application for removal of condition 5 of application BH2013/00526 (Internal alterations to layout of flat, replacement window and removal of external pipe work. (Part retrospective)) which states that 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.

Applicant: Joe McNulty

Officer: Jason Hawkes 292153

Approved on 02/08/13 DELEGATED

1) 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.

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

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

The development shall be carried out in accordance with the skirting board details received on the 19th June 2013 (approved under BH2013/01867).

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

5) 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.

BH2013/01786

20 Windlesham Road Brighton

Replacement of existing windows and doors with UPVC windows and doors. Creation of additional parking and alterations to front boundary wall including installation of metal pedestrian gate, replacement vehicular gate, railings and brick piers.

Applicant: Miss Gen Smith

Officer: Mark Thomas 292336

Approved on 06/08/13 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	H106/001	-	3 June 2013
Block plan	H106/002	-	3 June 2013
Existing ground floor plan	H106/003	-	3 June 2013
Existing first floor plan	H106/004	-	3 June 2013
Existing second floor plan	H106/005	-	3 June 2013
Proposed ground floor plan	H106/009	-	3 June 2013
Proposed first floor plan	H106/010	-	3 June 2013
Proposed second floor plan	H106/011	-	3 June 2013
Existing elevation A	H106/015	-	3 June 2013
Proposed elevation A	H106/016	-	3 June 2013
Existing elevation B	H106/017	-	3 June 2013
Proposed elevation B	H106/018	-	3 June 2013
Existing elevation C	H106/019	Rev A	19 June 2013
Proposed elevation C	H106/020	Rev A	19 June 2013
Existing wall/ gate elevation	H106/022	Rev A	19 June 2013

Proposed wall/ gate elevation	H106/022	Rev A	19 June 2013
External plan as existing	H106/025	-	19 June 2013
External plan as proposed	H106/026	Rev A	19 June 2013
Window sections- 'Diamond 65mm Featured Suite'	-	-	20 June 2013

BH2013/01843

69 Middle Street Brighton

Change of use from offices (B1) to residential (C3) to create 9no one bed flats and 2no two bed flats.

Applicant: Jeary Developments Ltd

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 29/07/13 DELEGATED

1) UNI

In accordance with the provisions of paragraph N (8)(c) of Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, prior approval for the change of use from office to residential is required and hereby refused because it has not been demonstrated that the site will not be contaminated land. As such the proposal is contrary to policy SU11 of the Brighton & Hove Local Plan 2005.

2) UNI2

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Proposed Ground Floor Plan	LH-01		5 June 2013
Proposed First Floor Plan	LH-02		5 June 2013
Proposed Second Floor Plan	LH-03		5 June 2013
Proposed Third Floor Plan	LH-04		5 June 2013
Existing Ground Floor Plan	LH-05		5 June 2013
Existing First Floor Plan	LH-06		5 June 2013
Existing Second Floor Plan	LH-07		5 June 2013
Existing Third Floor Plan	LH-08		5 June 2013
Location and Block Plans	LH-09		5 June 2013
Existing/Proposed Front and Rear Elevations	LH-10		5 June 2013
Existing/Proposed Side (South) Elevation	LH-11		5 June 2013

BH2013/01910

First Floor Mitre House 149 Western Road Brighton

Prior approval for change of use of first floor office (B1) to residential (C3) to form 12 no. self contained flats.

Applicant: Tareem Ltd

Officer: Guy Everest 293334

Prior approval not required on 05/08/13 DELEGATED

BH2013/01928

Priory House Bartholomew Square Brighton

Change of use from offices (B1) to 40no residential units (C3).

Applicant: Baron Homes Corporation

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 26/07/13 DELEGATED

1) UNI

In accordance with the provisions of paragraphs N (3) and N (7) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, prior approval for the change of use from office to residential is required and is refused because the proposal would result in a material change in the character of traffic in the vicinity of the site. As such the proposal is contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan 2005.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Lower Ground Floor	PH001		7 June 2013
Ground Floor	PH002		7 June 2013
First Floor	PH003		7 June 2013
Second Floor	PH004		7 June 2013
Third Floor	PH005		7 June 2013
Fourth Floor	PH006		7 June 2013
Roof Plan	PH007		7 June 2013
As Proposed Lower Ground Floor Plan	1968/26	A	7 June 2013
As Proposed Ground Floor Plan	1968/27	A	7 June 2013
As Proposed First, Second, Third Floor Plans	1968/28	A	7 June 2013
As Proposed Fourth Floor Plan	1968/29	A	7 June 2013

ST. PETER'S & NORTH LAINE

BH2012/03872

Brighton Station Queens Road Brighton

Erection of three storey building to provide cycle storage, ancillary shower/changing facilities, cycle shop, café, cycle repair outlet and cycle hire.

Applicant: Southern Rail

Officer: Maria Seale 292232

Approved on 22/07/13 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

No development shall take place except site clearance and remediation until details of the Sustainable Urban Drainage System has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development and shall thereafter be retained as such.

Reason: To protect water resources and their quality and sustainability, to comply with policies SU2, SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

3) UNI

The café(s) and outside terrace shall only be open between the hours of 06.00 and 22.00 each day.

Reason: To prevent undue noise nuisance and protect amenity, to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.

4) UNI

No development or site clearance shall take place 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;
- 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;
- 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 nomination of a competent person to oversee the implementation of the works.

Reason: To protect amenity and undue pollution, to comply with policies QD27 and SU11 of the Brighton & Hove Local Plan.

5) UNI

The development shall not be completed or occupied until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of part c) of the condition above that any remediation scheme required and approved under the provisions of the condition 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;
- 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 part c) of the condition above.

Reason: To protect amenity and undue pollution, to comply with policies QD27 and SU11 of the Brighton & Hove Local Plan.

6) UNI

The internal layout of the building including the internal staircase and lift link to all three floors, as shown on the approved drawings (except for the ground floor cycle storage area), shall be implemented before the development hereby permitted is first brought into use. Details of the ground floor cycle storage layout shall be submitted to and approved in writing by the Local Planning Authority and shall include provision for access to charging points and space to serve electrical bicycles. The approved ground floor layout shall be implemented before the building is first brought into use and the cycle parking facilities shall thereafter be retained for use by visitors to the development at all times.

Reason: The provision of the internal staircase and lift links all three floors will help ensure the building relates successfully to its surroundings and the public open space to the north and for accessibility reasons, and to ensure the cycle storage layout incorporates sufficient aisle width to ensure the stands are usable, and to encourage travel by means other than private motor vehicles, to comply with policies QD1, QD2, QD3, QD15, EM13, TR1 and TR14 of the Brighton & Hove Local Plan and to meet the objectives of the Brighton Station Gateway project.

7) UNI

The development hereby permitted shall not be first brought into use until details of a minimum of 4 bird boxes to be located on the building and/or within the public open landscaped area have been submitted to and approved in writing by the

Local Planning Authority. The approved bird boxes shall be implemented before the building and/or open landscaped area are first respectively brought into use.

Reason: To enhance biodiversity of the site, to comply with policies QD17, NC4, QD19 and EM13 of the Brighton & Hove Local Plan.

8) UNI

The building hereby approved shall not be first brought into use until all the paved area immediately to the west of the building where the existing cycle stands are located which currently has different style of paving to that of the rest of the station concourse, has been re-paved with blockwork to match the rest of the station concourse south of the roundabout as shown on drawing no. 521464-A-005 Rev 08 received on 3/6/13. The new paving shall be maintained in perpetuity.

Reason: To ensure a high standard of design and ensure the development relates well to its surroundings and enhances the public realm and respects the setting of the listed station and West Hill Conservation Area, to comply with policies QD1, QD2, QD4, QD15, EM13, HE1, HE3 and HE6 of the Brighton & Hove Local Plan and to meet the objectives of the Brighton Station Gateway project.

9) UNI

Details shall be submitted to and approved in writing by the Local Planning Authority for the landscaped open space immediately to north of building as shown within the red line (up to the boundary of Block J site) as shown indicatively on drawing no. 521464-A-005 Rev 08 received on 3/6/13. These details shall include the following:

- a) Hard and soft landscaping including details of tree grills, outside steps, walls, copings, railings and public seating
- b) Material details and/or samples
- c) Planting details
- d) 1:50 scaled elevation and section drawings
- e) Measures to enhance biodiversity
- f) A Public Art influence
- g) Measures to ensure it will be accessed from the new building at lower ground floor level
- h) Measures to ensure it will be directly accessed by people from the main station concourse level including a bicycle channel wheeling ramp
- i) Measures to ensure it satisfactorily adjoins the stairs and lift at Site J with no gap

The approved landscaped area shall be implemented within 18 months of the building first being brought into use and shall be fully accessible to the public at all times and shall be maintained as such thereafter.

Reason: To ensure a high standard of design and ensure the development relates well to its surroundings and enhances the public realm, respects the setting of the listed station and West Hill Conservation Area and enhances biodiversity and contains public art, to comply with policies QD1, QD2, QD4, QD15, QD16, QD19, EM13, TR8, TR13, QD6, HE1, HE3 and HE6 of the Brighton & Hove Local Plan and to meet the objectives of the Brighton Station Gateway project.

10) 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.

11) UNI

No development, other than site clearance and remediation, shall take place until details and samples have been submitted to and approved in writing by the Local Planning Authority of the materials to be used in the external surfaces of the building hereby approved. This shall include details of the cladding system, shopfront, door and window frames and louvers. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development which respects the setting of the listed station and the surrounding area including the West Hill Conservation Area, to comply with policies QD1, QD2, QD4, HE1, HE3 and HE6 of the Brighton and Hove Local Plan

12) UNI

The development hereby approved shall not be first brought into use until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: In the interests of amenity, to comply with policies QD27 and SU9 of the Brighton & Hove Local Plan.

13) UNI

The development hereby approved shall not be first brought into use until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: In the interests of amenity, to comply with policies QD27, SU10 and SU9 of the Brighton & Hove Local Plan.

14) 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. In addition, there should be no significant low frequency tones present.

Reason: In the interests of amenity, to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

15) UNI

The development hereby permitted shall not be first brought into use until a Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Good' has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is sustainable and makes efficient use of water, energy and materials to comply with policy SU2 of the Brighton & Hove Local Plan and SPD08.

16) UNI

No development shall take place except site clearance and remediation until a feasibility study for the use of using rainwater harvesting and greywater recycling

in the development has been submitted to and approved in writing by the Local Planning Authority. Should the rainwater harvesting and/or greywater recycling prove to be feasible and reasonable in all other respects, it shall be implemented within the development.

Reason: To ensure the development is sustainable and makes efficient use of water, energy and materials to comply with policy SU2 of the Brighton & Hove Local Plan and SPD08.

17) UNI

The refuse area located to the south-west of the building shall be implemented before the building is first brought into use and shall make provision for recycling and food waste/compositing.

Reason: To ensure the demand for waste is met by the development and ensure the development is sustainable, to comply with policy SU2 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.

Plan Type	Reference	Version	Date Received
Proposed site block plan	521464-A-006	Rev 04	22/4/13
Existing site plan	521464-A-002	Rev 05	16/4/13
Existing north, south, west elevations	521464-A-302	Rev 02	17/4/13
Site Sections	521464-A-253	Rev 01	4/12/12
Section 01	521464-A-250	Rev 02	4/12/12
Section 02	521464-A-251	Rev 05	16/4/13
Section 03	521464-A-252	Rev 06	16/4/13
Section 04	521464-A-254	Rev 02	16/4/13
Proposed west, north and south elevations	521464-A-300	Rev 05	16/4/13
Existing and proposed east elevation	521464-A-301	Rev 05	16/4/13
Lower ground floor plan	521464-A-119	Rev 05	16/4/13
Lower ground floor & ground floor construction phases	521464-A-101	Rev 02	16/4/13
First floor construction phases	521464-A-102	Rev 02	16/4/13
First floor plan	521464-A-121	Rev 07	16/4/13
Roof plan	521464-A-122	Rev 05	16/4/13
Ground floor plan furniture layout	521464-A-161	Rev 02	17/6/13
Proposed site plan	521464-A-005	Rev 08	3/6/13
Existing and proposed site location plan	521464-A-001	Rev 04	22/4/13
Existing to be demolished	521464-A-100	Rev 02	16/4/13

BH2013/00307

81 Trafalgar Street Brighton

Installation of extraction flue with roof mounted cowl. (Retrospective).

Applicant: Mange Tout

Officer: Andrew Huntley 292321

Approved on 26/07/13 DELEGATED

1) UNI

Within 2 months from the date of this permission, a scheme for the fitting of odour control equipment shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details and completed within 2 months following the approval of details. The approved odour control equipment shall thereafter be retained as such.

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

2) UNI

No machinery and/or plant shall be used at the premises except between the hours of 9am and 5pm on Sundays to Wednesdays and 9am and 11pm on Thursdays to Saturdays.

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.

BH2013/00864

Brighton Railway Station Queens Road Brighton

Application for Approval of Details Reserved by Condition 14 xii of application BH2012/02454

Applicant: Southern Railway Ltd

Officer: Liz Arnold 291709

Approved on 29/07/13 DELEGATED

BH2013/01045

16 Kew Street Brighton

Change of use from dwelling house (C3) to House in Multiple Occupation (C4).

Applicant: Mr Pan Tomlinson

Officer: Jonathan Puplett 292525

Approved on 23/07/13 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
Location Plan			10/04/2013
Existing And Proposed Floorplans			06/06/2013
Existing And Proposed Floorplans			06/06/2013

BH2013/01195

6 Larchbank Bromley Road Brighton

Enclosure of existing balcony with UPVC window and associated works (Retrospective).

Applicant: Ms Tracey Parsons

Officer: Liz Arnold 291709

Approved on 23/07/13 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 in filled drainage strip shall be painted to match the existing coloured strips above and below the in-filled section.

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 Location Plan	-	-	6th June 2013
Front Elevation - Before Window Installed	-	-	6th June 2013
Front Elevation - After Window Installed	-	-	6th June 2013

BH2013/01220

51 Buckingham Place Brighton

Application for Approval of Details Reserved by Conditions 3i, 3iii, 3iv, 3v and 3vi of application BH2011/00730 (appeal reference APP/Q1445/A/11/2155953)

Applicant: Clifton Properties

Officer: Sue Dubberley 293817

Split Decision on 06/08/13 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 3i, 3iii, 3v and 3vi and subject to full compliance with the submitted details.

1) UNI

The details pursuant to condition 3ii, are NOT APPROVED for the reason(s) set out in section 10.

2) UNI2

Condition 3iii

Reason: No details of the solar panels have been submitted.

BH2013/01243

115A Ditchling Road Brighton

Erection of single storey rear extension to lower ground floor flat with terrace area above.

Applicant: Dr U K Dantanus

Officer: Robin K Hodgetts 292366

Refused on 19/07/13 DELEGATED

1) UNI

The proposed extension by reason of its design, fenestration and prominence would have an adverse visual impact on the appearance and character of the existing property and surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

The roof terrace, by reason of its height, location and elevated position would cause an unacceptable degree of harm to the amenity of the neighbouring properties and thus is contrary to policies QD14 and QD27 of the Local Plan.

BH2013/01352

12 Belton Road Brighton

Replacement of windows to the front elevation.

Applicant: Ms Tiffany Biddle

Officer: Wayne Nee 292132

Approved on 26/07/13 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	n/a		30 April 2013
Proposed elevation	1		31 May 2013
Sash details	n/a		30 April 2013
Proposed horn detail	n/a		24 July 2013

BH2013/01469

41 Park Crescent Brighton

Internal and external alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation, alterations to fenestration and reinstatement of internal stairs between ground and basement levels.

Applicant: Mrs Sue Graham

Officer: Liz Arnold 291709

Approved on 19/07/13 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
Existing Basement, Ground and First Floor Plans	188.101	-	10th May 2013
Existing Second Floor & Roof Plans & Block & Site Plan	188.102	A	21st May 2013
Existing Sections	188.103	-	10th May 2013
Existing Elevations	188.104	-	10th May 2013
Sketch Scheme 1 - Proposed Basement, Ground & First Floor Plans	188.105	C	18th June 2013
Sketch Scheme 1 - Proposed Second Floor & Roof Plans & Block & Site Plans	188.106	D	18th June 2013
Sketch Scheme 1 - Proposed Elevations	188.108	C	18th June 2013
Proposed Details No. 1	188.109	A	18th June 2013
Sketch Scheme 1 - Proposed Sections	188.107	D	25th June 2013
Proposed Details No. 2	188.110	A	25th June 2013
Proposed Details No. 3	188.111	A	25th June 2013

3) UNI

All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

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

4) UNI

The slate covering to the rear dormer window hereby approved shall match in size, colour and texture those of the existing building.

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

5) UNI

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

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

6) 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.

7) UNI

No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

BH2013/01470

41 Park Crescent Brighton

External alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation and alterations to fenestration.

Applicant: Mrs Sue Graham

Officer: Liz Arnold 291709

Approved on 19/07/13 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
Existing Basement, Ground and First Floor Plans	188.101	-	10th May 2013
Existing Second Floor & Roof Plans & Block & Site Plan	188.102	A	21st May 2013
Existing Sections	188.103	-	10th May 2013
Existing Elevations	188.104	-	10th May 2013
Sketch Scheme 1 - Proposed Basement, Ground & First Floor Plans	188.105	C	18th June 2013
Sketch Scheme 1 - Proposed Second Floor & Roof Plans & Block & Site Plans	188.106	D	18th June 2013
Sketch Scheme 1 - Proposed Elevations	188.108	C	18th June 2013
Proposed Details No. 1	188.109	A	18th June 2013
Sketch Scheme 1 - Proposed Sections	188.107	D	25th June 2013
Proposed Details No. 2	188.110	A	25th June 2013
Proposed Details No. 3	188.111	A	25th June 2013

3) UNI

The slate covering to the rear dormer window hereby approved shall match in size, colour and texture those of the existing building.

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

4) UNI

The 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) 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.

6) UNI

No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

BH2013/01528

56 Church Street Brighton

Alterations to existing butterfly roof including installation of glass sliding access rooflight, raising of existing parapet and creation of roof terrace.

Applicant: Dr Catrina Hey

Officer: Andrew Huntley 292321

Refused on 19/07/13 DELEGATED

1) UNI

The proposed roof terrace, by virtue of its design and loss of traditional roof form would result in visually harmful and awkward alterations to the property. This would be detrimental to the visual amenities of the parent property and harm the character and appearance of the wider Montpelier and Clifton Hill Conservation Area. Therefore, the proposal is contrary to Policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2013/01643

88-92 Queens Road & 4 Frederick Place Brighton

Application for Approval of Details Reserved by Conditions 11 and 12 of application BH2012/02342

Applicant: McAleer & Rushe Group

Officer: Kathryn Boggiano 292138

Split Decision on 18/07/13 DELEGATED

1) UNI

The details pursuant to conditions 11 and subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 12 are NOT APPROVED for the following reason.

1) Condition 12 requires the submission of a Post Construction Review Certificate confirming that the development built has achieved a BREEAM Other Building rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' rating. However, no details have been submitted and therefore these details cannot be approved.

BH2013/01719

St Nicholas Lodge Church Street Brighton

Replacement UPVC windows to residential units.

Applicant: St Nicholas Lodge RTM Company Ltd

Officer: Robin K Hodgetts 292366

Refused on 22/07/13 DELEGATED

1) UNI

The proposed replacement windows would, by virtue of their materials, have an unacceptable impact upon the character of the host building, wider street scene and the setting of the Montpelier and Clifton Hill, West Hill and North Laine Conservation areas contrary to policies QD14 and HE6 of the Local Plan.

BH2013/01736

23 Roundhill Crescent Brighton

Installation of timber decking to existing raised patio and erection of mono-pitch roofed garden room (Part Retrospective).

Applicant: Mr Karl Simpson & Ms Annette Fowler

Officer: Wayne Nee 292132

Approved on 24/07/13 DELEGATED

BH2013/01737

23 Roundhill Crescent Brighton

Installation of timber decking to existing raised patio and erection of garden room (Part Retrospective).

Applicant: Mr Karl Simpson & Ms Annette Fowler

Officer: Wayne Nee 292132

Approved on 24/07/13 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
Site plan	n/a		29 May 2013
Existing and proposed	G01	B	29 May 2013

BH2013/01853

4 Tichborne Street Brighton

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

Applicant: Dr James Peyton Jones

Officer: Wayne Nee 292132

Approved on 02/08/13 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	S0		19 June 2013
Block plan	P0		19 June 2013
Existing	S1		07 June 2013
Proposed	P1		19 June 2013
Detail for heads and jambs	P2		07 June 2013
Detail for dummy meeting rail	P3		07 June 2013
Detail for cill	P4		07 June 2013
Detail for end jambs	P5		07 June 2013
Detail for centre jambs & vertical bar	P6		07 June 2013

BH2013/01877

Lower Ground Floor 15 Bath Street Brighton

Conversion of 2 no. bedsits on lower ground floor of existing House in Multiple Occupation (sui generis) to form 1 no. one bedroom self contained flat.

Applicant: Tony Camps-Linney

Officer: Robin K Hodgetts 292366

Approved on 01/08/13 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.

3) UNI

The development hereby permitted shall not be occupied until the sustainability measures [Upgraded wall, floor and piping insulation, improved glazing and boiler] detailed within the Sustainability Checklist received on the 6th June 2013 have been fully implemented, and such measures shall thereafter be retained as such.

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

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	808 8LP	A	26/07/13
Existing and proposed floor plans	808 01	A	26/07/13

BH2013/01881**41 Crescent Road Brighton**

Replacement of existing UPVC windows to the front elevation with timber.

Applicant: Mr & Mrs Johnson

Officer: Chris Swain 292178

Approved on 02/08/13 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 and block plan			7 June 2013
Annotated photographic schedule			7 June 2013
Front elevation and window elevations			7 June 2013
Sectional details			7 June 2013

BH2013/01899**4 Terminus Place Brighton**

Loft conversion incorporating 2no dormers to the rear and rooflight to the front.

Applicant: Tim Fitzgerald

Officer: Pete Campbell 292359

Refused on 07/08/13 DELEGATED

1) UNI

The proposed dormers by virtue of their number, scale, positioning and finish represent unsympathetic and dominant additions which compromise the rear roof slope and detract from the visual appearance and character of; the host property, the terrace and the wider West Hill Conservation Area. The application is contrary to the guidance set out in SPD12 and policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan 2005.

BH2013/02004**24 Warleigh Road Brighton**

The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.96m for which the maximum height would be 3.02m, and for which the height of the eaves would be 2.605m.

Applicant: Ms Penny Dann

Officer: Jonathan Puplett 292525

Prior approval not required on 22/07/13 DELEGATED

BH2013/02165**Land rear of 64-65 Upper Gloucester Road Brighton**

Application for Approval of Details Reserved by Condition 14 of application BH2011/03643

Applicant: Cedarmill Developments

Officer: Sue Dubberley 293817

Approved on 26/07/13 DELEGATED

WITHDEAN

BH2012/03335

Dorothy Stringer School Loder Road Brighton

Erection of single storey modular classroom.(Revised Proposal)

Applicant: Dorothy Stringer School

Officer: Robert McNicol 292322

Approved on 26/07/13 COMMITTEE

1) UNI

The permission hereby granted shall be for a temporary period only, expiry five years from the date of this consent.

Reason: The structure hereby approved is not considered suitable as a permanent form of development.

2) UNI

Within 3 months of occupation of the development hereby approved, the Developer or Owner shall submit to the Local Planning Authority a reviewed and updated School Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by pupils, staff, deliveries and parking management) for the development. The updated Travel Plan shall be approved in writing by the Local Planning Authority and shall be implemented as approved thereafter.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			19 Oct 2013
Block plan	72/9002934-109	A	1 February 2013
Plan layout and elevations	72/9002934-101	C	1 February 2013
In situ elevations	72/9002934-301	D	7 May 2013

4) UNI

The building hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before 18th July 2018 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The building hereby approved is not considered suitable as a permanent form of development, to safeguard the visual amenities of the area and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

BH2013/00558

Flat 3 16 Clermont Terrace Brighton

Replacement of existing timber windows with UPVC windows.

Applicant: Mr Kiran Patel & Ms Savitri Davi

Officer: Mark Thomas 292336

Refused on 07/08/13 DELEGATED

1) UNI

The proposed UPVC replacement windows to the front elevation and the proposal to replace a timber sliding sash to the rear elevation with a UPVC casement with fanlight, would appear incongruous in this setting, given that timber framed sash windows are retained to the lower floors of the recipient

property, to surrounding properties and within the wider Preston Park conservation area. As such, the proposals would cause significant harm to the character and appearance of the recipient property and the wider conservation area, contrary to policy HE6 of the Brighton & Hove Local Plan.

BH2013/01276

1 Whitethorn Drive Brighton

Erection of single storey side and rear pitched roof extension.

Applicant: Mr & Mrs Phillips

Officer: Mark Thomas 292336

Approved on 29/07/13 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 plans and elevations	01	-	13 June 2013
Proposed plans and elevations	02	Rev D	10 July 2013

BH2013/01369

4 Redhill Drive Brighton

Erection of single storey rear extension.

Applicant: Mr Mehmet

Officer: Mark Thomas 292336

Approved on 29/07/13 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 elevations	-	-	30 April 2013
Existing floor plan	-	-	30 April 2013
Proposed plans and elevations	JW/13/029	-	30 April 2013

BH2013/01428

55 Friar Road Brighton

Erection of two storey rear extension incorporating Juliette balcony and 2no rooflights.

Applicant: Mr Michael Graham

Officer: Christopher Wright 292097

Approved on 29/07/13 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 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 Plans	3426.EX.01		13 May 2013
Existing Sections and Elevations	3426.EX.02		7 May 2013
Proposed Plans	3426.PL.01		13 May 2013
Proposed Sections and Elevations	3426.PL.02		7 May 2013

BH2013/01519

67 Regency Court Withdean Rise Brighton

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

Applicant: Mr Ray Tarbet

Officer: Steven Lewis 290480

Approved on 22/07/13 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	-	-	15/07/2013
Universal Product guide	-	-	04/03/2013
Photographic Records	-	-	04/03/2013
E-mail	-	-	15/07/2013

BH2013/01522

16 Bankside Brighton

Erection of three storey detached dwelling to rear of existing property fronting Highbank.

Applicant: Mr M Deller

Officer: Steven Lewis 290480

Refused on 25/07/13 DELEGATED

1) UNI

The design of the proposed dwelling by reason of its siting, massing, relationship with others in the area would fail to make a positive contribution to the visual quality of the area or emphasise the positive qualities of the area and fail to protect a strategic view across a valley and would appear incongruous and harmful to the overall character of the area. The proposal is therefore contrary to policies QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan.

2) UNI2

The principle of this development, encroaching further along the south side of Highbank is unacceptable and considered an overdevelopment of the site. The development would result in a further reduction in plot size, and an insufficient separation distance between the new property and those in Bankside. The separation distances means the resulting building would be imposing, un-neighbourly and would cause overlooking detrimental to the residential amenity of occupiers of properties in Bankside. The proposal is therefore contrary to policies QD1, QD2, QD3, and QD27.

BH2013/01605

26 Millcroft Brighton

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

Applicant: Mr Adam Jannece

Officer: Helen Hobbs 293335

Approved on 23/07/13 DELEGATED

BH2013/01662

134 Valley Drive Brighton

Erection of single storey rear extension and conversion of existing garage into habitable room with new pitched roof over and associated external alterations.

Applicant: Mr & Mrs Field

Officer: Helen Hobbs 293335

Refused on 19/07/13 DELEGATED

1) UNI

The proposed side extension, by virtue of its design, siting and roof form, would form an inappropriate and incongruous addition that would poorly relate to the main dwelling. Furthermore the complicated and bulky roof form would appear overly dominant within the street scene. Overall the proposal would detract from the character and appearance of the existing property. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/01721**1 Glen Rise Brighton**

Erection of single storey side and rear extension to the ground floor. Roof extensions and associated alterations to create enlarged roof space.

Applicant: Mr & Mrs Dixon

Officer: Jason Hawkes 292153

Approved on 25/07/13 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 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 north facing window in the gable end of the roof extension hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed Floor Plans	12-038-16		29th May 2013
Existing Floor Plans	12-038-1	A	29th May 2013
Existing Elevations	12-038-2	A	29th May 2013
Proposed Elevations	12-038-17		29th May 2013
Existing Section	12-038-3	A	29th May 2013
Proposed Section	12-038-18		29th May 2013

BH2013/01796**31 Hillcrest Brighton**

Demolition of conservatory and erection of single storey rear extension.

Applicant: Mr Matt Buchanan

Officer: Mark Thomas 292336

Refused on 31/07/13 DELEGATED

1) UNI

The proposed extension by virtue of its scale, bulk, height and form would represent an excessive form of development. Further, the roof form and pitch, and the eaves height would relate poorly to the parent property. As such, the proposed extension would cause significant detriment to the character and appearance of the application property. For the reasons outlined, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/01839

10 Whittingehame Gardens Brighton

Erection of single storey rear/side extension.

Applicant: Rosemary Murray

Officer: Helen Hobbs 293335

Refused on 01/08/13 DELEGATED

1) UNI

The proposed extension, by reason of its size, design, bulk and siting relates poorly to the north west corner of the property and causes harm to the original form and character of the site, which would be out of keeping with the existing house. The proposal, therefore significantly harms the character and appearance of the host property and the surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/01840

61 Millcroft Brighton

Installation of 2no dormer windows to front of dwelling.

Applicant: Mr & Mrs Newitt

Officer: Robert McNicol 292322

Refused on 02/08/13 DELEGATED

1) UNI

By virtue of their form and position on the front roof slope of the recipient property, the proposed dormers would fail to respect the character of the built form in the area, which features largely unaltered and simple roof forms. Furthermore, by virtue of their width, the proposed dormers would fail to complement the proportions of the ground floor windows. The proposed development would therefore have a detrimental impact on the character of the recipient property and the wider street scene, contrary to policy QD14 of the Brighton & Hove Local Plan and SPG01 'Roof Alterations and Extensions'.

BH2013/01865

Blocks E & F Kingsmere London Road Brighton

Application for Approval of Details Reserved by Conditions 4, 6 and 7 of application BH2011/03432 (Appeal reference no APP/Q1445/A/12/2175780)

Applicant: Anstone Properties Ltd

Officer: Steven Lewis 290480

Approved on 23/07/13 DELEGATED

BH2013/01895

87 Loder Road Brighton

Erection of single storey rear extension.

Applicant: Mark Vickers

Officer: Steven Lewis 290480

Approved on 29/07/13 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 windows in the south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and

to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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
Ground floor rear extension (Existing)	0616/001	-	07/06/2013
Ground floor rear extension (proposed)	0616/002	-	07/06/2013
Site and Location plan	0616/003	-	07/06/2013

4) UNI

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

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

BH2013/02104

5 Millcroft Brighton

Certificate of lawfulness for proposed single storey side extension, roof extensions to facilitate loft conversion and other associated alterations.

Applicant: Mr & Mrs John Branch

Officer: Robert McNicol 292322

Approved on 26/07/13 DELEGATED

1) UNI

The development is permitted under Schedule 2, Part 1, Classes A, B, C and G of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2013/02128

75 Wayland Avenue Brighton

Extensions at first floor level and roof alterations including raising of ridge height, insertion of rooflights and other associated works.

Applicant: Mr & Mrs Neil & Julie Campbell

Officer: Robert McNicol 292322

Approved on 06/08/13 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 first floor high-level window in the east side elevation of the development hereby permitted shall be obscure glazed and non-opening 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.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location and block plan	TA689/01	B	26 June 2013
Existing lower ground floor plan	TA689/02		26 June 2013
Existing ground floor plan	TA689/03		26 June 2013
Existing first floor plan	TA689/04		26 June 2013
Existing front and west side elevations	TA689/05		26 June 2013
Existing rear and east side elevations	TA689/06		26 June 2013
Existing sections	TA689/07		26 June 2013
Proposed ground floor plan	TA689/10	F	26 June 2013
Proposed first floor plan	TA689/11	E	26 June 2013
Proposed front and west side elevations	TA689/12	F	26 June 2013
Proposed rear and east side elevations	TA689/13	E	26 June 2013
Proposed sections	TA689/14	E	26 June 2013

BH2013/02172

8 Varndean Road Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.2m.

Applicant: R G Luke

Officer: Chris Swain 292178

Prior approval not required on 06/08/13 DELEGATED

BH2013/02241

14 Bankside Brighton

Application for Approval of Details Reserved by Condition 10 of application BH2010/03729.

Applicant: Mr Richard Brain

Officer: Steven Lewis 290480

Approved on 29/07/13 DELEGATED

BH2013/02252

25 Tongdean Rise Brighton

Non Material Amendment to BH2011/00558 to one additional window on 1st floor facing west. Removal of one west facing window on 1st floor and ground floor. Making the south facing patio door and window on ground floor one large patio door increasing total height by 280mm.

Applicant: Daniel Rudd

Officer: Jason Hawkes 292153

Approved on 02/08/13 DELEGATED

EAST BRIGHTON

BH2013/01015

St Marks Church Eastern Road Brighton

Internal alterations and internal and external refurbishment associated with conversion of building to community arts centre.

Applicant: Reverend Dr Andrew Manson-Brailsford

Officer: Andrew Huntley 292321

Approved on 07/08/13 DELEGATED

1) UNI

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

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

2) UNI

No works shall take place until full details of the ground profile at the entrance including 1:20 scale sections 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: 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.

3) UNI

No works shall take place until full details of suspended floor including 1:1 scale profiles and fixings 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: 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.

4) UNI

No works shall take place until full details of the existing floor below the vinyl covering has been submitted to and approved in writing by the Local Planning Authority.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2013/01242

Brighton Racecourse Race Hill Brighton

Permanent use of land for park and ride facilities for up to 700 cars in conjunction with outdoor events (no more than 50 per year) at the American Express Community Stadium Falmer.

Applicant:The Community Stadium Limited

Officer:Kathryn Boggiano 292138

Approved on 19/07/13 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
Plan Number 5	N12034-03 Rev B	B	17 April 2013
Planning application boundary including marshalling area	N12034-05		17 April 2013

3) UNI

No other area at Brighton racecourse, apart from the 3 parking areas shown on Plan Number 5, referenced NI2034-03 Rev B submitted on the 17 April 2013, shall be used as parking in connection with park and ride to the football stadium of Brighton & Hove Albion Football Club. The parking within these 3 areas referred to above, shall not exceed 50 days in any 12 month period. Of these 50 days in any 12 month period the number of vehicles within these 3 parking areas shall not exceed 700 vehicles for a maximum number of 35 days, and shall not exceed 500 vehicles for a maximum number of 15 days.

Reason: To limit the capacity of parking and number of days in order to minimise disruption to the local highway network and to residents by reason of noise and disturbance and traffic pollution, and to comply with policies TR1, TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The maintenance work required by the Management, Monitoring and Maintenance Plan, required by condition 6, must be carried out in accordance with the agreed Plan and within the agreed timescales.

Reason: In order to maintain the grass in good condition for highway and visual appearance reasons and to comply with policies TR1, QD2, SR22 and NC6 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing with the Local Planning Authority, all spectator traffic shall access and egress the site via the site entrance on Freshfield Road.

Reason: In order to prevent spectator traffic using the site access located to the north of the site near to the junctions of Warren Road, Elm Grove, Tenantry Down Road and Freshfield Road, for highway safety reasons and to comply with policy TR7 of the Brighton & Hove Local Plan.

6) UNI

Before the parking areas are first brought into use as parking in connection with park and ride to the football stadium of Brighton & Hove Albion Football Club, a Management, Monitoring and Maintenance Plan for the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details and timeframes for the porous surfacing work for the first 10 metres of each access point into each of the 3 parking areas, and shall include the timeframes for regular monitoring and maintenance of the condition of the grassed areas. Monitoring and maintenance information must be submitted to and agreed in writing by the Local Planning Authority on an annual basis by the end of each football season.

Reason: In order to maintain the grass in good condition for highway and visual appearance reasons and to comply with policies TR1, QD2, SR22 and NC6 of the Brighton & Hove Local Plan.

7) UNI

Prior to the start of the 2013-2014 football season, full details of the cycle parking to be provided at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details prior to the start of the 2013-2014 football season and retained as such thereafter.

Reason: To ensure satisfactory facilities for the parking of cycles and to encourage cycle and ride to the Stadium and to comply with policy TR14 of the Brighton & Hove Local Plan.

8) UNI

Prior to the start of each football season, a Schedule of Events, which will include the dates and times of the days Brighton racecourse will be used as parking in connection with park and ride to the football stadium of Brighton & Hove Albion Football Club, along with the full details of any of events which are to be held at

the racecourse on these days (including a description of the event, times of the day of the event, the anticipated likely capacity of people attending such an event, and number of parking spaces available for such an event), will be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority 7 days prior to any change, the parking for the park and ride to the football stadium shall only be permitted in accordance with the approved Schedule of Events.

Reason: To ensure that there is no clash of large scale events with park and ride at the racecourse in connection with the Stadium, which may cause disruption to the local highway network and to residents by reason of noise and disturbance and traffic pollution, and to comply with policies TR1, TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

BH2013/01463

Flat 4 159 Marine Parade Brighton

Internal and external alterations including alterations to layout of flat and installation of glazed panels behind existing balcony balustrade (Part Retrospective).

Applicant: Mr Peter Klein

Officer: Sue Dubberley 293817

Refused on 05/08/13 DELEGATED

1) UNI

The proposed glazed screens behind the original balcony railings of the south facing balcony would be an alien feature and no similar examples of this treatment are present on the front of nearby buildings. It is considered that the glazed screens would adversely impact upon the architectural and historic character and appearance of the listed building itself and the group of which it is a part. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan.

2) UNI2

The proposed internal door is not considered to reflect the historic detailing that would be appropriate to this building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2013/01527

23 Alan Way Brighton

Application for approval of details reserved by conditions 5 and 6 of application BH2012/01359.

Applicant: Mr Terry Jones

Officer: Sue Dubberley 293817

Split Decision on 06/08/13 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 5 and 6 and subject to full compliance with the submitted details.

BH2013/01529

68A St Georges Road Brighton

Demolition of existing building and roof covering over site and erection of 3no three bedroom houses and associated alterations.

Applicant: Sussex Property Investments Ltd

Officer: Anthony Foster 294495

Refused on 19/07/13 DELEGATED

1) UNI

The proposal, by reason of its inappropriate roof form and architectural detailing, fails to demonstrate a high standard of design and make a positive contribution to

the visual quality of the environment contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The proposed windows in the north facing elevation of the proposed dwellings, by virtue of their size, siting, design and form, would adversely affect the amenities of the occupiers of Nos. 69 and 70 St Georges Road resulting in loss of privacy, interlocking and over-dominance and visual intrusion, contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development would provide an unsatisfactory residential environment for the future occupiers of the proposed dwellings by virtue of poor level of outlook, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/01530

68A St Georges Road Brighton

Demolition of existing building and roof covering over site.

Applicant: Sussex Property Investments Ltd

Officer: Anthony Foster 294495

Refused on 19/07/13 DELEGATED

1) UNI

The Local Planning Authority is not prepared to permit the demolition of the existing buildings in the absence of an acceptable replacement scheme for the site, as this could result in the creation of an unsightly area of land that would be detrimental to the character and appearance of the East Cliff conservation area, contrary to policy HE8 of the Brighton & Hove Local Plan.

BH2013/01695

10 Baranscraig Avenue Brighton

Erection of a single storey rear extension.

Applicant: Mr & Mrs Haren

Officer: Pete Campbell 292359

Approved on 19/07/13 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	12025-01	A	24/05/2013
Block plan	12025-02	A	24/05/2013
Existing floor plans	12025-03	B	07/06/2013
Proposed floor plans	12025-04	B	07/06/2013
Existing elevations	12025-05	D	08/07/2013
Proposed elevations	12025-06	D	08/07/2013

BH2013/01708

16B Eaton Place Brighton

Internal and external alterations including alterations to layout of flat and replacement of single glazing to windows and door to rear with double glazing.

Applicant: Ms Judith Greenfield

Officer: Sonia Gillam 292265

Approved on 31/07/13 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 cornice shall match in material, profile, colour, style, bonding and texture exactly that of the existing adjacent cornice.

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 new cornice shall be scribed around the existing adjacent cornice which shall not be cut into or damaged.

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

BH2013/01709

16B Eaton Place Brighton

Replacement of single glazing to windows and door to rear with double glazing.

Applicant: Ms Judith Greenfield

Officer: Sonia Gillam 292265

Approved on 31/07/13 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	190.100		28/05/2013
Existing plan, section and elevation	190.101		28/05/2013
Proposed plan, section and elevation	190.102	C	10/07/2013

BH2013/01770

21 Portland Place Brighton

Internal alteration including creation of cupboard and doorway, reinstatement of internal opening, alterations to doorway, removal of fitted planters to rear yard and associated alterations (Part retrospective).

Applicant: Ms Jo Way-Young

Officer: Sue Dubberley 293817

Approved on 22/07/13 DELEGATED

Report from: 18/07/13 to: 07/08/13

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 3 months of this approval the set of three timber folding doors shall have the mouldings on the doors removed and the panels set into simple square reveals and the doors shall be painted in a solid colour and as shown on drawing No.208/02A dated 9 July 2013.

Reason To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan.

BH2013/01829

Gracies Place Adjacent Peter Pan Playground 286 Madeira Drive Brighton

Application to extend time limit for implementation of previous approval BH2010/00511 for the erection of cafe, incorporating solar panels and a wind turbine.

Applicant: Mr Ed Derby

Officer: Anthony Foster 294495

Approved on 02/08/13 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 open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

3) UNI

No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

4) UNI

No development shall take place until full details of the proposed wind turbine are submitted to and approved in writing by the Local Planning Authority. The height of the turbine shall be no higher than 7.3 metres, including blade diameter. Details shall include the make, model and manufacturer's specification of the turbine. 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 HE6 of the Brighton & Hove Local Plan

5) UNI

No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

6) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Site Plan Proposed Block Plan	20903/100		10/03/2010
Existing Plans & Elevations	20903/101	A	25/02/2010
Proposed Plans & Elevations	20903/301	D	10/06/2010
Proposed Contextual Elevations & Alternative Section Proposals	20903/302	B	10/06/2010

7) UNI

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including roofing material, cladding, windows, doors, wind turbine, PV Cells and Meshing 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 HE6 of the Brighton & Hove Local Plan.

BH2013/01936

Gracies Place Adjacent Peter Pan Playground 286 Madeira Drive Brighton

Application to extend time limit for implementation of previous approval BH2010/00512 for the demolition of existing cafe.

Applicant: Mr Ed Derby

Officer: Anthony Foster 294495

Approved on 02/08/13 DELEGATED

1) UNI

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.

2) UNI

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990. BH12.08 No demolition until contract signed.

HANOVER & ELM GROVE

BH2013/01561

164-166 Elm Grove Brighton

Conversion of existing social club (Sui Generis) to 2no one bedroom residential units (C305) at ground floor level incorporating removal of existing illuminated

advertisement sign to the front and removal of beer store and air conditioning units to the rear.

Applicant: Brighton Trades labour Club & Institute Limited

Officer: Liz Arnold 291709

Approved on 26/07/13 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 shown on drawing no. 1132013/P.A.01 the solid brick and quoining details around the new window opening in the Lynton Street elevation, hereby approved, shall match exactly that of the existing windows.

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 not be occupied until the sustainability measures [e.g. rainwater butts and efficient gas boiler] detailed within the Sustainability Checklist received on the 31st May 2013 have been fully implemented, and such measures shall thereafter be retained as such.

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

4) UNI

Notwithstanding drawing no. 1132013/P.A.01, 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: As insufficient information has been submitted and to ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

5) UNI

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

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

6) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing/Proposed Ground Floor Plans and Elevations, Location Plan and Block Plan	1132013/P.A.01	-	16th May 2013

7) UNI

The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

BH2013/01587

Woodvale Crematorium Lewes Road Brighton

Widening of existing catafalques to North and South chapels and installation of shutter to Crematory.

Applicant: Brighton & Hove City Council

Officer: Liz Arnold 291709

Approved Secretary of State on 18/07/13 NATIONAL PLANNING CASEWORK UNIT

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 marble mouldings to the edges of the catafalques shall be reinstated within 1 month of the completion of the widening of the catafalques. Any new marble required following the widening shall replicate exactly the existing marble.

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

BH2013/02054

95 Bonchurch Road Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.3m, for which the maximum height would be 3.25m, and for which the height of the eaves would be 2.5m.

Applicant: Mr Wilf Nicholls

Officer: Chris Swain 292178

Prior approval not required on 02/08/13 DELEGATED

HOLLINGDEAN & STANMER

BH2013/01250

72 Hollingdean Terrace Brighton

Change of use from dwelling (C3) to either dwelling (C3) or House in Multiple Occupation (C4).

Applicant: Mr Nick Malyon

Officer: Sue Dubberley 293817

Refused on 23/07/13 DELEGATED

1) UNI

The proposed change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

BH2013/01547**49 Coldean Lane Brighton**

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

Applicant: Suzy Hollingdale

Officer: Andrew Huntley 292321

Approved on 29/07/13 DELEGATED

BH2013/01615**Units 1A-3 Pavilion Retail Park Lewes Road Brighton**

Formation of new entrance areas incorporating installation of new shop fronts to East elevation, vehicle entrance doors to South elevation, re-cladding and reconfiguration of car parking.

Applicant: AVIVA Investors Ltd

Officer: Sue Dubberley 293817

Approved on 24/07/13 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	1149-020	B	21 June 2013
Existing block plan	1149-021	B	21 June 2013
Existing general arrangement	1149-022	B	21 June 2013
Proposed general arrangement	1149-023	B	21 June 2013

BH2013/02164**53 Crespin Way Brighton**

Application for Approval of Details Reserved by Conditions 6, 7, 8 and 9 of application BH2012/03219.

Applicant: Mr A O'Sullivan

Officer: Chris Swain 292178

Approved on 05/08/13 DELEGATED

MOULSECOOMB & BEVENDEAN**BH2013/01501****18 Ewhurst Road Brighton**

Change of use from dwelling (C3) to either dwelling (C3) or House in Multiple Occupation (C4).

Applicant: Mr Robert Luis Faria

Officer: Andrew Huntley 292321

Refused on 30/07/13 DELEGATED

1) UNI

The proposed change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document and to policy QD27 of the Brighton & Hove Local Plan

BH2013/01753**110 The Highway Brighton**

Application for Approval of Details reserved by conditions 3 and 4 of Application BH2013/00806.

Applicant: Mr Peter Howard

Officer: Anthony Foster 294495

Approved on 24/07/13 DELEGATED

BH2013/02098**Bevendean Primary School Heath Hill Avenue Brighton**

Erection of 3no playspace canopies to existing hard play areas.

Applicant: Bevendean Primary School

Officer: Andrew Huntley 292321

Approved on 01/08/13 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 and Block Plans. Plan and Elevations	287/01	P1	24.06.2013
Site location and Block Plans. Proposed Plan and Elevations	287/02	P1	24.06.2013

QUEEN'S PARK**BH2012/02364****64 St James Street Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2011/03631.

Applicant: Property Group Ltd

Officer: Anthony Foster 294495

Refused on 23/07/13 DELEGATED

BH2013/01092**20 Old Steine Brighton**

Application for Approval of Details Reserved by Conditions 5, 6, 7 and 8 of application BH2011/03160.

Applicant: SRE Trading

Officer: Sue Dubberley 293817

Refused on 05/08/13 DELEGATED

1) UNI

Condition 5.

Reason: The space set aside does not appear to be large enough to accommodate 7 bikes and there is no information in relation to the nature of the cycle stands.

2) UNI2

Condition 6.

Reason: Insufficient information submitted.

3) UNI3

Condition 7.

Reason: Insufficient information submitted.

4) UNI4

Condition 8.

Reason: Insufficient information submitted.

BH2013/01110

Wholesale Market Circus Street Brighton

Change of use for temporary period of two years from wholesale market (sui generis) to mixed use scheme consisting of community garden (D2), arts, cultural and other community activities (D1 and D2), business enterprise pods (B1) for local start up firms, and ancillary café (A3), removal of part of roof structure to allow for provision of community garden.

Applicant: Miss Sarah-Louise Chitty

Officer: Kathryn Boggiano 292138

Approved on 19/07/13 COMMITTEE

1) UNI

The permission hereby granted shall be for a temporary period expiring on 17 July 2015 when the uses hereby approved shall be ceased in their entirety and the land reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the expiry date.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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 Temporary Garden Roof Removal Area	546_SK_13		5 April 2013
Site Location Plan			5 April 2013
Proposed Temporary Garden Rotated Zoning Plan	546_SK_06		17 May 2013
Proposed Temporary Garden Rotated	546_SK_10		17 May 2013
Section BB	544_SK_08		1 May 2013
Section AA	544_SK_07		1 May 2013
Roof Plan: Proposed Temporary Garden Roof Removal Area			2 May 2013
Circus Street Block Plan			1 May 2013

3) UNI

Where events include the use of amplified sound and/or plant and machinery a noise management scheme shall be submitted not less than 21 days in advance of the event to, and agreed in writing by, the Local Planning Authority. Unless otherwise agreed in writing the noise management scheme shall include the following:

- a) A brief description of the event, including any details of the different types of entertainment and a timetable of the dates and times of the event programme.
- b) A layout plan showing the position of speakers, and plant/machinery (e.g. generators). Noise sensitive premises that are likely to be affected should also be identified on the plan.
- c) A comprehensive acoustic plan assessment, including predicted noise levels

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and independent noise monitoring proposals.

d) A brief description of any sound systems, and details of which entertainment will be amplified. Where entertainment will only be permitted through an 'in house sound system' this should be indicated.

e) Contact details of designated competent personnel responsible for noise control during performance.

f) Set up and clear up procedures including times and vehicle movements.

g) Hours of operation for entertainment and plant/machinery, including sound checks.

h) Noise mitigation measures, e.g. screening, noise limiters and monitoring.

i) Where appropriate an advice letter to neighbouring residents and/or commercial premises.

The uses shall be implemented fully in accordance with the approved details.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The community garden use hereby approved shall only be in use between the hours of 10.00 to 19:00 Monday to Friday, 10:00 to 18:00 on Saturdays and 10:00 to 16:00 Sundays and Bank Holidays.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

5) UNI

Other than the community garden use, the leisure, art and cultural activities (Class D1 and D2) hereby approved shall only take place for a maximum number of 85 days in any calendar year and shall only be in use between the hours of 09:00 to 23:00.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

6) UNI

The Class B1 start up units shall only be in use between the hours of 08:00 to 20:00 Monday to Friday and shall not be in use Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

7) UNI

Upon a written request by the Local Planning Authority, the applicant shall provide a written account of the number, date, time and details of D1 and D2 events which have been held at the property within a time period.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

8) UNI

The building shall not be brought into use 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 include a minimum of 28 spaces, and 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

No part of the building shall be used for vehicular car parking.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

10) UNI

Before the development hereby approved is brought into use, details of toilet facilities within the building shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme of toilet facilities shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure adequate provision of toilet facilities for the D1 and D2 community uses hereby approved, in accordance with policy HO19 of the Brighton & Hove Local Plan.

11) UNI

The building shall not be brought into use 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.

12) UNI

None of the food to be served in the A3 use hereby approved shall be cooked on the premises.

Reason: To safeguard the amenity of nearby residents/occupiers, particularly with regard to odours, and to accord with policy QD27 of the Brighton & Hove Local Plan.

13) UNI

The building shall not be brought into Class B1 use until full details of the location and size of the Class B1 start up units have been submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority the scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

BH2013/01218

20 Old Steine Brighton

Application for Approval of Details Reserved by Conditions 7 and 8 of application BH2011/03162.

Applicant: SRE Trading

Officer: Sue Dubberley 293817

Refused on 05/08/13 DELEGATED

1) UNI

Conditions 7.

Reason: Insufficient information submitted.

2) UNI2

Condition 8.

Reason: Insufficient information submitted.

BH2013/01403

Stag Inn 33 Upper Bedford Street Brighton

Demolition of existing public house (A4) and construction of a new 3 storey building comprising 9 one, two and three bedroom residential units with office space (A2) on the ground floor.

Applicant: Godfrey Investments

Officer: Jonathan Puplett 292525

Approved on 19/07/13 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

The ground floor commercial use hereby permitted shall not operate except between the hours of 08.00 and 21.00 on Mondays to Saturdays and 09:00 and 20:00 on Sundays and Bank/Public Holidays.

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

3) UNI

The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

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 surface to a permeable or porous area or surface within the curtilage of the property.

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

5) UNI

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 policy QD1 of the Brighton & Hove Local Plan.

6) UNI

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.

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until Design Stage/Interim Code for Sustainable Homes Certificates demonstrating that the development hereby approved achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for

all residential units have 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.

8) UNI

No non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 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.

9) UNI

Notwithstanding the details shown in the approved drawings, 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.

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, boundary treatments, 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

No development shall commence until detailed drawings, including levels, sections and construction details of the hard landscaping works proposed (which would adjoin the public highway) have been submitted to and be approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of highway safety, to ensure an acceptable appearance and to comply with policies TR7, TR8, QD1 and QD15 of the Brighton & Hove Local Plan.

12) UNI

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 accord with the standards described in Annex 6 of SPD 11 and 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 and Supplementary Planning Document SPD11 Nature Conservation and Development.

13) UNI

8) (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 un

14) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until Final/Post Construction Code Certificates issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum have 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

None of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 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.

16) 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.

17) UNI

Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers on Upper Bedford Street and Somerset Street shall be reinstated back to footway by raising the existing kerbs and footways.

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

18) 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.

19) 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	0116/S001		03/05/2013
Existing Elevation	0116-S002		03/05/2013
Existing Elevation	0116-S003		03/05/2013
Existing Elevation	0116-S004		03/05/2013
Existing Elevation	0116-S005		03/05/2013
Site Survey	7157		03/05/2013
Drainage Layout	13-019 50	P1	03/05/2013
Proposed Ground Floor Plan	0116-P010		03/05/2013
Proposed First Floor Plan	0116-P011		03/05/2013
Proposed Second Floor Plan	0116-P012		03/05/2013
Proposed Roof Plan	0116-P013		03/05/2013
Proposed Elevation	0116-P014		03/05/2013
Proposed Elevation	0116-P015		03/05/2013
Proposed Elevation	0116-P016		03/05/2013
Proposed Elevation	0116-P017		03/05/2013
Proposed Section	0116-P018		03/05/2013
Proposed Section	0116-P019		03/05/2013

BH2013/01479**9 Wyndham Street Brighton**

Certificate of lawfulness existing for UPVC windows to all elevations.

Applicant: Mr Daniel Scoular

Officer: Wayne Nee 292132
Approved on 23/07/13 DELEGATED

BH2013/01579

9 & 11 Dawson Terrace Brighton

Alterations and extensions to 2no three bedroom flats to form 1no two bedroom flat and 2no three bedroom maisonettes incorporating single storey rear and two storey side extensions, loft conversion with hip to gable end extension, front rooflights and rear dormer, and associated landscaping.

Applicant: Mr Neill Jenner

Officer: Anthony Foster 294495

Refused on 06/08/13 DELEGATED

1) UNI

Cumulatively the proposed extensions by virtue of their varied roof forms, the awkward relationship with the existing property, form, massing and bulk would appear as a discordant feature not in keeping with the character of the existing property and the visual amenity of the surrounding area contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12 Design guide for extensions and alterations.

2) UNI2

The proposed extension would have an overbearing and enclosing impact upon the occupiers of 12A Dawson Terrace, it is considered that the proposed development would cause significant harm to the amenity of neighbouring occupiers, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/01699

Flats 14 & 19 Northumberland Court 62 - 64 Marine Parade Brighton

Internal alterations to layout of flats associated with conversion of 2no flats into a single residential dwelling.

Applicant: Ms Maria Boyce

Officer: Sonia Gillam 292265

Approved on 29/07/13 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.

BH2013/01724

1 Southdown Mews Freshfield Road Brighton

Conversion of existing garage to habitable room incorporating replacement of existing garage door with glazed doors.

Applicant: Mrs Karen Edwards

Officer: Chris Swain 292178

Approved on 26/07/13 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			24 May 2013
Block plan			24 May 2013
Existing ground floor plan			24 May 2013
Existing first and second floor plans			24 May 2013
Existing front and rear elevations and section A-A			31 May 2013
Proposed ground floor plan			24 May 2013
Proposed first and second floor plans			24 May 2013
Proposed front and rear elevations and section A-A			31 May 2013

BH2013/01745

33A Upper Rock Gardens Brighton

Demolition of existing rear conservatory and erection of single storey rear extension and external alterations.

Applicant: Mr Gerard Raimond

Officer: Pete Campbell 292359

Refused on 07/08/13 DELEGATED

1) UNI

The proposed extension by virtue of its scale, length and inappropriate design would result in an overextended appearance to the property which would be detrimental to the visual appearance and character of the host property, the terrace and the wider East Cliff Conservation Area. The application is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan 2005 as well as the guidance set out in SPD12, Design Guide for Extensions and Alterations.

BH2013/01814

42 Queens Park Rise Brighton

Erection of single storey rear extension.

Applicant: Mrs D Ellis Hill

Officer: Wayne Nee 292132

Refused on 02/08/13 DELEGATED

1) UNI

The proposed rear infill extension, by virtue of its height and depth in close proximity to the site boundary combined with the differing site levels, would result in an un-neighbourly form of development that would increase the sense of enclosure and cause a loss of outlook for the occupiers of the neighbouring property at no. 40 Queens Park Rise. This would be to the detriment of residential amenity, which is contrary to policies QD14 and QD27.

BH2013/01931

13 Egremont Place Brighton

Installation of gas supply pipe to front elevation

Applicant: Southern Gas Network

Officer: Chris Swain 292178

Approved on 31/07/13 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 hereby approved gas supply pipe shall be painted to match the existing building within 3 months of installation and retained as such thereafter.

Reason: To ensure the satisfactorily appearance of the building and 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			5 June 2013
Pre-existing and proposed elevations.	1208/01	B	5 June 2013
Existing elevations	1208/01		5 June 2013

BH2013/01932

27 Egremont Place Brighton

Installation of gas supply pipe to front elevation

Applicant: Southern Gas Network

Officer: Chris Swain 292178

Approved on 31/07/13 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 hereby approved gas supply pipe shall be painted to match the existing building within 3 months of installation and retained as such thereafter.

Reason: To ensure the satisfactorily appearance of the building and 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			5 June 2013
Pre-existing, existing and proposed elevations.	1212/01	B	5 June 2013

ROTTINGDEAN COASTAL

BH2013/00761

22 Roedean Crescent Brighton

Installation of velux cabriolliet rooflight to south elevation.

Applicant: Mrs Caroline Lipton

Officer: Pete Campbell 292359

Refused on 24/07/13 DELEGATED

1) UNI

The proposed carriole rooflights by virtue of their size, number and location have a cramped appearance on the rear roof slope and fail to complement the host building. The proposal is consequently considered detrimental to the overall character and appearance of the host property, contrary to policy QD14 of the Brighton & Hove Local Plan 2005 and the guidance set out in SPGBH1.

BH2013/01245

22 Roedean Crescent Brighton

Application for approval of details reserved by conditions 3, 4, 6 and 7 of application BH2010/01861.

Applicant: Ms Caroline Lipton

Officer: Pete Campbell 292359

Approved on 06/08/13 DELEGATED

BH2013/01394

Aubrey House The Green Rottingdean Brighton

Erection of single storey rear extension to second floor level.

Applicant: Mr & Mrs Field

Officer: Wayne Nee 292132

Refused on 23/07/13 DELEGATED

1) UNI

The proposed rear extension would, by reason of its form, siting, design and appearance, poorly integrate with the form of the listed building, and would erode the current historic roof form, to the detriment of its historic character and appearance. As such the proposal is contrary to policy HE1 of the Brighton & Hove Local Plan 2005.

BH2013/01508

91 Dean Court Road Rottingdean Brighton

Alterations to existing garage to facilitate the erection of a two storey side extension incorporating side rooflights, front dormer and associated roof alterations.

Applicant: Mr Tony Jutton

Officer: Chris Swain 292178

Refused on 23/07/13 DELEGATED

1) UNI

The proposed addition, by reason of scale, design, siting, excessive bulk and height and inappropriate roof form would result in an unsympathetic and overly dominant addition that relates poorly to the existing building and detracts from the appearance and character of the Dean Court Road street scene, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extension (SPGBH1).

BH2013/01585

106 Dean Court Road Brighton

Formation of front dormer to replace existing Velux window.

Applicant: Mr Michael Spurgin

Officer: Chris Swain 292178

Refused on 29/07/13 DELEGATED

1) UNI

The proposal, by reason of its size, proportions, design and inappropriate siting would result in a bulky and unsympathetic alteration that would detract from the

appearance and character of the building and would harm the visual amenity of the wider surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

BH2013/01672

32 Cranleigh Avenue Rottingdean Brighton

Conversion of garage into habitable room with associated alterations to roof and fenestration with the creation of new porch to replace existing. Remodelling of forecourt and creation of vehicle crossover with associated alterations to front boundary wall.

Applicant: Mr & Mrs R Morris

Officer: Liz Arnold 291709

Approved on 23/07/13 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	-	-	23rd May 2013
Block Plan	-	-	4th June 2013
Plan - As Existing	CRA.13.8	-	23rd May 2013
Street Elevation - As Existing	CRA.13.9	-	23rd May 2013
Front Elevation - As Existing	CRA.13.10	-	23rd May 2013
Side (South) Elevation - As Existing	CRA.13.11	-	23rd May 2013
Plan - As Proposed	CRA.13.12	A	29th May 2013
Street Elevation - As Proposed	CRA.13.13	B	25th June 2013
Front Elevation - As Proposed	CRA.13.14	B	25th June 2013
Side (South) Elevation - As Proposed	CRA.13.15	B	25th June 2013

BH2013/01717

Pineglade Bazehill Road Rottingdean

Demolition of existing garage and carport and erection of single storey building incorporating garage, carport, store and workspace.

Applicant: Mr Richard Byrne

Officer: Pete Campbell 292359

Refused on 30/07/13 DELEGATED

1) UNI

The proposal is considered unacceptable in design terms by virtue of its excessive scale and footprint. The proposed garage and store/workspace represents an overly prominent modern ancillary building, positioned in a

sensitive historic location which would detract from the established setting of the Rottingdean Conservation Area. The proposal is therefore contrary to policies QD2 and HE6 of the Brighton & Hove Local Plan 2005.

BH2013/01735

Basement & Ground Floor Flat 14 Sussex Square Brighton

Certificate of lawfulness for proposed conversion of 2no flats into 1no flat.

Applicant: Mr Craig Jones

Officer: Sonia Gillam 292265

Approved on 25/07/13 DELEGATED

BH2013/01751

96 Longhill Road Brighton

Erection of single storey pitched roof side extension and erection of store at the front with patio above with associated works.

Applicant: Richard White

Officer: Chris Swain 292178

Refused on 26/07/13 DELEGATED

1) UNI

The proposed addition, by reason of scale, design, siting including forward projection, excessive bulk and height would result in an unsympathetic and overly dominant addition that relates poorly to the existing building and detracts from the appearance and character of the Longhill Road street scene, contrary to policy QD14 of the Brighton & Hove Local Plan

2) UNI2

The raised terraced area results in significant overlooking and loss of privacy towards the front elevation and garden of the adjoining property, No.98 Longhill Road, is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/01854

32 Eley Drive Brighton

Erection of single storey rear extension.

Applicant: Mr Gary Rowden

Officer: Wayne Nee 292132

Refused on 02/08/13 DELEGATED

1) UNI

The proposed rear extension, by reason of its size and projection from the rear elevation, would form an inappropriate and bulky addition which, in conjunction with the existing rear extension, would result in an over-extended appearance to the dwelling. This would be detrimental to the appearance and character of the existing property, and is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/01941

24 Longhill Road Brighton

Non Material Amendment to BH2013/00601 to return two existing velux windows in south roof elevation to be used to light loft storage area. Positioned as existing.

Applicant: Ian Watson

Officer: Andrew Huntley 292321

Approved on 22/07/13 DELEGATED

BH2013/01954

Land adjacent to 19 Roedean Road Brighton

Erection of a two storey 3 bed end of terrace house.

Applicant: Tallon Properties Ltd

Officer: Liz Arnold 291709

Refused on 29/07/13 DELEGATED

1) UNI

The proposed development, by virtue of the exaggerated northern staggered siting of the proposed dwelling in comparison to the staggering of the rest of the related terrace and the design of the south facing elevation, namely the inclusion of a first floor 'fake' window, would result in a development out of keeping with the adjoining terrace and a development which would be of detriment to the visual amenities of the existing terrace, the Roedean Road and Cliff Approach street scenes and the wider area, including the setting of the South Downs National Park. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The proposal results in a development that would be over-bearing, dominant and oppressive to the occupiers of no. 2 Cliff Approach and which would result in perceived overlooking and loss of privacy given the 2 storey aspect of the proposal, the positioning of windows within the proposed development and the southern neighbouring property and the close proximity of the development to no. 2 Cliff Approach. As such results in harm to the amenity of the neighbouring occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

WOODINGDEAN

BH2013/00602

132 The Ridgway Brighton

Erection of two storey side extension.

Applicant: Carl Meek

Officer: Wayne Nee 292132

Approved on 24/07/13 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 upper floor side windows in the south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

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 plan	11/1140/02		22 Feb 2013
Ground floor	n/a		17 June 2013
First floor	FP1		17 June 2013
Front elevation	FV1		17 June 2013
Side elevation	n/a		17 June 2013
Rear elevation	n/a		17 June 2013
Site plan	11/1140/03		22 Feb 2013

BH2013/01098

Unit 9 Woodingdean Business Park Sea View Way Brighton

Installation of windows to front and side elevations.

Applicant: Orbtalk

Officer: Andrew Huntley 292321

Approved on 23/07/13 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
Location Plan			08.05.2013
Block Plan			04.04.2013
Existing Ground and First Floor Plan	2		04.04.2013
Proposed Ground and First Floor Plan	3		04.04.2013
Existing and Proposed Elevations	4	A	08.05.2013
Windows			07.06.2013

BH2013/01616

52 Channel View Road Brighton

Erection of single storey rear extension.

Applicant: Mr D Fitzpatrick

Officer: Louise Kent 292198

Refused on 18/07/13 DELEGATED

1) UNI

The extension, by reason of its height, depth and bulk, relates poorly to the existing property and adjoining terraced properties. As such, it would form an unsympathetic and overly dominant addition and would be detrimental to the character and appearance of the existing property and the adjoining terraced properties, contrary to policies QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed extension, by virtue of its height, depth and bulk, would result in an unneighbourly form of development, and would have an overbearing impact on 50 Channel View Road. As such the proposal would adversely impact on the residential amenity currently enjoyed by that property, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BRUNSWICK AND ADELAIDE

BH2013/01119

6A Lansdowne Square Hove

Repairs to the damp proofing of the walls of the basement flat.

Applicant: Ms J Gray

Officer: Robert McNicol 292322

Refused on 05/08/13 DELEGATED

1) UNI

Insufficient information has been provided regarding the exact type of damp-proofing, the impact on the historic fabric of the building, the method of application and the need for the works. It is not therefore possible to determine that the proposed works would not have a detrimental impact on the character and appearance of the grade II listed building, contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2013/01531

Rear Lower Ground Floor Flat 66 Brunswick Place Hove

Installation of rooflight to replace existing.

Applicant: Ms Wendy Carter

Officer: Mark Thomas 292336

Approved on 22/07/13 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	RP-01	-	14 May 2013
Block plan	RP-02	-	14 May 2013
Floor plan	-	-	14 May 2013
Sectional drawing	-	-	14 May 2013
Sectional drawing	-	-	14 May 2013
Existing and proposed elevations	-	-	14 May 2013
Existing and proposed roof plan	-	-	14 May 2013

BH2013/01549

15 Cross Street Hove

Installation of new shopfront and awning, replacement of first floor window and conservation style rooflight to front roofslope. (Part Retrospective)

Applicant: Brain Oliver

Report from: 18/07/13 to: 07/08/13

Officer: Adrian Smith 290478

Approved on 29/07/13 DELEGATED

1) UNI

The rooflight hereby approved shall be of a conservation style with steel or cast metal frames fitted flush with the adjoining roof surface without projecting above the plane of the roof.

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	-	-	14/05/2013
Block plan	Site Plan 01	-	14/05/2013
Existing and proposed plans	One	(A)(B)	16/07/2013

BH2013/01593

41 Western Road Hove

Change of use from retail (A1) to professional services (A2).

Applicant: Hartley Sipp 8136 Ltd

Officer: Christopher Wright 292097

Approved on 25/07/13 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
Location Plan			17 May 2013
Plans Proposed (and Existing)	03/0510366		17 May 2013

BH2013/01734

61A Western Road Hove

Change of use from Nightclub (Sui Generis) to Language School (D103).

Applicant: Mr Christos Demetriou

Officer: Jason Hawkes 292153

Approved on 24/07/13 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 premises shall only be used as a language school in association with 61 Western Road and for no other purpose (including any other purpose in Class D1) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking

and re-enacting that Order with or without modification).

Reason: To safeguard the amenities enjoyed by neighbouring properties in accordance with policy QD27 of the Brighton & Hove Local Plan.

3) UNI

The use of the premises 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
Block & site location plans	TA702/01	A	29th May 2013
Lease Plan	332		29th May 2013

5) UNI

The former nightclub at basement level shall not be used as an additional classroom or classrooms for the language school.

Reason: Given the lack of windows, the use of the basement as a classroom is deemed inappropriate and in accordance with policy QD27 of the Brighton & Hove Local Plan.

CENTRAL HOVE

BH2013/01661

88-92 Church Road Hove

Colour alterations to shopfront.

Applicant: The Co-operative Group

Officer: Steven Lewis 290480

Approved on 23/07/13 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 floor plans and elevation	2162.01	-	23/05/2013
Proposed Floor Plans and Elevations	2162.02	a	02/07/2013
OS Extract	2163.03	-	23/05/2013

3) UNI

The Colour alterations to the shopfront shall solely apply to the front entrance doors in strict accordance with the approved drawings and shall only be colours with 'Co-Operative Green' as detailed by the accompanying information submitted on 26/06/2013 & 02/07/2013.

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

BH2013/01686

19 & 21 Norton Close Hove

Application for Approval of Details Reserved by condition 14 of application BH2013/00173.

Applicant: Mr Tim Burkey

Officer: Guy Everest 293334

Approved on 01/08/13 DELEGATED

BH2013/01712

Co-operative Food Store 88 to 92 Church Road Hove

Display of externally illuminated fascia and hanging signs.

Applicant: Co-operative Food Group

Officer: Adrian Smith 290478

Approved on 05/08/13 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.

BH2013/01742

Flat 3 Winchester House 8 Fourth Avenue Hove

Construction of first floor balcony with railings to rear elevation.

Applicant: Mr Laurence Broderick

Officer: Adrian Smith 290478

Refused on 02/08/13 DELEGATED

1) UNI

The proposed balcony, by virtue of its elevated position, would afford excessive and uncharacteristic amenity harm to neighbouring properties by way of overlooking and potential noise disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/01930

4 Vallance Gardens Hove

Replacement of existing porch with pitched roof porch and replacement of existing windows to UPVC sash windows.

Applicant: Care Management Group Ltd

Officer: Helen Hobbs 293335

Refused on 06/08/13 DELEGATED

1) UNI

The proposed porch would, by reason of depth and non-traditional window and doors, detract from the character of the recipient property and would be out of keeping with the adjoining properties within the Vallance Gardens street scene. As such the proposal would be detrimental to visual amenity and would detract from the character and appearance of the conservation area, contrary to the requirements of policies QD14 and HE6 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document (SPD12) Design Guide for Extensions and Alterations.

2) UNI2

The proposed UPVC windows, by reason of their form and material finish, represent a harmful alteration to the character and appearance of the building and wider Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and SPD09 guidance.

GOLDSMID

BH2013/01260

St. Mary & St. Abraham Church Davigdor Road Hove

Erection of single storey rear extension at basement level.

Applicant: Mr Akram

Officer: Steven Lewis 290480

Approved on 02/08/13 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 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

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) Increase awareness of and improve road safety and personal security:

iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:

iv) Following the annual congregation and staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:

v) 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.

4) UNI

The extension hereby permitted shall not be occupied except between the hours of 8am and 10pm Mondays to Fridays, 8am and 11pm on Saturdays and between 8am to 4pm on Sundays.

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

5) UNI

No development shall commence until a written management plan for the outdoor areas outlining the proposed measures to reduce disturbance and noise from such areas has been submitted to the local planning authority. The management plan shall outline specific and detailed measures aimed at reducing noise impact, including details of supervision and layout of these areas including showing the types of use. The outdoor areas shall not be used in connection with activities within the development hereby permitted until such time as the outdoor management plan has been approved in writing by the local planning authority. Use of the outdoor areas shall thereafter accord with the agreed measures in the management plan at all times.

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

6) 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.

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
Location and Block Plan	1106/A.01	C	17/06/2013
Basement Plan - Existing	1106/A.02	-	19/04/2013
Ground Floor Plan - Existing	1106/A.03	-	19/04/2013
North elevation - Existing	1106/A.04	-	19/04/2013
South elevation - Existing	1106/A.05	-	19/04/2013
East Elevation - Existing	1106/A.06	-	19/04/2013
West Elevation - Existing	1106/A.07	-	19/04/2013
Basement Plan - Proposed	1106/D.01	-	19/04/2013
West Elevation - Proposed	1106/D.01	-	19/04/2013
South Elevation - Proposed	1106/D.03	-	19/04/2013
East Elevation - Proposed	1106/D.04	-	19/04/2013
Ground Floor Plan - Proposed	1106/D.05	-	19/04/2013

8) UNI

The outdoor areas surrounding the site shall not be used in connection with the church use, other than for parking, except between the hours of 9am and 5:30pm Mondays to Saturdays and between 9am and 4pm on Sundays.

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

BH2013/01374

26 Shirley Street Hove

Erection of single storey rear extension.

Applicant: Jude Archard

Officer: Helen Hobbs 293335

Refused on 29/07/13 DELEGATED

1) UNI

The proposed extension, by reason of its excessive depth and footprint wrapping around the original outrigger of the host building relates poorly and causes harm to the form and character of the recipient building resulting in an overextended appearance contrary to policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed extension, by virtue of its depth, height and siting in close proximity to the boundary with No. 24 Shirley Street would represent an overbearing and un-neighbourly form of development that would result in material overshadowing and loss of light and outlook, particularly in relation to the side facing windows at ground floor level within the east elevation of this neighbouring property. The proposed development is therefore contrary to policies QD14 and QD27 of the

BH2013/01599

58A Palmeira Avenue Hove

Application for variation of condition 2 of application BH2012/01177 (Erection of single storey detached dwelling) to permit the removal of the basement and addition of a third bedroom at ground floor level with extended floor space, addition of 8no photovoltaic panels to the roof and reduction of solar thermal panels from four to two.

Applicant: Owen Property

Officer: Adrian Smith 290478

Approved on 22/07/13 DELEGATED

1) UNI

The development hereby permitted shall be commenced before 25 June 2015.

Reason: To accord with the original permission and to ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall not be occupied until the green walls to the eastern elevations have been implemented, and the walls and planting shall thereafter be retained at all times.

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1, QD2 and QD27 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 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.

4) UNI

The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

5) UNI

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

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

6) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall at all times be undertaken in accordance with the arboricultural method statement contained within the Arboricultural Report received on the 18th April 2012. All trees identified for retention within the submitted Arboricultural Report shall be protected to BS5837 (2005) throughout

all development works.

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

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be constructed using the 'Housedeck Tree Protection System', in accordance with the method statement included within the Arboricultural Report received on the 18th April 2012.

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

8) UNI

Development shall be carried out in accordance with the submitted material samples received on 08/01/2013 and approved under application reference BH2013/00043.

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

9) UNI

Development shall be carried out in accordance with the STROMA Design Stage Certificate received on 06/02/2013 and approved under application reference BH2013/00362.

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

Development shall be carried out in accordance with approved access details drawing (PL)001 rev T2 received on 08/01/2013 and approved under application reference BH2013/00043.

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

11) UNI

Development shall be carried out in accordance with approved landscaping plan RG-NDJ-DOPA 003 rev A received on 04/03/2013 and approved under application reference BH2013/00043.

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

12) UNI

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.

13) UNI

Development shall be carried out in accordance with the details within the approved arboricultural report received on 08/01/2013 and approved under

application reference BH2013/00043.

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

14) 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 the residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

15) UNI

The 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.

16) UNI

Development shall be carried out in accordance with approved levels details drawing (PL)002 rev T1 received on 08/01/2013 and approved under application reference BH2013/00043.

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.

17) UNI

The development hereby permitted shall not be occupied until the new eastern boundary treatments have been implemented. These treatments shall thereafter be retained at all times.

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1, QD2 and QD27 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.

Plan Type	Reference	Version	Date Received
Site and block plan	TA635/30		18/04/2012
Existing plans	TA635/01		18/04/2012
	TA635/02		18/04/2012
	TA635/40		18/04/2012
Proposed site plan (roof)	(PL)106		17/05/2013
Proposed floor plans	(PL)101	A	17/05/2013
	(PL)102	A	17/05/2013
Proposed elevations	(PL)103	B	11/07/2013
	(PL)104	C	11/07/2013
Proposed sections	(PL)105	B	11/07/2013
Proposed eastern wall elevation	TA635/41		18/04/2012

BH2013/01612

4 Granville Road Hove

Certificate of Lawfulness for existing use of property as house in multiple occupation (C4) and self contained flat.

Applicant: Bayleaf Homes

Officer: Steven Lewis 290480

Approved on 29/07/13 DELEGATED

BH2013/01764

121-123 Davigdor Road Hove

Application for Approval of Details reserved by conditions 3 & 4 of application BH2012/04042.

Applicant: Mr F Gjona

Officer: Christopher Wright 292097

Split Decision on 25/07/13 DELEGATED

BH2013/01767

9A Fonthill Road Hove

Loft conversion incorporating rooflights to front and rear roof slopes.

Applicant: Ms Frances Haynes

Officer: Adrian Smith 290478

Approved on 26/07/13 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, existing and proposed floor plans and elevations	PY/01	B	25/07/2013

BH2013/01925

West View The Drive Hove

Application for Approval of Details Reserved by Conditions 4, 6, 7, 8 10 and 12 of application BH2013/00264.

Applicant: Anstone Properties Limited

Officer: Steven Lewis 290480

Approved on 29/07/13 DELEGATED

BH2013/02010

108 Goldstone Road Hove

Replacement of existing UPVC window to the rear at ground floor level with timber framed double glazed door and creation of timber steps to access garden.

Applicant: Mr Thomas Kozdon

Officer: Adrian Smith 290478

Approved on 02/08/13 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	GR103	-	18/06/2013
Existing plans	GR101	A	25/07/2013
Proposed plans	GR102	B	26/07/2013
Door construction details	GR104	-	18/06/2013

BH2013/02090

47 Montefiore Road Hove

Application for Approval of Details Reserved by Condition 8 of application BH2011/00161.

Applicant: Mr D Payne

Officer: Steven Lewis 290480

Approved on 23/07/13 DELEGATED

HANGLETON & KNOLL

BH2013/01771

18 Sunninghill Avenue Hove

Erection of single storey pitched roof front porch.

Applicant: Mr & Mrs R Sayers

Officer: Helen Hobbs 293335

Approved on 29/07/13 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 floor plans and elevations, block and location plan	13436-02	B	3rd June 2013

BH2013/01807

18 Park Rise Hove

Hip to gable roof extension to facilitate loft conversion creating chalet bungalow incorporating front dormer.

Applicant: Mr Glen Matten

Report from: 18/07/13 to: 07/08/13

Officer: Steven Lewis 290480

Refused on 29/07/13 DELEGATED

1) UNI

The proposed roof extensions are considered poorly designed by reason of their siting, scale, form, and detailing and would result in a boxy and bulky appearance. They would be harmful to the character and appearance of the property and the visual amenity of the area contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance note 1 - Roof Extensions and Alterations.

BH2013/01810

3 Meyners Close Hove

Certificate of lawfulness for proposed rear dormer.

Applicant: Mr M Kelly

Officer: Robert McNicol 292322

Refused on 07/08/13 DELEGATED

1) UNI

The property has already been extended, including addition to the volume of the roof space. This additional volume must be included in the allowance for calculating the resulting volume of the roof space. The combined total of the existing extension and the proposed dormer would be 65.1m³, which exceeds the 50m³ allowance permitted under clause c, Class B, Part 1 of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

NORTH PORTSLADE

BH2013/01710

354 Mile Oak Road Portslade

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to the rear and 1no rooflight to the front roof slope.

Applicant: Mr & Mrs Boulton

Officer: Adrian Smith 290478

Approved on 26/07/13 DELEGATED

1) UNI

The development is permitted under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2013/01730

Hillside School Foredown Road Brighton

Erection of single storey extension, fully enclosed canopy and open canopy.

Applicant: Hillside School

Officer: Adrian Smith 290478

Approved on 01/08/13 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	100	A	29/05/2013
Block plan	101	A	29/05/2013
Existing floor plan	102	A	29/05/2013
Proposed floor plan	103	L	29/05/2013
Existing and proposed elevations	104	A	29/05/2013
	105	A	29/05/2013

SOUTH PORTSLADE

BH2013/01223

The Mill House Public House 131 Mill Lane Portslade

Erection of single storey rear extension with associated external alterations.

Applicant: TFRE2

Officer: Christopher Wright 292097

Approved on 19/07/13 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
Existing Survey	1639/01		16 Apr 2013
Existing Survey	1639/02		16 Apr 2013
Proposed Site Layout	12-1870-130	P2	16 Apr 2013
Proposed Ground Floor Layout	12-1870-131	P2	16 Apr 2013
Proposed First Floor Layout	12-1870-132	P2	16 Apr 2013
Proposed Elevations	12-1870-133	P2	16 Apr 2013
Proposed Elevations	12-1870-134	P2	16 Apr 2013
Location and Block Plan	12-1870-135	P1	16 Apr 2013

3) UNI

The extension hereby permitted shall not be open to customers except between the hours of 9.00am and 11.00pm from Mondays to Saturdays inclusive, and from 10.00am until 10.00pm on Sundays, Bank or Public Holidays.

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

4) UNI

No alcohol shall be sold or supplied to persons accommodated within the extension hereby permitted unless those persons are taking meals on the premises and are seated at tables.

Reason: To safeguard the amenities of the locality and to comply with policies SU10, SR12 and QD27 of the Brighton & Hove Local Plan.

5) 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. The development shall

be carried out in accordance with the approved materials samples.

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

6) 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 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.

7) 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 the extension being brought into use 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.

8) UNI

No development shall commence until details of secure cycle parking facilities for the customers, staff 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

No machinery or plant (e.g. extraction and odour control equipment, air conditioning) shall be used in association with the use of the extension hereby permitted except between the hours of 9.00am and 11.00pm from Mondays to Saturday inclusive, and from 10.00am until 10.00pm on Sundays, Bank or Public Holidays.

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.

BH2013/01411

Portslade County Infant School Locks Hill Portslade

Erection of two storey rear extension with associated alterations.

Applicant: Mr Martin Hucker

Officer: Christopher Wright 292097

Approved on 29/07/13 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 Location and Site Layout Plans	ED220-001	D	15 May 2013
Existing Site Layout	ED220-002		3 May 2013
Proposed Site Layout	ED220-003	A	14 May 2013
Proposed New Classroom Block Annex (Reception) Site	ED220-004	G	3 May 2013
Existing Elevation and Building Footprint	ED220-005		3 May 2013
Proposed Elevations and Building Footprint	ED220-006		3 May 2013
Existing Plan Layouts Main Building (Infants Site) & Annex Building (Reception)	ED220-008		14 May 2013

3) 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.

4) UNI

Within 3 months of the occupation of the development hereby approved 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 visitors, staff, deliveries and parking management) for the development shall be submitted to the Local Planning Authority for written approval. 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 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 focused on reductions in the level of car use;
- vi) Following the annual staff and pupil survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
- vii) 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.
- viii) Identify a monitoring framework, which shall include a commitment to undertake an annual staff and pupil travel survey, for at least five years, or until such time as the identified targets are met, to enable the Travel Plan to be reviewed and updated as appropriate. Annual surveys should be submitted to the Council's School Travel Plan Officers.

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

5) 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.

BH2013/01502

68 Church Road Portslade

Erection of two storey side extension to facilitate enlargement of first floor flat and excavation of a lower ground floor level to create a bedsit at ground floor and lower ground floor levels.

Applicant: Park Avenue Estates Ltd & Spruce Ltd

Officer: Christopher Wright 292097

Approved on 29/07/13 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
As Existing & As Proposed Elevations & Floor Plans	DC/68ChRd/01	A	13 May 2013

3) UNI

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted as shown on drawing no. DC/68ChRd/01 Rev A, received on 13 May 2013, shall be implemented in its entirety, including the formation of the lower ground floor level, prior to first occupation, and retained as such thereafter.

Reason: In order to provide a satisfactory standard of accommodation and living conditions for future occupiers of the development and in order to comply with policy QD27 of the Brighton & Hove Local Plan 2005.

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.

6) UNI

Notwithstanding the approved drawing No. DC/68ChRd/01 version A received 13 May 2013, no development shall take place until amended floor plans showing

the staircase to the lower ground floor widened to a minimum of 900mm in width, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in 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 comply with policy HO13 of the Brighton & Hove Local Plan.

7) UNI

The development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on 13 May 2013 have been fully implemented, and such measures shall thereafter be retained as such.

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

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 policies QD1 and QD14 of the Brighton & Hove Local Plan.

BH2013/01620

Portslade Community College Mile Oak Road Portslade

Erection of single storey temporary modular classroom.

Applicant: Ms Chloe DeBanks-Hirst

Officer: Jason Hawkes 292153

Approved on 18/07/13 DELEGATED

1) UNI

The permission hereby granted shall be for a temporary period only, expiry on or before 31st July 2015.

Reason: The structure hereby approved is not considered suitable as a permanent form of development.

2) UNI

The temporary classroom 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 31st July 2015 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The structure hereby approved is not considered suitable as a permanent form of development and in order to safeguard residential and visual amenity and to comply with policies QD1, QD2 & QD27 of the Brighton & Hove Local Plan.

3) 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.

4) UNI

Prior to the 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 staff, pupils, deliveries and parking management) for the development. The Travel Plan shall be implemented as approved thereafter.

Reason: To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 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			21st May 2013
Temp Accommodation Proposed Plans & Elevations	1184/P/101		21st May 2013

BH2013/01725

1 Easthill Drive Portslade

Erection of two storey side extension incorporating demolition of existing rear outbuilding and replacement of existing 1 metre high chain link fence with 2 metre high timber fence with front gate.

Applicant: Mr Matthew Ellett

Officer: Christopher Wright 292097

Approved on 02/08/13 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 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, Block and Existing Plans	01		28 May 2013
Location, Block and Proposed Plans	02	A	31 July 2013
Existing Elevations	03		11 June 2013

BH2013/01797

47 Fairfield Gardens Brighton

Loft conversion incorporating hip to gable roof extension, raising of ridge height, front and rear dormers. Erection of single storey rear extension.

Report from: 18/07/13 to: 07/08/13

Applicant: Mr & Mrs Noyes
Officer: Helen Hobbs 293335
Refused on 07/08/13 DELEGATED

1) UNI

The proposed rear dormer, by virtue of its excessive size and design, would be detrimental to the character and appearance of the property. This is contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide for Extension and Alterations (SPD12).

2) UNI2

The proposed front dormer, hip to gable extension and the raised ridge height would unbalance the pair of semi detached properties and would be out of keeping within the street scene. The proposal is therefore contrary to policies QD1, QD2, and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide for Extension and Alterations (SPD12).

3) UNI3

The accumulation of all proposed roof extensions would result in an overly bulky and prominent appearance, detracting from the character and appearance of the property. The proposal is therefore contrary to policies QD1, QD2, and QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document Design Guide for Extension and Alterations (SPD12).

BH2013/01897

51 Easthill Drive Portslade

Erection of single storey rear extension.

Applicant: Mr & Mrs S Plumstead

Officer: Helen Hobbs 293335

Approved on 02/08/13 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 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, block plan, existing and proposed elevations	1735.P1		7th June 2013
Existing and proposed floor plans	1735.P2		7th June 2013

BH2013/01961

89 Shelldale Road Portslade

The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.7m.

Applicant: Mr Eihab Agladious

Officer: Chris Swain 292178

Prior Approval is required and is refused on 18/07/13 DELEGATED

1) UNI

The proposed rear extension, by reason its height, design and depth would result in a significantly overbearing impact, an unacceptable sense of enclosure, and a loss of light to the adjoining property, No.87 Shelldale Road. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan. This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Application form outlining the dimensions of the development.			13 June 2013
Block plan			13 June 2013
Existing and proposed elevations	EA-01		13 June 2013

BH2013/02040

22 Gordon Road Portslade

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.545m.

Applicant: L Gillam & S Bates

Officer: Chris Swain 292178

Prior approval not required on 01/08/13 DELEGATED

BH2013/02042

St Peters Community Infants School St Peters Road & Ottima Wellington Road

Application for Approval of Details Reserved by Condition 9 of application BH2012/02546.

Applicant: Mr Martin Hucker

Officer: Guy Everest 293334

Approved on 23/07/13 DELEGATED

BH2013/02163

10 Highlands Road Portslade

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

Applicant: Mr Stuart Jameson

Officer: Clare Simpson 292454

Approved on 07/08/13 DELEGATED

1) UNI

The development is permitted under Schedule 2, Part 1, Classes B, C and G of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

2) UNI2

The applicant is advised that in order to constitute permitted development the following conditions from Class B apply:

- i) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- ii) Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
- iii) Any window inserted on a wall or roof slope forming a side elevation of the

dwellinghouse shall be-

i) Obscure-glazed, and

ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

3) UNI3

The applicant is advised that in order to constitute permitted development the following criterion from Class C applies:

i) The proposed rooflights shall not protrude more than 150 millimetres beyond the plane of the slope of the roof when measured from the perpendicular with the external surface of the original roof.

HOVE PARK

BH2013/00521

199/201 Old Shoreham Road Hove

Erection of 1 no. detached building comprising of 1 no. ground floor two bed flat and 1 no. three bed maisonette at first and second floors.

Applicant: Alfred Haagman

Officer: Robin Hodgetts 292366

Refused on 02/08/13 DELEGATED

1) UNI

The proposed development, by virtue of the proposed plot size, the reduced existing plot sizes and siting of the new dwellings proposed would result in a form of development which would be out of character with the street scene and surrounding area. The proposed development would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by reason of its scale, bulk, massing and positioning would cause an unacceptable degree of harm to the amenity of the neighbouring properties at 197, 199 & 201 Old Shoreham Road, in terms of overlooking, loss of privacy and perception of overlooking and thus is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development fails to provide sufficient outside amenity space for future occupiers, particularly the upper floor 3 bed unit, contrary to policy HO5 of the Brighton & Hove Local Plan.

BH2013/00559

1 Elrington Road Hove

Remodelling of dwelling including removal of existing rear ground floor extension and erection of new single storey rear extension. Erection of two storey extension to front and roof alterations to facilitate loft conversion incorporating dormer to rear and 6no rooflights. Revised fenestration and creation of new front boundary wall and access gates.

Applicant: David Sielger

Officer: Adrian Smith 290478

Approved on 29/07/13 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 the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that

Order with or without modification), no additional windows, dormer windows, or rooflights other than those expressly authorised by this permission shall be constructed in the side elevations of the dwelling 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) UNI

No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

4) 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	ERH/003 sheet 1	A	10/04/2013
	ERH/003 sheet 2	A	10/04/2013
Existing plans and elevations	ERH/001 sheet 1		18/02/2013
	ERH/001 sheet 2		18/02/2013
	ERH/001 sheet 3		27/02/2013
Proposed site layout	ERH/004 sheet 1	D	10/07/2013
	ERH/004 sheet 2	D	10/07/2013
Proposed plans and elevations	ERH/002 sheet 1	J	24/06/2013
	ERH/002 sheet 2	J	24/06/2013
	ERH/002 sheet 3	J	10/07/2013

5) UNI

Access to the flat roof over the rear 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.

BH2013/00588

31 Old Shoreham Road Hove

Demolition of existing house and erection of 6no bedroom detached dwelling.

Report from: 18/07/13 to: 07/08/13

Applicant: Mr J Heath
Officer: Christopher Wright 292097
Approved on 26/07/13 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

The use of the residential annex hereby permitted shall be solely for purposes incidental to the enjoyment of, or ancillary to, the main dwellinghouse (31 Old Shoreham Road) and the annex shall not be occupied as a separate residential unit.

Reason: The use of the annex as a separate dwellinghouse would require planning permission and in the interests of amenity in order to comply with policies HO4, HO5 and QD27 of the Brighton & Hove Local Plan 2005.

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 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.

4) 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 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.

5) UNI

The first floor levels windows on the western flank elevation of the dwelling hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the internal finished floor height, and thereafter permanently retained as such.

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

6) UNI

The new dwelling hereby permitted shall be constructed to meet Lifetime Homes' standards prior to its first occupation and shall be retained as such thereafter.

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

7) UNI

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

Reason: To reduce the risk of flooding and pollution and increase the level of

sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

8) 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.

9) 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.

10) UNI

The development hereby permitted shall be constructed in accordance with the approved drawings showing 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.

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.

11) 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.

12) UNI

No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement and proposed site diary has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full details of the following:- Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme. Timing and phasing of Arboricultural works in relation to the approved development.

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.

13) 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 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.

14) 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 as indicated in the approved Arboricultural Report.

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) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the building is occupied and retained as such thereafter.

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

16) UNI

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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.

17) 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.

18) 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 the 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.

19) 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.

20) UNI

The development hereby permitted shall not be occupied until a scheme to enhance the ecological value of the site, including bat and bird boxes to be attached to mature trees retained within the site, has been submitted and approved by the local planning authority and fully implemented. The development shall be retained as such thereafter.

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

21) 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	VZ.01		22 Feb 2013
Block Plan	VZ.02		22 Feb 2013
Aerial Views	VZ.03		22 Feb 2013
Aerial Views and Contextual Elevation	VZ.04		22 Feb 2013
Survey	VZ.05		22 Feb 2013
Site Plan Existing & Proposed	VZ.06		22 Feb 2013
Existing Plans	VZ.07		22 Feb 2013
Existing North/South Elevations	VZ.08		22 Feb 2013
Existing East/West Elevations	VZ.09		22 Feb 2013
Site Plan Proposed at Ground Level	VZ.11		22 Feb 2013
Proposed First Floor Plans	VZ.15		22 Feb 2013
Section AA Proposed	VZ.16		22 Feb 2013
Section BB	VZ.17		22 Feb 2013
Existing Sections BB	VZ.22		22 Feb 2013
Existing/Proposed Sections BB	VZ.23		22 Feb 2013
Existing Sections CC	VZ.24		22 Feb 2013
Existing/Proposed Sections CC	VZ.25		22 Feb 2013
Existing Sections DD	VZ.26		22 Feb 2013
Existing/Proposed Sections DD	VZ.27		22 Feb 2013

Existing Boundary/Building & Proposed Building	VZ.30		22 Feb 2013
Proposed Boundary/Seat	VZ.31		22 Feb 2013
Sun Path Chart	VZ.32		4 Apr 2013
Lower Ground Site Proposed	VZ.10	A	23 Apr 2013
Proposed Lower Ground Floor Plans	VZ.12	A	23 Apr 2013
Proposed Ground Floor Plans	VZ.13	A	23 Apr 2013
Proposed First Floor Plans	VZ.14	A	23 Apr 2013
Proposed East/West Elevations	VZ.18		23 Apr 2013
Proposed North/South Elevations	VZ.19		23 Apr 2013
Existing Sections AA	VZ.20	A	18 Apr 2013
Existing/Proposed Sections AA	VZ.21	A	18 Apr 2013
Existing Sections EE	VZ.28	A	18 Apr 2013
Existing/Proposed Sections EE	VZ.29	A	18 Apr 2013
Boundary Wall and Relative Drive Height	VZ.38		23 Apr 2013
Proposed Boundary/Seat	VZ31	B	1 May 2013
Existing Boundary Wall	VZ.39		1 May 2013
Proposed Boundary Wall	VZ.40		1 May 2013
Verification Image	VZ.41		1 May 2013

BH2013/01526

85 Woodland Drive Hove

Erection of first floor extension over existing garage and single storey side extension.

Applicant: Paul Girgis

Officer: Jason Hawkes 292153

Refused on 23/07/13 DELEGATED

1) UNI

Due to the scale, design and prominence of the proposed extension, the scheme results in an inappropriate and unsympathetic addition which is deemed to detract from the character and appearance of the host property and the overall street scene. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

Having regard to the size of the proposed side wall required for the single-storey side extension and its proximity to the southern boundary, the scheme results in an increased sense of enclosure and an unneighbourly form of development which would be detrimental to the amenity of the occupiers of no.83 Woodland Drive. The scheme is therefore deemed contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/01550

8 Nevill Avenue Hove

Alterations to garage from flat roof to pitched roof.

Applicant: Mr Phil Donovan

Officer: Mark Thomas 292336

Approved on 23/07/13 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	-	-	16 May 2013
Block plan	-	-	16 May 2013
Existing elevations	-	-	16 May 2013
Proposed elevations	-	-	16 May 2013
Existing roof plan	-	-	16 May 2013

BH2013/01608

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

Approved on 31/07/13 DELEGATED

BH2013/01621

49 Cranmer Avenue Hove

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to the rear with juliette balcony, 2no rooflights to the front and alterations to fenestration.

Applicant: Mr Matthew Binns

Officer: Mark Thomas 292336

Approved on 25/07/13 DELEGATED

BH2013/01663

28 Tongdean Avenue Hove

Alterations to front elevation including revised front entrance with canopy, alterations to roof and installation of new first floor bay window, remodelling of rear elevation to include extension at lower ground level with terrace above and extensions at ground and first floor level, revised fenestration and associated alterations.

Applicant: Mr & Mrs Sewell

Officer: Guy Everest 293334

Approved on 01/08/13 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 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.

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
Block & Site Location Plans	TA 698/01	B	23/05/2013
Existing Site Plan	TA 698/02		23/05/2013
Existing Floor Plans	TA 698/03		23/05/2013
Existing Second Floor / Roof Plan	TA 698/04		23/05/2013
Existing Elevations	TA 698/05		23/05/2013
Existing Elevations	TA 698/06		23/05/2013
Existing Sections	TA 698/07		23/05/2013
Proposed Floor Plans	TA 698/10	E	23/05/2013
Proposed Floor Plans	TA 698/11	B	23/05/2013
Proposed Elevations	TA 698/12	C	23/05/2013
Proposed Elevations	TA 698/13	D	23/05/2013

BH2013/01700

1 Orpen Road Hove

Roof extension and raising of ridge height to facilitate loft conversion and other associated works.

Applicant: Ms Mimi Spencer

Officer: Steven Lewis 290480

Approved on 22/07/13 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
Location Plan	130102/S0	-	28/05/2013
Ground Floor plan (as Existing)	130102/S1	-	28/05/2013
First Floor Plan (as Existing)	130102/S2	-	28/05/2013
Roof Plan (as Existing)	130102/S3	-	28/05/2013
Front Elevation (as Existing)	130102/S4	-	28/05/2013
Side Elevation (as Existing)	130102/S5	-	28/05/2013
Rear Elevation (as Existing)	130102/S6	-	28/05/2013
Side Elevation (as Existing)	130102/S7	-	28/05/2013
Section AA (as Existing)	130102/S8	-	28/05/2013
Section BB (as Existing)	130102/S9	-	28/05/2013
Block Plan	130102/P0	-	28/05/2013
Ground Floor plan (as Proposed)	130102/P1	-	28/05/2013
First Floor Plan (as Proposed)	130102/P2	-	28/05/2013
Second Floor Plan (as Proposed)	130102/P3	-	28/05/2013
Roof Plan (as Proposed)	130102/P4	-	28/05/2013

Front Elevation (as Proposed)	130102/P5	-	28/05/2013
Side Elevation (as Proposed)	130102/P6	-	28/05/2013
Rear Elevation (as Proposed)	130102/P7	-	28/05/2013
Side Elevation (as Proposed)	130102/P8	-	28/05/2013
Section AA (as Proposed)	130102/P9	-	28/05/2013
Section BB (as Proposed)	130102/P10	-	28/05/2013

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

BH2013/01726

5 Chartfield Hove

Erection of a single storey front extension.

Applicant: Mr D Parker

Officer: Adrian Smith 290478

Approved on 22/07/13 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	12216-07	-	28/05/2013
Block plan	12216-08	-	28/05/2013
Existing floor plans	12216-01		28/05/2013
	12216-02		28/05/2013
Proposed floor plans	12216-04		28/05/2013
	12216-05	A	28/05/2013
Existing and proposed elevations	12216-03		28/05/2013
	12216-06		28/05/2013

BH2013/01728

6 Hill Drive Hove

Application to extend time limit for implementation of previous approval BH2010/00953 for loft conversion incorporating increased ridge height, 2no dormers to rear and front and rear rooflights.

Applicant: Dr Tham Ghasemi

Officer: Adrian Smith 290478

Approved on 22/07/13 DELEGATED

1) UNI

The development hereby permitted shall be commenced prior to 08 June 2016.

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

2) UNI

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

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

3) UNI

The 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	-	-	26/03/2010
Block plan	-	-	26/03/2010
Existing and proposed floor plans and elevations	TG-01	01	26/04/2010
	TG-02	02	23/03/2010
	TG-03	01	26/03/2010
	TG-04	01	26/03/2010
	005	01	26/03/2010

BH2013/01811

19 Onslow Road Hove

Erection of two storey three bedroom detached house.

Applicant: Mrs Adele Lias

Officer: Jason Hawkes 292153

Approved on 31/07/13 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 extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: To protect the amenity of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

3) UNI

The east facing first floor window, east facing rooflight and west facing ground floor window hereby permitted shall be obscure glazed and non-opening unless any parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter retained as such, and thereafter permanently retained as such.

Reason: To safeguard the amenity of the occupiers of nearby adjacent properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

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

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

5) UNI

The 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.

6) UNI

The scheme shall be implemented in accordance with the soft and hard landscaping scheme indicated on drawing no.TA618/15B. 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.

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

8) UNI

No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 4 as a minimum 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) 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 commence until full details of the existing and proposed

land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

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.

11) UNI

No development shall commence until an Arboricultural Method Statement regarding the protection of the adjacent trees has been submitted to and approved by the Local Planning Authority. The statement shall be in accordance with BS 5837 (2005) Trees in relation to Construction and will include protection of roots. The works shall be implemented in accordance with the approved 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.

12) UNI

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

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

13) UNI

The development hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

14) UNI

The residential unit 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.

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.

Plan Type	Reference	Version	Date Received
Block Plan and Site Location Plans	TA618/01		4th June 2012
Proposed Site Plan	TA618/10	D	4th June 2012
Proposed Floor Plans	TA618/11	E	4th June 2012
Contextual Street Elevation	TA618/12	A	4th June 2012
Proposed Elevations	TA618/13	C	4th June 2012
Proposed Elevations	TA618/14	D	4th June 2012

Proposed External Works	TA618/15	B	4th June 2012
Proposed External Works Details	TA618/16		4th June 2012
Existing Site Survey	TA618/17		4th June 2013

BH2013/01812

9 Park View Road Hove

Demolition of existing garage and erection of a single storey side and rear extension, dormer to front elevation, creation of a front entrance porch and associated external alterations.

Applicant: Mr Clive Wilkins

Officer: Robert McNicol 292322

Refused on 29/07/13 DELEGATED

1) UNI

By virtue of its form, size and appearance, the proposed first floor dormer window would be an overly dominant and excessively prominent feature on the front of the building. By virtue of its form, forward projection, position and the unsympathetic appearance of the front door and window, the proposed porch extension and entrance steps would relate poorly to the form and character of the recipient property and would undermine the traditional appearance of the building. These proposals would also be detrimental to the symmetrical appearance of this property and its adjoining neighbour, whilst causing harm to the character of the street scene. The proposed development is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPGBH1, 'Roof Alterations and Extensions'.

2) UNI2

By virtue of having a contrived roof form and excessive bulk above the garage doors, the proposed side and rear extension would have a disproportionate and unattractive appearance that would detract from the appearance of the recipient property and the surrounding street scene. The proposed development is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/01942

18 Goldstone Crescent Hove

Erection of single storey rear conservatory.

Applicant: Nigel Swift

Officer: Christopher Wright 292097

Refused on 07/08/13 DELEGATED

1) UNI

The proposed conservatory would, by reason of the design and detailing, integrate poorly with the existing dwelling as extended and would result in an over extended appearance, to the detriment of visual amenity and the character and appearance of the recipient building. As such the proposal is contrary to the requirements of policy QD14 of the Brighton & Hove Local Plan 2005 and SPD12: Design Guide for Extensions and Alterations.

2) UNI2

The proposed extension would, by reason of the height and the siting, give rise to an overbearing impact and an increased sense of enclosure that would be detrimental to the residential amenity of neighbouring residents of 16 Goldstone Crescent. As such the proposal is contrary to the requirements of policies QD14 and QD27 of the Brighton & Hove Local Plan 2005 and SPD12: Design Guide for Extensions and Alterations.

BH2013/02015

Unit 1 Goldstone Retail Park Newtown Road Hove

Certificate of lawfulness for proposed replacement and extension of mezzanine floor.

Applicant: Scottish Widows Investment Partnership Unit Trust

Officer: Steven Lewis 290480

Approved on 07/08/13 DELEGATED

BH2013/02016

182 Nevill Road Hove

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

Applicant: Mr Andrew Knight

Officer: Robert McNicol 292322

Approved on 07/08/13 DELEGATED

BH2013/02056

61 Cranmer Avenue Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Mr David Twilley

Officer: Jonathan Puplett 292525

Prior approval not required on 19/07/13 DELEGATED

BH2013/02080

31 Woodruff Avenue Hove

Non Material Amendment to BH2012/00842 to form a basement within the size of the ground floor extension, a high level window to the basement on the west elevation. Remove the atrium and replace with 2 velux flat roof lights.

Applicant: Mr Jay Sethi

Officer: Robert McNicol 292322

Refused on 24/07/13 DELEGATED

1) UNI

The proposed revision to alter the roof form of the extension approved under application BH2012/00842 and to add a basement level beneath the approved extension is considered material and warrants the submission of a further application for planning permission.

BH2013/02081

Rear of 25 Dyke Road Avenue Hove

Application for Approval of Details Reserved by condition 9 of application BH2011/03903.

Applicant: Mr & Mrs S Hardman

Officer: Christopher Wright 292097

Approved on 23/07/13 DELEGATED

BH2013/02102

7 Charles Close Hove

Formation of additional floor to create two storey detached house.

Applicant: Mr M Prior & Mrs J A Rogers

Officer: Clare Simpson 292454

Refused on 02/08/13 DELEGATED

1) UNI

The proposed roof extension would result in the property having an incongruous

appearance when viewed in context with the surrounding street scene. The house would appear unduly dominant and visually intrusive in relation to the remaining bungalows and the overall character of the cul-de-sac would be significantly harmed. The development would be contrary to policy QD2 and QD14 of the Brighton & Hove Local Plan

2) UNI2

The proposed development would result in a significant increase in massing close to the boundary with 6 Charles Close which is located on a lower ground level to the application site. The extension would be significantly overbearing, dominating the neighbouring bungalow and garden and causing an increase sense of enclosure. The proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan

BH2013/02108

175 Old Shoreham Road Hove

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and 3no rooflights to front. Removal of existing single storey extension/conservatory and erection of replacement single storey extension/conservatory to rear. Creation of new entrance porch to front and revised fenestration.

Applicant: Mr A Garfield

Officer: Clare Simpson 292454

Approved on 07/08/13 DELEGATED

1) UNI

The development is permitted under Schedule 2, Part 1, Classes A, B, C, D and G of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Informatives:

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

Plan Type	Reference	Version	Date Received
As existing ground floor plan, first floor plan, loft and location plan	189OS/SR175/01		24th June 2013
As existing roof plan, block plan and section A-A	189OS/SR175/02		24th June 2013
As existing front, rear and side elevations,	189OS/SR175/03		24th June 2013
As proposed ground floor, first floor block and location plan	189OS/SR175/04		24th June 2013
As proposed loft and roof plan construction section and section A-A	189OS/SR175/05		24th June 2013
As proposed front, rear and side elevations	189OS/SR175/06		24th June 2013

2) UNI2

The applicant is advised that in order to constitute permitted development the following conditions from Class A apply:

- i) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- ii) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be-
 - i) obscure-glazed, and

ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

3) UNI3

The applicant is advised that in order to constitute permitted development the following conditions from Class B apply:

i) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

ii) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

iii) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be-

i) obscure-glazed, and

ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

4) UNI4

The applicant is advised that in order to constitute permitted development the following criterion from Class C applies:

i) The proposed rooflights shall not protrude more than 150 millimetres beyond the plane of the slope of the roof when measured from the perpendicular with the external surface of the original roof.

BH2013/02174

Land at City Park Orchard Road Hove

Non Material Amendment to BH2012/03577 to redesign entrance garden, areas to include ramped access as well as steps to achieve compliance with lifetime homes and brad part M.

Applicant: BCM

Officer: Jason Hawkes 292153

Refused on 07/08/13 DELEGATED

1) UNI

The proposed revisions to alter the form and appearance of the proposal approved under application BH2012/03577 are considered material and warrant the submission of a further application for planning permission.

WESTBOURNE

BH2013/01665

45 Walsingham Road Hove

Erection of garden room/store to rear of garden.

Applicant: Mrs Ingrid Boyd

Officer: Mark Thomas 292336

Approved on 26/07/13 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 and block plan	-	-	23 May 2013
Existing and proposed plans and elevations	590/01	-	31 May 2013

BH2013/01691

26A Westbourne Street Hove

Replacement windows to the front elevation at basement level.

Applicant: Miss Karly House

Officer: Steven Lewis 290480

Refused on 19/07/13 DELEGATED

1) UNI

The windows by reason of their design, method of opening and materials are considered poorly designed, would lead to a mixed use of materials that fail to maintain a sympathetic and consistent appearance to the property. This would harm the character and appearance of the host property and visual amenity of the area contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/01809

49 Sackville Gardens Hove

Erection of single storey rear extension. Removal of 2 no. rooflights and creation of dormer to rear roofslope. Insertion of 3 no. rooflights to rear side facing roofslope.

Applicant: Mr Edward Shuttleworth

Officer: Christopher Wright 292097

Refused on 30/07/13 DELEGATED

1) UNI

The proposed development would, by reason of the additional depth and consequent increase in the bulk and massing of the extension, together with the absence of any articulation of architectural features, which characterise the existing dwelling, would detract from the character and appearance of the recipient building and have an unduly dominant appearance to the detriment of visual amenity. As such the proposal is contrary to the requirements of policies HE6 and QD14 of the Brighton & Hove Local Plan 2005.

BH2013/01834

29 Pembroke Crescent Hove

Reinstatement of chimney stack.

Applicant: Mr Alex Colwell

Officer: Robert McNicol 292322

Approved on 23/07/13 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
Location & block plan	RFA13/270/OS		30 May 2013
Existing and proposed elevations	RFA13/270/01		30 May 2013
Detailed proposed elevations	RFA13/270/02		30 May 2013

BH2013/01859

11 Westbourne Gardens Hove

Construction of vehicle crossover, formation of hard standing and dropped kerb.

Applicant: Mr R Levy

Officer: Adrian Smith 290478

Refused on 02/08/13 DELEGATED

1) UNI

The removal of the front boundary wall and one pier together with the amount of hardstanding proposed would appear discordant and out-of-keeping with the prevailing character of the area and as such would be an incongruous and unsympathetic form of development, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

BH2013/01870

Flat 1 40 Titian Road Hove

Replacement of existing rear door with window and installation of door to the rear of the property and associated works.

Applicant: Mr & Mrs Stuart Cairns

Officer: Steven Lewis 290480

Approved on 02/08/13 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

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

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

Plan Type	Reference	Version	Date Received
Site Plan	-	-	05/06/2013
Ground Floor Plan as Existing	SK03	-	05/06/2013
Ground Floor Plan as Proposed	SK04	-	05/06/2013
Photograph 1	-	-	24/07/2013
Photograph 2	-	-	24/07/2013
Photograph 3	-	-	24/07/2013
uPVC Specification	-	-	24/07/2013
UPVC window frame specification	-	-	24/07/2013

BH2013/01884

84 Sackville Road Hove

Certificate of Lawfulness for existing use of property as a single dwelling house.

Applicant: Mr Nicholas Lee

Officer: Robert McNicol 292322

Approved on 07/08/13 DELEGATED

BH2013/02079

8A Carlisle Road Hove

Non Material amendment to BH2012/03877 to reduce extension footprint.

Applicant: Mr Brian O'Toole

Officer: Jason Hawkes 292153

Refused on 02/08/13 DELEGATED

1) UNI

The proposed revision to alter the form and appearance of the extension approved under application BH2012/03877 is considered material and warrants the submission of a further application for planning permission.

WISH

BH2013/01439

2A Western Esplanade Portslade

Application for Approval of Details Reserved by Conditions 3, 4, 5, 6, 7, 8, 9, 11 and 12 of application BH2009/01748.

Applicant: Mr & Mrs Knox-Peebles

Officer: Adrian Smith 290478

Split Decision on 07/08/13 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 3, 4, 5, 6, 8, 9, 11 and 12 subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 7 are NOT APPROVED for the reason(s) set out in section 10.

2) UNI2

The details reserved by condition 7 cannot be agreed until the development has been completed and a Building Research Establishment issued Final Code Certificate has been submitted.

BH2013/01567

32 Grange Road Hove

Erection of first floor rear extension.

Applicant: Mr Richard Kear

Officer: Mark Thomas 292336

Approved on 26/07/13 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 location plan	-	-	30 May 2013
Block plan	-	-	16 May 2013
Existing and proposed floor plans	-	-	31 May 2013
Existing and proposed side elevation	-	-	23 July 2013
Existing and proposed rear elevation	-	-	24 May 2013

BH2013/01569

Land adjacent 80 Stoneham Road Hove

Demolition of existing single storey building and erection of four storey block to form eight residential units.

Applicant: Mr Matthew Newbury

Officer: Adrian Smith 290478

Refused on 19/07/13 DELEGATED

1) UNI

The proposed development, by virtue of its additional height and massing, would result in an overbearing, dominant and un-neighbourly form of development resulting in a significant loss of amenity to the properties to the south at 33 & 35 Marmion Road. In addition, the applicant has failed to demonstrate that the development would not result in a significant loss of daylight to these properties. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/01722

53 Boundary Road Hove

Application for Approval of Details Reserved by Condition 6 of application BH2011/02080.

Applicant: Roseview Homes

Officer: Guy Everest 293334

Refused on 25/07/13 DELEGATED

BH2013/01801

38 Saxon Road Hove

Erection of single storey front extension with new pitched roof and associated alterations.

Applicant: Mr B Rousell

Officer: Robert McNicol 292322

Approved on 30/07/13 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 location and block plans	13437-Loc		4 June 2013
Existing and proposed floor plans and elevations	13436-01	A	4 June 2013

BH2013/01868

343 Kingsway Hove

Erection of dormer to front elevation.

Applicant: Jean Joseph Cussac

Officer: Jason Hawkes 292153

Approved on 30/07/13 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 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
Block Plan & Location Plan	3435/36		4th June 2013
Existing Floor Plans	3435/37		4th June 2013
Existing Elevations	3435/38		4th June 2013
Existing & Proposed Floor Plans	3435/39		4th June 2013
Existing & Proposed Elevations	3435/40		4th June 2013

BH2013/01889

36 Glebe Villas Hove

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

Applicant: Mrs Sonia Gillam

Officer: Robert McNicol 292322

Approved on 05/08/13 DELEGATED

1) UNI

The development is permitted under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2013/01948

Heversham House Boundary Road Hove

Prior approval for change of use of upper floors (first, second and third) to residential units to provide 4 no. 2 bed flats and 11 no. 1 bed flats.

Applicant: McMillan Architects

Officer: Christopher Wright 292097

Prior approval not required on 01/08/13 DELEGATED

Withdrawn Applications

BH2013/01890

38 Glebe Villas Hove

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

Applicant: Mr Colin Hamilton

Officer: Robert McNicol 292322

WITHDRAWN ON 29/07/13

PLANNING COMMITTEE

Agenda Item 59b

Brighton & Hove City Council

PLANS LIST 28 August 2013

PATCHAM

Application No: **BH2013/02555**
32 Highview Avenue North

1no Wych Elm (T1) reduce and reshape crown by 25% (2.5-3m) to growth points and crown thin to keep tree at a reasonable size for the garden. **INFORMATIVE:** Due to the potential risk of Dutch Elm disease it is our policy not to prune Elm trees during the period of the year when beetle activity is at its highest i.e. from June through to September.

Applicant: Mr Richard Green
Approved on 02 Aug 2013

Application No: **BH2013/02710**
Thimble Cottage, 45a Old London Road

Fell 1no flowering Crab Apple (T1). The tree has no public visibility thus no public amenity value.

Applicant: Mrs Carol O'Brien
Approved on 09 Aug 2013

PRESTON PARK

Application No: **BH2013/02374**
148A Preston Drove, Brighton

Fell one Sycamore in south-east corner of site (No 148A). Fell one Sycamore in the garden of No 144. Trees are barely visible from any public space thus lack any public amenity value.

Applicant: Mr E Haunton
Approved on 25 Jul 2013

Application No: **BH2013/02548**
Stanford Infant School, Highcroft Villas

1no Horse Chestnut (T1) crown thin by 15%, remove deadwood, crown lift to 3m on school side only, prune away from school building to give 2m clearance. 2no Elms

(T2,T3) - remove epicormic growth and deadwood (including 2 small trees - remove epicormic growth up to fence height). 1no Elm (T4) remove deadwood. Group of 3no Sycamore (G5) remove deadwood. 1no Cherry (T6) remove 4no lowest branches over playground and remove deadwood. 3no Elms (T7,T8,T9) crown lift low branches over playground, remove epicormic growth and deadwood. Sycamore group (T10) remove deadwood and basal growth.

Applicant: Mr Rob Stevens
Approved on 02 Aug 2013

Application No: BH2013/02624
180 Springfield Road

1no Norway Maple (T1) - trim and prune down so the branches are shorter.

Applicant: Mrs Lauren Stringer
Approved on 08 Aug 2013

Application No: BH2013/02709
2 Lovers Walk

Fell 1no Holly (T1) - not really a tree. It is clearly visible to the public, however its location and proximity to the house makes its long term retention unsustainable.

Applicant: Mr David Plumtree
Approved on 09 Aug 2013

REGENCY

Application No: BH2013/02623
25 Belvedere Terrace

1no Lime (T1) - cut back branches overhanging into 24 Belvedere Terrace to give 2m clearance from building.

Applicant: Mr James Cox
Approved on 02 Aug 2013

ST. PETER'S & NORTH LAINE

Application No: BH2013/02378
39 Buckingham Place Brighton

Fell 1no Monterey Cypress (T1) - diseased and 1no Leyland Cypress (T2) - no public amenity.

Applicant: Mr Jamie Elms
Approved on 02 Aug 2013

Application No: **BH2013/02409**
13 Alexandra Villas

1no Sycamore (T1) reduce back to previous reduction, approx 2m all round, up to 4m on house side.

Applicant: Mr Mark Haddock
Approved on 25 Jul 2013

Application No: **BH2013/02525**
39 Buckingham Place Brighton

1no Tree of Heaven (T3) - crown reduce by 30% leaving an attractive natural form.

Applicant: Mr Jamie Elms
Approved on 02 Aug 2013

WITHDEAN

Application No: **BH2013/02603**
20 Cedars Gardens Brighton

1no Sycamore (T1) and 1no Horse Chestnut (T2) prune overhang to 20 Cedars Gardens to path edge or suitable growth points.

Applicant: Carlos Daly
Approved on 09 Aug 2013

QUEEN'S PARK

Application No: **BH2013/02438**
Barry Walk, Barnfield Gardens

Fell 1no Elder (dying) in open space north side of 9 Attree Drive close to Queens Park Terrace (T1).

Applicant: Mr Steve Smith
Approved on 26 Jul 2013

Application No: **BH2013/02442**
Barry Walk, Barnfield Gardens

Land to rear of 2 Barnfield Gardens: 3no Cherry trees (T48,T43,T46) reduce by 30%.
Land to side of 19 Barnfield Gardens/north side of North Drive: Group along northside of North Drive (T14,15,16,17,18,19,20,27,28,30,31,32,34,35,36) - general reduction by 20% to nodes. Works to match pruning to trees on west side of Queens Park Terrace, selective reduction to remove top mass as excessive shading and to include low level crown lifting to 3m where alongside North Drive footway, sever ivy and remove from all. Front of 14 Barnfield Gardens: 1no Birch (T12) light prune to clear overhead cables. Sever and remove ivy from all trees in land to side of 9 Attree Drive on south side of Queens Park Terrace.

Applicant: Mr Steve Smith
Approved on 26 Jul 2013

WOODINGDEAN

Application No: BH2013/02533
50 Balsdean Road

1no Copper Beech (T1) - remove one primary limb (marked in the photograph) overhanging the neighbour's garden.

Applicant: Mr Philip Else
Approved on 02 Aug 2013

CENTRAL HOVE

Application No: BH2013/02629
52 Norton Road

Fell 6no Conifers (T1,T2,T3,T4,T5,T6) - although there is partial visibility from a public space they do not qualify for a TPO.

Applicant: Mr Ladi Smrcek
Approved on 08 Aug 2013

GOLDSMID

Application No: BH2013/02410
20 Denmark Villas

1no Purple Beech (T1) - canopy reduction 4-5m to reduce weight on primary scaffold. All round reduction to balance.

Applicant: Mr Mark Haddock
Approved on 25 Jul 2013

Application No: BH2013/02547
Furze Croft, Furze Hill

1no Sycamore (T1) reduce by up to 2m from crown diameter of 12m to 10m. 1no Sycamore (T2) reduce by up to 4m, over extended growth to north, from crown diameter on north of 8m to 4m.

Applicant: Duncan Armstrong
Approved on 02 Aug 2013

Application No: BH2013/02604
Valentine Court Eaton Gardens Hove

Fell 1no Fig (T1) - Tree has limited public visibility thus low public amenity value. Damage to wall is too severe to warrant alternative construction methodologies.

Applicant: Carlos Daly
Approved on 09 Aug 2013

Application No: BH2013/02712
71 The Drive

Fell to ground level 7no Sycamore (T1, T3, T4, T5, T6, T7, T8) - trees have limited or no public visibility thus no public amenity. The felling of the trees is commensurate with good arboricultural management of this small woodland.

Applicant: Claire Taylor
Approved on 08 Aug 2013

Application No: BH2013/02713
71 The Drive

1no Sycamore (T2) reduce canopy on north side by 3m.

Applicant: Claire Taylor
Approved on 08 Aug 2013

HOVE PARK

Application No: BH2013/02512
12 Tongdean Road Hove

4no Pittosporum (T1) - trim all round. 1no Conifer screen (T2) - trim back as much as possible. 1no Large Conifer (T3) - remove 3 lowest limbs over fence, trim remainder back as hard as possible.

Applicant: Mr Nichol
Approved on 02 Aug 2013

Application No: **BH2013/02556**
90 Woodland Drive

Fell 1no Ash (T1) in rear garden - although the tree is visible from Woodland Avenue it's impact on the local landscape is minimal as it is set against the much higher backdrop of the woodland behind. It is also suppressing the better quality Walnut in front.

Applicant: Mr Henry Mason
Approved on 02 Aug 2013

WESTBOURNE

Application No: **BH2013/02286**
58 Pembroke Crescent Hove

Fell 1no Swedish Whitebeam (T2) - no public visibility.

Applicant: Mrs Huet
Approved on 25 Jul 2013

Application No: **BH2013/02415**
58 Pembroke Crescent Hove

1no Sycamore (T1) pollard at 10-12ft to reduce the interference with surrounding neighbours. 1no Elder (T3) reduce height by half to let in more light.

Applicant: Mrs Huet
Approved on 25 Jul 2013

Application No: **BH2013/02546**
34 Sackville Gardens

2no Eucalyptus (T1, T2) - reduce by 30% (2 metres).

Applicant: Mr Stephen Duance
Approved on 02 Aug 2013

Application No: **BH2013/02610**
52 New Church Road Hove

Approx. 16no Elms (G1) - crown lift away from car park and footpath down New Church Road .

Applicant: Affinity Sutton

Approved on 09 Aug 2013

Application No: BH2013/02614
23 New Church Road

1no Leyland Cypress (T1) reduce height by one-third.

Applicant: Ms Lesley Baker

Approved on 02 Aug 2013

NEW APPEALS RECEIVED**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANOVER & ELM GROVE**

BH2013/00164

26 Lincoln Street Brighton

Erection of two storey rear extension at lower ground and ground floor level.

APPEAL LODGED

23/07/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2013/00418

48 West Street Brighton

Formation of smoking shelter at first floor level to rear. (Retrospective)

APPEAL LODGED

18/07/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WOODINGDEAN**

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.

APPEAL LODGED

24/07/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2013/00593

19B Camelford Street Brighton

Roof alterations including raising of ridge height, dormer to rear elevation, creation of a rear roof terrace and parapet wall to front elevation.

APPEAL LODGED

24/07/2013

Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

WITHDEAN
BH2013/01109
122 Valley Drive Brighton
Erection of two storey pitched roof rear extension and loft conversion incorporating half-hip roof extension, front and side rooflights, new hard standing and associated alterations.
APPEAL LODGED
29/07/2013
Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

WITHDEAN
BH2013/01111
124 Valley Drive Brighton
Erection of two storey pitched roof rear extension and loft conversion incorporating half-hip roof extension, front and side rooflights and associated alterations.
APPEAL LODGED
29/07/2013
Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

PRESTON PARK
BH2013/01198
41A Port Hall Road Brighton
Creation of roof terrace on existing flat roof. (Retrospective)
APPEAL LODGED
30/07/2013
Planning (Applications) Committee

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

HANGLETON & KNOLL
BH2012/03446
Court Farm House King Gorge Vi Avenue 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.
APPEAL LODGED
06/08/2013
Planning (Applications) Committee

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****HANOVER & ELM GROVE**

BH2012/02631

26A St Martins Place Brighton

Erection of four storey building to replace existing garage comprising of office accommodation on ground floor, 2no one bedroom flats and 3no two bedroom flats on upper floors incorporating terraces, bicycle parking and associated works.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

06/08/2013

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****ROTTINGDEAN COASTAL**

BH2013/00261

Flats 7 & 9 20 - 22 Lewes Crescent Brighton

Internal alterations incorporating installation of lift for disabled access between Flat 7 and Flat 9 and creation of shower room in Flat 9.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

05/08/2013

APPLICATION DECISION LEVEL

Delegated



**Brighton & Hove
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
28 AUGUST 2013**

This is a note of the current position regarding Planning Inquiries and Hearings

22, 22A, 23, 23A East Street, Brighton

Planning application no: BH2012/03423

Description: Conversion of upper floors from offices (B1) to 2no two bedroom flats.

Decision: Committee

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

22, 22A, 23, 23A East Street, Brighton

Planning application no: BH2012/03424

Description: Internal alterations to upper floors to convert offices to 2no two bedroom flats.

Decision: Committee

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

Court Farm House, King George VI, Avenue Hove

Planning application no: BH2012/03446

Description: 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.

Decision: Committee

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

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Appeal Decision

Site visit made on 16 July 2013

by Sheila Holden BSc MSc CEng TPP MICE MRTPI FCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 July 2013

Appeal Ref: APP/Q1445/A/13/2193328

130 Cowper Street, Hove, East Sussex BN3 5BL

- 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 R Raggio of R & R Developments against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03174, dated 1 October 2012, was refused by notice dated 29 November 2012.
 - The development proposed is a change of use from B1 to B2.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. In its decision notice the Council described the proposal as a change of use from car valeting (B1) to car repair garage (B2). This is also the description used on the appeal form. I have therefore determined the appeal on the basis of this more detailed description of the proposal.
3. The appeal premises have a long planning history and the building appears to have had a variety of commercial uses over the years, including for storage and as a car valeting business. There have also been proposals to replace the building with a dwelling but these were rejected in part because of the site's established commercial use and the Council's policy objective of resisting the loss of employment land.
4. There has been a dispute between the parties as to the lawful commercial uses of the premises, namely whether it was B1 or B2. This matter was determined through an appeal on an enforcement notice, Ref: APP/Q1445/C/12/2169597 following the use of the site for car repairs and maintenance. In upholding the enforcement notice the Inspector concluded that the lawful use of the site was B1. However, in arriving at his conclusion he did not make a site visit as this would have had no bearing on his decision, which purely interpreted the relevant planning law and was therefore not a site-specific matter. He was in no doubt that vehicle repairs and maintenance are Use Class B2 activities and that these would be detrimental to residential amenity if undertaken in a residential area. However, he did not assess the effects of the operation of the specific repair business that was being undertaken at the premises at the time of that appeal. I have approached this appeal with these factors in mind.

Main issue

5. The main issue is the effect of the proposed change of use on the living conditions of the occupants of neighbouring residential dwellings, particularly in relation to noise, disturbance, dust and fumes.

Reasons

6. Cowper Street is a residential street characterised by two-storey terraced houses with small front gardens, typical of the Victorian period. No 130 is a single storey building attached to No 128, at the end of the terrace. It occupies the full depth of the site and has a pitched roof over its front part and a flat roof towards the rear. From the evidence presented it would appear that the Council could have served the enforcement notice as a result of complaints from nearby residents about noise, disturbance and increased parking problems arising from the use of the premises for car repairs. At the time of my site visit the building was unoccupied and in a poor state of repair.
7. The appellant has suggested that the garage could only service two vehicles at any one time and that all the mechanical operations would be sound suppressed. In addition, the equipment that would be in use would be limited by the size of the building. He also suggested that nuisance from dust and fumes could be reduced through the use of filters. I note that the Council's environmental health did not raise any objection to the proposal, subject to a restriction on the hours of operation. However, the Council has suggested a condition to ensure that equipment would be adequately sound proofed, in the event that the appeal was allowed.
8. Nevertheless, the adjoining occupiers have raised significant concerns about the likely level of noise and disturbance that would be created by a permanent change of use of the building. They described in some detail the problems they experienced as a consequence of the previous unlawful use of the site for car repairs, which neither of the main parties has challenged. The previous Inspector set out the range of activities that could be associated with a car repair and maintenance business and would create noise, fumes and smells. He concluded that these could be detrimental to residential amenity, even without specifically taking into account the proximity of such activities to any individual dwelling.
9. It seems to me that restricting the noise from equipment would not necessarily be enough to ensure that the occupants of No 128 did not suffer from noise that could penetrate through the party wall. The proposal does not suggest that there would be any physical alterations to the building that could reduce the level of noise emanating from the operation within it. Although the appellant suggested that fumes and smells could be dealt with through the use of filters, no details were provided to enable me to assess whether or not this would be an effective method of mitigation.
10. In these circumstances I consider that a precautionary approach is necessary, particularly as there is no substantiated technical evidence to address my concerns. If the appeal was to be allowed and it was subsequently found that the operation gave rise to unacceptable levels of noise, disturbance, dust or fumes, the occupiers of No 128 would be likely to suffer on-going harm to their living conditions. In the absence of more precise details as to how the risk of such harm could be reduced and secured by appropriate conditions I am not

persuaded that a permanent change of use to the building would be acceptable.

11. The appellant provided examples of sites where garages are in close proximity to other residential areas. However, I do not know if these pre-date planning controls. Although no evidence was provided to suggest that these operations attract complaints, neither were there details of the relationship between those activities and the adjoining properties. It is therefore not possible to make direct comparisons with the appeal proposal, which I have determined on its individual planning merits.
12. In this case the eastern wall of the appeal property is shared with No 128 and forms the boundary of its small rear garden. This would bring the activities within the garage very close to this adjoining residential dwelling and with it the risk of unacceptable harm. Noise and disturbance to other nearby neighbours is unlikely to be as acute. Nevertheless, the rear elevations of Nos 1-7 Rutland Road are also in close proximity to the site due to the small size of their rear gardens. This adds weight to my concerns about the effects of the proposed change of use.
13. I therefore conclude that the proposed change of use would be harmful to the living conditions of the occupants of No 128 and other nearby residential properties as a result of increased noise, disturbance, dust and fumes. The proposal would therefore be contrary to saved Policy QD27 of the Brighton and Hove Local Plan, which seeks to protect the amenity of the City's residents.
14. The National Planning Policy Framework (The Framework) seeks to support economic growth in order to create jobs and prosperity. There is therefore no objection in principle to a commercial use within the appeal property. However, the Framework also seeks to secure a good standard of amenity for all existing occupants of land and buildings. In my view in this case the benefits of the proposed commercial activity would be outweighed by the harm to the living conditions of adjoining residents.
15. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 3 July 2013

by R Barrett Bsc Msc Dip UD Dip Hist Cons MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 July 2013

Appeal Ref: APP/Q1445/H/13/2194518
55 Western Road, Brighton BN1 2EB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr H Van-Zyl (Flight Centre UK Ltd) against the decision of Brighton and Hove City Council.
 - The application Ref BH2012/03538 dated 7 November 2012, was refused by notice dated 14 January 2013.
 - The advertisement proposed is alterations to existing fascia sign to include internally illuminated lettering and erection of two internally illuminated projecting signs.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. After submission, the appeal application was amended to delete one of the internally illuminated projecting signs. Notwithstanding the above description, I am determining this appeal in accordance with the appeal application on which the Council made its decision.
3. The development has, in part, been carried out on site. As I cannot be assured that this accords with the appeal plans in every respect, I am determining the appeal on the basis of the appeal plans.

Main Issue

4. Whether the appeal development would preserve or enhance the character or appearance of the Regency Square Conservation Area.

Reasons

5. The appeal site includes a striking four storey stucco building which forms part of a larger complex of similar buildings fronting this part of Western Road. Prominently sited at the junction of Western Road and Clarence Square, it has a decorative tower which addresses the street corner. It has attractive detailing, a rhythm of sash windows on the upper floors and a lively silhouette of Dutch gables.
6. The character and appearance of the locality is comprised of the busy shopping environment of Western Road, with a mix of buildings, mostly in retail use on the ground floor, with advertisements at fascia level, the minority of which are internally illuminated with projecting signs. However, Clarence Square is generally quieter with more formal buildings, with some cohesion in terms of

- form and design, in a mixture of uses, including residential. A shop front in the vicinity of the appeal site has an externally illuminated sign. The appeal building contributes to the character and appearance of the Conservation Area.
7. The proposed fascia sign would be large and deeper than others in the vicinity, even though it would be similar in size to a previous sign. It would noticeably project from the face of the building and would appear bulky and awkward. In addition, the lettering would be large, project from the fascia and be internally illuminated. For these reasons together with its mixture of bright colours, large lettering, logo and the use of modern materials, it would detract from the host building. It would dominate the ground floor and fail to relate to the rest of the terrace. In addition, it would appear obtrusive in the street and strike a discordant note. This would be the case even though the illumination proposed may be below the levels set out in the Brighton and Hove City Council Supplementary Planning Document SPD 07: *Advertisements* (2007).
 8. Moreover, the proposed projecting sign, due to its size, internal illumination, use of modern materials and bright colour would appear prominent in the street. It would detract from both the host building and the Western Road street scene.
 9. The appellant suggests that, with the exception of the internal illumination, the appeal proposal would benefit from Deemed Consent, a matter that is uncontested. The appellant has implemented that element of the appeal proposal. However, the addition of lighting would render the advertisements more prominent in the street, and more at odds with the design of the host building. On the basis of the combination of all the elements of the appeal proposal, the appeal fails.
 10. I have had regard to the previous fascia advertisement at the appeal site, brought to my attention. However, this was a different development with a more muted colour, smaller projecting sign and lettering. I have also noted other development in the locality. Whilst I have limited information on the history of these, some are of a generally similar colour, size or have illumination. However, none replicate the size, design, colour, internal illumination, location in the street or relationship to the building or terrace. They do not, therefore, justify the appeal development. Although not determinative in this case, the thrust of the Council's policies and guidance on advertisements add weight to my findings in this respect. Whilst the unacceptable harm identified to the Conservation Area would be less than substantial, no other public benefits have been identified to outweigh it.

Conclusion

11. For the reasons set out above, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR



Appeal Decision

Site visit made on 16 July 2013

by Sheila Holden BSc MSc CEng TPP MICE MRTPI FCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2013

Appeal Ref: APP/Q1445/A/13/2193161

181 Portland Road, Hove, East Sussex BN3 5QJ

- 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 W Tang against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03352, dated 19 October 2012 was refused by notice dated 13 December 2012.
 - The development proposed is a change of use of ground floor 181 Portland Road from B1 office to A3 restaurant to form an extension of existing restaurant at 179 Portland Road.
-

Decision

1. The appeal is allowed and planning permission granted for a change of use of the ground floor at 181 Portland Road, Hove, East Sussex BN3 5QJ from B1 office to A3 restaurant to form an extension of existing restaurant at 179 Portland Road, subject to the following conditions:
 - 1) The change of use hereby permitted shall be carried out in accordance with the following approved plans, RFA 12/243/01 and RFA 12/243/02.
 - 2) The use hereby permitted shall not be open to customers except between 12.00 and 22.00 hours. No activities associated with operating the restaurant shall take place between the hours of 23.30 and 06.30 on any day.
 - 3) Within three calendar months of the date of this decision a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the local planning authority. The scheme shall be operated in accordance with the agreed details and the refuse and recycling storage facilities shall be retained thereafter for those purposes.

Procedural matter

2. No 181 is part of a row of seven commercial units outside the designated Portland Road shopping area. The terrace includes several restaurants, including that at No 179 and only one in retail use. No 181 had previously been used to support a business associated with car sales and valeting, although there was no display area for vehicles. The application form stated that the site was in B1 use. However, this does not demonstrate that this is its lawful use and the appellant provided some evidence of the site's previous use as a restaurant/café. He therefore contends that the unit had changed to a sui generis mix of uses that operated without the benefit of planning permission.

The Council states that there is no planning history to provide certainty as to the lawful use of the premises. However, it assessed the proposal on the basis of a B1 use. Although the evidence as to the lawful use of the site is inconclusive I have taken the representations of both parties into consideration in my determination of the appeal. At the time of my site visit No 181 had been incorporated into the restaurant.

Main issue

3. The main issue is whether the change of use would result in an unacceptable reduction in the supply of employment sites in the City.

Reasons

4. The underlying aim of saved Policy EM6 of the Brighton & Hove Local Plan is to retain small industrial, business and warehouse premises in the City for employment purposes. The supporting text to the policy reiterates the importance of retaining small workshop units within the urban fabric and suggests that there is strong demand for small and inexpensive business units. Changes of use will only be permitted where a series of criteria are met. Criterion (b) of the Policy requires premises to have been assessed as genuinely redundant prior to permitting a change of use. In order to demonstrate this the Council requires evidence that the premises have been marketed at an appropriate price for an adequate time period. No such evidence was presented with the application, probably due to the uncertainties relating to the lawful use of the site. Criteria (c), (d) and (e) are not applicable to this case.
5. However, it seems to me that the location of these particular premises, which include a glazed shop front within a local centre that has a mixture of commercial uses, could not be described as a workshop unit. Neither would it appear to be attractive to the 'high-tech' office sector, which the Local Plan identified as being in short supply. In any event the Council did not provide any up to date information about the current demand for such units. Furthermore, the Local Plan was adopted prior to the recession and was addressing the requirements up to 2011 that were set out in the Structure Plan. This has been superseded by more recent policy, including the National Planning Policy Framework (The Framework), which is a material consideration in this case.
6. The Framework puts great emphasis on the need to support economic growth. Paragraph 21 states that local authorities should support existing business sectors, be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. The proposal would secure an additional three jobs, two of which would be part time. It would also ensure that an active frontage was maintained in this part of Portland Road. Whilst the change of use would not comply with the requirements of Criterion (b) of Policy EM6, it would not conflict with the underlying aim of the policy to retain sites that generate employment. In these circumstances I consider that the benefits that would accrue from the expansion of the existing restaurant would outweigh the limited conflict with the development plan.
7. I therefore conclude that the proposed change of use would not give rise to an unacceptable loss of an employment site within the City or be contrary to the

underlying objectives of Policy EM6 of the Local Plan. The limited evidence of the previous use of the site as a restaurant/café adds weight to this conclusion. I therefore consider that the expansion of the restaurant into this adjoining unit is acceptable.

8. In the event that the appeal was allowed the Council has suggested conditions restricting the hours of operation of the enlarged restaurant. This is justified to protect the living conditions of neighbours. A condition requiring agreement to the refuse and recycling arrangements is necessary to ensure satisfactory disposal of food and other waste, thereby protecting the amenity of local residents. I have imposed a condition specifying the plans for the avoidance of doubt and in the interests of proper planning. As the development has already taken place the standard time limit is not required.
9. Having regard to these, and all other relevant matters raised, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 5 August 2013

by David Harmston FRICS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 August 2013

Appeal Ref: APP/Q1445/D/13/2199483

66 Loder Road, Brighton, East Sussex BN1 6PJ

- 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 Christine Berry against the decision of Brighton & Hove City Council.
 - The application (Ref BH2013/00943) was refused by notice dated 20 May 2013.
 - The development proposed is described as the erection of a rear and side single-storey wrap around extension to rear outrigger.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly; the effect of the development on the character and appearance of the area and, secondly; its impact on the living conditions of the occupants of the adjoining dwelling (No 64 Loder Road).

Reasons

3. The appeal property is a part two, part three-storey, terraced dwellinghouse situated within an older, densely-developed, residential neighbourhood of Brighton. It is proposed to erect a single-storey extension to the rear of the property by infilling the void (about 1.7m wide) between the side of the existing rear wing and the boundary with the adjoining property to the west (No 64 Loder Road) to a depth of about 5.2m. Additionally, the extension would project outwards across the full width of the dwelling by about 3m beyond the southern elevation of the original outrigger and the infilled void.
4. Insofar as the visual impact of the development on the character and appearance of the area is concerned, with the presence of the high, rear wing forming a rather unsympathetic addition to No 68 Loder Road adjoining the development to the east, and the other structures and outbuildings present in the immediate locality of the site, little of the development would be visible from the public domain. Such parts of the extension as might be seen would be visually subsumed against the backdrop of the terrace as a whole.
5. The original character of the area has been modified over the years by the various alterations and extensions that have been undertaken to the houses forming the terraces which make up Loder Road. The development proposed by this appeal, which includes rooflights to be inserted into the flat roof, would

have little adverse visual impact on the appearance of the area. Policy QD14 of the Brighton & Hove Local Plan sets out a number of criteria concerning the design of extensions and alterations to existing buildings. In that I consider the development to be sufficiently well designed and sited in relation to the existing property and, insofar as the first main issue is concerned, I do not regard the proposals as being in conflict with this policy.

6. On the second main issue, and because of the presence of the ground floor windows at No 64 Loder Road facing towards the appeal site at close quarters, the extension would have a significant and adverse effect on the living conditions of the occupants of that dwelling. Being sited on the boundary and to the height proposed, a significant loss of natural light would be caused by the development. Due to the gradient of the land, the appeal site is at a slightly lower ground level than No 64. Notwithstanding, the side elevation of the extension at the boundary would be about 2.3m in height.
7. With its total rearward projection of about 8.2m extending well beyond the rear of No 64 Loder Road, the outcome would be a tunnelling effect which would significantly detract from the amenities of the adjoining residents by reason of the loss of light and the creation of a sense of enclosure and overbearing impact. Outward views therefrom would be adversely affected by the presence of the extension and a significant loss of sunlight and daylight would be caused. Policy QD27 of the Local Plan seeks to protect adjacent residents from development proposals which would cause a material loss of amenity to them. Policy QD14 is specific to proposals for the erection of extensions and alterations to existing buildings and states, at criterion (b), that developments of this type should not result in a significant loss of outlook, daylight, sunlight or amenity to neighbouring properties.
8. I appreciate that the residents of No 64 Loder Road have not objected to the development and reference has been made to a possible proposal by them to carry out a similar development of their own property. Whilst this may be so I cannot be certain that such a possibility would ever materialise. Circumstances may change. On this issue I conclude that the development would conflict with the provisions of policies QD14 and QD27 of the Local Plan in its relationship to the adjoining property. These policies are broadly consistent with the National Planning Policy Framework which states, as a Core Principle, that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.¹
9. I have taken into account everything that has been put forward in support of the appeal including the non-specific references made to 'wrap around' extensions existing within the Loder Road and Bates Road area. Nevertheless, each case falls to be considered on its own planning merits and nothing is of sufficient weight for me to reach any other conclusions on this matter.

David Harmston

Inspector

¹ National Planning Policy Framework – paragraph 17



Appeal Decision

Site visit made on 16 July 2013

by **S M Holden** BSc MSc CEng TPP MICE MRTPI FCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 August 2013

Appeal Ref: APP/Q1445/A/13/2193617

Gardener's Arms, 103 Abinger Road, Portslade, Brighton BN41 1SD

- 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 Alan Bull of Gardener Developments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/02418, dated 3 August 2012 was refused by notice dated 24 January 2013.
 - The development proposed is removal of existing rear extensions and roof terrace and creation of new rear extension to facilitate conversion of pub into local convenience store. Refurbishment of first floor flat including new south and west facing terrace.
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Decision

1. The appeal is allowed and planning permission granted for demolition of existing rear extensions and erection of a rear and side extension, other alterations to facilitate conversion to a convenience store and alterations to the existing first floor flat, including a new roof terrace at Gardener's Arms, 103 Abinger Road, Portslade, Brighton BN41 1SD, in accordance with the application Ref: Ref BH2012/02418, dated 3 August 2012, subject to the conditions set out in Annex A of this decision.

Procedural matters

2. On its decision notice the Council described the development as: "demolition of existing rear extensions and erection of a rear and side extension and other alterations to facilitate conversion to a convenience store. Alterations to the existing first floor flat, including a new roof terrace". This differs somewhat from that used on the application and appeal forms. However, for clarity I have used this description of the development in my determination of the appeal proposal.
3. During the period in which the Council was considering the application amendments were made to the access arrangements, which affected the design of the proposed extension. The Council made its decision on the basis of the amended plans and it is these that I have considered in my determination of the appeal.

Main issue

4. The main issue is the effect of the proposed extension on the character and appearance of the host property and the surrounding area.

Reasons

5. The appeal site is currently occupied by a disused public house, The Gardener's Arms, which is close to the junction of Abinger Road and Shelldale Road. The site includes an open area to the south side of the building that was previously used as a car park. The proposal is to extend the building to provide a new convenience store whilst using the ground floor of the existing building for associated office, storage and staff facilities. The first floor flat, which is self-contained, would be refurbished. The remainder of the site would provide a delivery bay and seven parking spaces for visitors to the store.
6. The site is in a prominent position at the junction of the two streets and is highly visible, particularly when approached from the east. Immediately to the north and west of the site there are two storey, terraced houses typical of the early 20th century. They occupy small plots and have no on-site parking provision. To the south of the site Shelldale Road has a mixture of mid 20th century terraced and semi-detached houses with a more open character. On the opposite corner is a flat-roofed block of flats.
7. The existing buildings on the site are typical of their type and era, but are not ones of any architectural merit. The existing extension, which would be removed, is utilitarian in appearance and does not contribute to the surrounding townscape. The proposed extension would be a substantial structure that would fill almost the entire depth of the site between the original rear elevation of the pub and the western boundary. The rear part of the extension would also be wider than the existing pub. It would be a modern design and would incorporate a large flat roof. Extensive glazing panels would feature on the elevation facing Shelldale Road.
8. The design of the proposed extension would therefore contrast with the surrounding buildings that are predominantly two-storey with pitched roofs. It would introduce a building that is entirely different in form and function to those in close proximity to it. However, the extension would be low profile and the two pitched roofs of the pub, with their different ridge levels, would be retained. This would ensure that the proposal would be unobtrusive when viewed from Abinger Road as it would be largely tucked to the rear of the existing building. Its south-eastern elevation would be set well behind the building line that characterises the north side of Shelldale Road. This would reduce its visibility when travelling east along this section of the street.
9. The length of the extension would be apparent when travelling in a westerly direction along Shelldale Road. However, this would, in my view, serve to emphasise its function as a convenience store. As it would connect with the flank wall of the pub the need to provide integration with other features on the existing building would not arise. The depth of the extension towards the boundary with 101 Abinger Road would not be apparent from the public realm, although it would probably be seen from the upper floors of some of the surrounding houses. Furthermore, the combined effects of the low profile of the extension, its set-back from the boundaries of the site and the provision of the small car park would ensure that some of the corner's existing open appearance would be retained.
10. Following refusal of the appeal proposal an amended scheme was submitted to and approved by the Council on 20 May 2013, Ref: BH2013/00919, subject to conditions. I note that the overall footprint of the approved extension appears

to be the same as that of the appeal proposal. However, the revised scheme would include the addition of a second storey to the building with a pitched and hipped roof. The fenestration arrangements of the south-east elevation have also been re-designed to include windows in the existing flank wall of the pub. I have taken account of this amended scheme, which could be implemented, as part of my assessment.

11. Taking all the above factors into consideration, in my view, the overall proposal would be a simple, modern structure that would replace the ad-hoc and incoherent collection of existing extensions on this prominent site. In this context, although the proposal would be quite different from the surrounding domestic dwellings, I consider that these contrasting styles would be acceptable and would contribute to an improvement in the area's appearance.
12. I therefore conclude that the proposed extension would not be harmful to the character and appearance of the host property or the surrounding area. It would therefore comply with saved Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan, which seek to secure high quality development that makes a positive contribution to the local environment.

Other matters and conditions

13. Local residents have raised concerns about the effects of the proposed convenience store on a wide range of issues, many of which have been addressed by the officers' report on the application. The loss of the public house and the provision of the convenience store are considered acceptable to the Council given the proximity of other nearby pubs and the lack of nearby provision of convenience retail outlets. I concur with its conclusions on these matters.
14. Concerns about traffic, parking and deliveries were the subject of extensive negotiation between the appellant's advisors and the Council's highway officers. Consequently amendments to the scheme were agreed to enable satisfactory access by delivery vehicles. The appellant also submitted a consultant's report, the conclusions of which were largely accepted by the Council. The Highway Authority therefore concluded that the proposal was acceptable, subject to various conditions relating to deliveries and parking for vehicles and bicycles. I see no reason to come to a different view and will impose conditions to secure parking on the site and agreement to the servicing and delivery arrangements in order to protect highway safety.
15. I appreciate that local residents are also concerned about the effects on their living conditions arising from noise and disturbance from traffic and particularly from deliveries. The level of background noise in the vicinity has been observed to be very low and the disturbances that might have previously been experienced from the presence of the pub cannot be compared with those of a convenience store. The latter is likely to result in an increased number of deliveries and more comings and goings in the early morning.
16. The Council considered the implications for local residents carefully and made recommendations about the conditions that it considers should be imposed on the hours of operation of the store, and the associated deliveries, in the event that the appeal is allowed. I understand that the appellant considers these to be over-restrictive, particularly as the store is likely to require deliveries of perishable items early in the morning. The appellant's noise consultant

provided specific evidence to address the issue of noise from delivery vehicles, based on deliveries commencing at 07.00 hours. This suggested that the average noise levels that would be likely to be experienced by the nearest residential dwellings in Abinger Road would be below those considered to be harmful by the World Health Organisation's guidelines. The Council did not fully accept these results due to the variable nature of the noises.

17. I agree with the Council that it would be unacceptable for deliveries to take place in the early hours of the morning. However, even in a quiet urban area, some noise can be expected from 07.00 hours. I therefore consider that it is reasonable for the store to open and for deliveries to be allowed from 07.00 hours during the week. However, I concur with the Council's view that deliveries on Sundays and Bank Holidays should be restricted to taking place between 10.00 and 16.00 hours. I have imposed amended conditions accordingly to protect the living conditions of nearby residents but without overly constraining the operation of the business. I have also borne in mind that the condition requiring agreement to a Delivery and Service Management plan could also incorporate measures to reduce noise disturbance in the interests of nearby residents.
18. The development will require ventilation units, condenser units and air-conditioning units, which would sit on the roof of the extension. Technical details of these were provided with the application and the Council is satisfied that these would not give rise to unacceptable levels of noise during the daytime. The Council has suggested a condition to ensure that the plant and machinery complies with specified noise attenuation requirements and another to ensure that the air-conditioning unit is not used outside the store's opening hours. I have imposed these conditions accordingly in order to safeguard the living conditions of residents in the vicinity of the site.
19. Adjoining occupiers expressed concern about the use of the access way to the west of the site and a gate onto it is shown on drawing No TA620/22 Rev H. Restricting the use of the door at this end of the building as an emergency access only can be secured by condition. However, the addition of a gate onto the access way would require the consent of the owners of the access. It is therefore not a matter that can be addressed in the context of a S78 appeal.
20. All the conditions referred to above are necessary to protect highway safety and the living conditions of residents. The Council also suggested a series of further conditions it considers necessary to the delivery of a high quality development. I have considered these in the light of the advice of Circular 11/95: *The Use of Conditions in Planning Permissions*. However, there was insufficient evidence to justify further controls on other matters, such as lighting, raised by local residents.
21. In addition to the standard time limit it is necessary that the development is carried out in accordance with the submitted details. A condition specifying the plans is therefore required for the avoidance of doubt and in the interests of proper planning. Conditions requiring agreement to the materials and full details of hard and soft landscaping are justified in the interests of the appearance of the development. I also agree that these are required to reduce the risk of flooding from surface water run off. I have set out these requirements but amended the wording to provide greater simplicity and precision. A condition to prevent open storage on the site is needed to protect the living conditions of adjoining occupiers.

22. Noise proofing of the refurbished flat is required to protect the living conditions of future occupants. Its construction to Lifetime Home standards is justified in the interests of the provision of the changing needs of households in the city. I have imposed conditions accordingly.
23. The Council suggested conditions to prevent the use of the unit as a drinking establishment or its sub-division into smaller units. I agree that these restrictions are appropriate to protect the living conditions of nearby residents and to ensure the continued viability of other local shopping areas in the City. However, I have simplified them to a condition requiring the ground floor to be operated as a single unit in A1 use.

Conclusions

24. The proposed development would make effective use of a site that was previously occupied by a public house and provide a facility in an area currently poorly served by convenience stores. The site can make adequate provision for parking and deliveries and could be accessed by a range of modes of transport. The proposal would not give rise to unacceptable traffic congestion or be harmful to highway safety. Concerns about noise and disturbance can be controlled by conditions, as can the use of the premises and various other matters of detail. The development would also create jobs, thereby supporting the Government's objective for economic growth set out in the National Planning Policy Framework, (the Framework).
25. In all these respects the Council was satisfied that the development would be acceptable. Its only concern related to the design of the scheme and particularly its size in relation to the existing building. However, for the reasons set out above I have concluded that it would not be harmful to the character and appearance of the host property or the surrounding area. I have also considered the conditions that are necessary to make the development acceptable, taking account of the various concerns expressed by main and third parties and imposed these where I have found they would meet the tests of Circular 11/95.
26. For these reasons I consider that the proposal would represent a sustainable form of development, for which there is a presumption in favour in the Framework. I therefore conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR

Annex A

1. The development hereby permitted shall begin within three years of the date of this decision.
2. The development hereby permitted shall not be carried out other than in complete accordance with the approved drawings listed below:

Plan Type	Drawing No	Revision
Site and block plan	TA620/01	
Existing plans and elevations	TA620/03 TA620/04 TA620/05 TA620/06 TA620/07 TA620/08 TA620/09 TA620/10 TA620/11	
Proposed site plan, block plan, plans and elevations	TA620/02 TA620/21 TA620/22 TA620/23 TA620/24 TA620/25 TA620/26 TA620/27	B G G H C C F C

3. No development shall take place until samples of the materials (including the 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. The development shall be carried out strictly in accordance with the approved details.
4. No development shall take place until a scheme for the soundproofing of the proposed residential unit has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.
5. No development shall take place until there has been submitted to and approved in writing a scheme for hard and soft landscaping which shall included full details of the means of enclosure, materials to be used, measures to control surface water run-off and planting within the development.
6. The scheme for hard landscaping shall be implemented in accordance with the approved details prior to first use of the development hereby permitted and retained thereafter as approved.
7. All planting, seeding or turfing within 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.

Any trees or plants which, within a period of five years from the time of planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species, unless the local planning authority gives written consent to a variation.

8. The A1 use hereby permitted shall not commence until a Delivery & Service Management Plan, which includes details of the types and sizes of vehicles, how deliveries will take place and their frequency has been submitted to and approved in writing by the local planning authority. Thereafter all deliveries shall take place in accordance with the agreed details.
9. No servicing or deliveries shall be permitted to the site or premises except between the hours of 07.00 and 19.00 Monday to Saturday and 10.00 and 16.00 on Sundays and Bank and Public Holidays.
10. The use hereby permitted shall not be open to customers except between the hours of 07.00 and 22.00 on any day. No other activity in connection with the retail premises shall take place between the hours of 22.30 and 06.30 daily.
11. No open storage shall take place within the curtilage of the site without the prior written approval of the local planning authority.
12. 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 BS4142:1997.
13. The air-conditioning units shall be switched off between the hours of 22.00 and 07.00 daily.
14. The door to the rear/western elevation shall not be used for any other purpose than for emergency use.
15. Unless otherwise agreed in writing by the local planning authority, the new dwelling hereby permitted shall be constructed to Lifetime Home standards prior to its first occupation and shall be retained as such thereafter.
16. 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 at all times for use by the occupants of, and visitors to, the development.
17. The development hereby permitted shall not be occupied until the parking facilities and layout detailed on drawing no TA620/22 rev H have been fully implemented and made available for use. The parking facilities shall thereafter be retained at all times for use by the occupants of, and visitors to, the development.
18. The development hereby permitted 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 at all times for the approved use.
19. The ground floor of the development hereby permitted shall be operated solely as a single unit in A1 use and for no other purpose.



Appeal Decision

Site visit made on 5 August 2013

by David Harmston FRICS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 August 2013

Appeal Ref: APP/Q1445/D/13/2199833

91 Braeside Avenue, Brighton, East Sussex BN1 8RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs K Rummery against the decision of Brighton & Hove City Council.
 - The application (Ref BH2013/00259) was refused by notice dated 25 March 2013.
 - The development proposed is described as the erection of a first floor side extension and a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly; the effects of the development on the character and appearance of the area and, secondly; its impact on the living conditions of the occupants of the adjoining dwellings in terms of any undue loss of light, outlook or privacy and overbearing impact.

Reasons

3. The appeal property is a two-storey, semi-detached dwellinghouse lying within a residential estate on the northern outskirts of Brighton. It is proposed to extend the building by erecting a single-storey extension at the rear with a two-storey element on its western side infilling an area of land to the rear of the garage and to the side of the kitchen. An existing conservatory situated behind the dining room and kitchen would be demolished.
4. The single storey element of the development would extend outwards from the rear of the dwelling by 3.9 metres and would be set in from the boundary with the adjoining house to the east (No 93 Braeside Avenue) by about 0.2 metres. On the western side a gap of about 0.85 metres would be retained between the side of the single and two-storey extension and the boundary with No 89.
5. On the first main issue I saw that several of the properties in Braeside Avenue have been altered and enlarged in ways that are not entirely dissimilar from the development proposed in this appeal although their planning history is uncertain.¹ Nevertheless, in this instance, the Council considers that the extensions would dominate the rear elevation of the dwelling resulting in a

¹ For example, nos 83, 85 and 97 Braeside Avenue.

detrimental impact on the visual amenities of the host property. It is acknowledged, however, that the single storey extension would be inconspicuous in the streetscene.

6. As the Council points out, whilst the design and style of the dwellings present in Braeside Avenue vary, the small group of buildings formed by the adjoining pairs of semi-detached houses (Nos 91 – 97) are very similar or identical in their original design in terms of their style and built form.² As far as the two-storey component of the development is concerned, it would not appear as a subservient element to the existing house but rather as a bulky, awkward and incongruous enlargement of the dwelling resulting in an imbalance in the appearance of the adjoining houses. Whilst primarily visible only from the rear and side, oblique views of it would be possible from the other positions.
7. The Council's Supplementary Planning Guidance: *Roof Alterations and Extensions* (SPG) states that roof extensions must respect the character of the particular building and be well related to it. Developments that alter the basic shape of the roof on semi-detached houses will be unacceptable because they create a visually heavy roof to one half.
8. Policies QD1 and QD2 of the Brighton & Hove Local Plan are wide-ranging policies which, as a general point, seek to ensure a high quality of design in all new developments taking account of the scale and bulk of the existing buildings. Policy QD14 states that alterations and extensions to buildings will only be acceptable if they are well-designed, sited and detailed in relation to the existing property, those adjoining it and the surrounding area.
9. These policies are broadly consistent with the National Planning Policy Framework (the 'Framework'). This states that the Government attaches great importance to the design of the built environment and planning should always seek to ensure high quality design. Local distinctiveness should be promoted and reinforced.³ I consider that the harm that the development would create to the character and appearance of the area for the reasons I have given would be in conflict with both national and local policy in terms of the design and negative visual impact of the development to the extent that the proposals are unacceptable on this issue.
10. On the second main issue I have seen and taken into account the representations made by the occupants of both the adjoining dwellings. Whilst the occupant of No 89 Braeside Avenue states that he has no objection to the development, 'concerns' have been raised in relation to the loss of light caused by the development to the kitchen window at that property. Similar concerns have been expressed by the occupants of No 93 who, whilst raising no objections, refer to the effect of the development on their outlook and the amount of sunlight reaching their dining room.
11. The proposals would entail the erection of built development on the western elevation of the house by extending it by about 2.2 metres at first floor level

² The garage at No 97 Braeside Avenue appears to have been converted into habitable accommodation with a window replacing the original garage door.

³ National Planning Policy Framework – paragraphs 17, 56 and 60

and by about 6.3 metres at ground floor level with the recess resulting from the L-shaped form of the building being filled in. A gap of about 0.85 metres would be retained between the extended side of the house and the boundary with No 89 Braeside Avenue with a driveway of about 2.5 metres in width beyond.

12. The massing, scale and bulk of the development, with the entrance to No 89 being in its eastern elevation and its existing rear building line being roughly consistent with that at No 91, would produce a dominant and overbearing impact. A significant loss of light to the rear and side of the adjoining dwelling would be experienced and whilst overlooking and any loss of privacy could be avoided by the installation of obscured glazing in the west facing windows, I find that the harm that the development would cause in these respects would be so serious as to be unacceptable.
13. As far as the effects of the development on No 93 Braeside Avenue are concerned, that property has already been extended at ground floor level. However, the depth of the proposed extension to the appeal property of 3.9 metres, approximately 0.2 metres from the boundary, would enclose the original rear elevation of No 93 creating a tunnelling effect and reducing the amount of daylight reaching the ground floor rear windows to a significant degree. The development would infringe the guideline in the SPG of allowing for a 45° degree angle to pass the outer edge of the extension taken from a midpoint on the ground floor window.
14. Policy QD27 of the Local Plan states that developments will not be permitted which cause a material loss of amenity to adjacent occupiers whilst policy QD14(b) seeks to resist proposals for extensions to buildings which would result in a significant loss of outlook, daylight or sunlight to neighbouring properties. These policies are consistent with a Core Planning Principle of the Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In summary, I consider that the negative impacts of the development on the living conditions of the occupants of Nos 89 and 93 Braeside Avenue to be so serious as to be unacceptable and the appeal fails on this issue.
15. I have considered everything else that has been forward in support of the appeal including the fact that the development has been re-designed in an attempt to meet the Council's objections, that the property could be extended under permitted development rights and that other extensions to dwellings have been implemented locally as illustrated on the various photographs. However, each case falls to be assessed on its individual planning merits and nothing that has been advanced in favour of the development is sufficient in weight to counterbalance my conclusions above and the reasons for them.

David Harmston

Inspector

