





**Brighton & Hove
City Council**

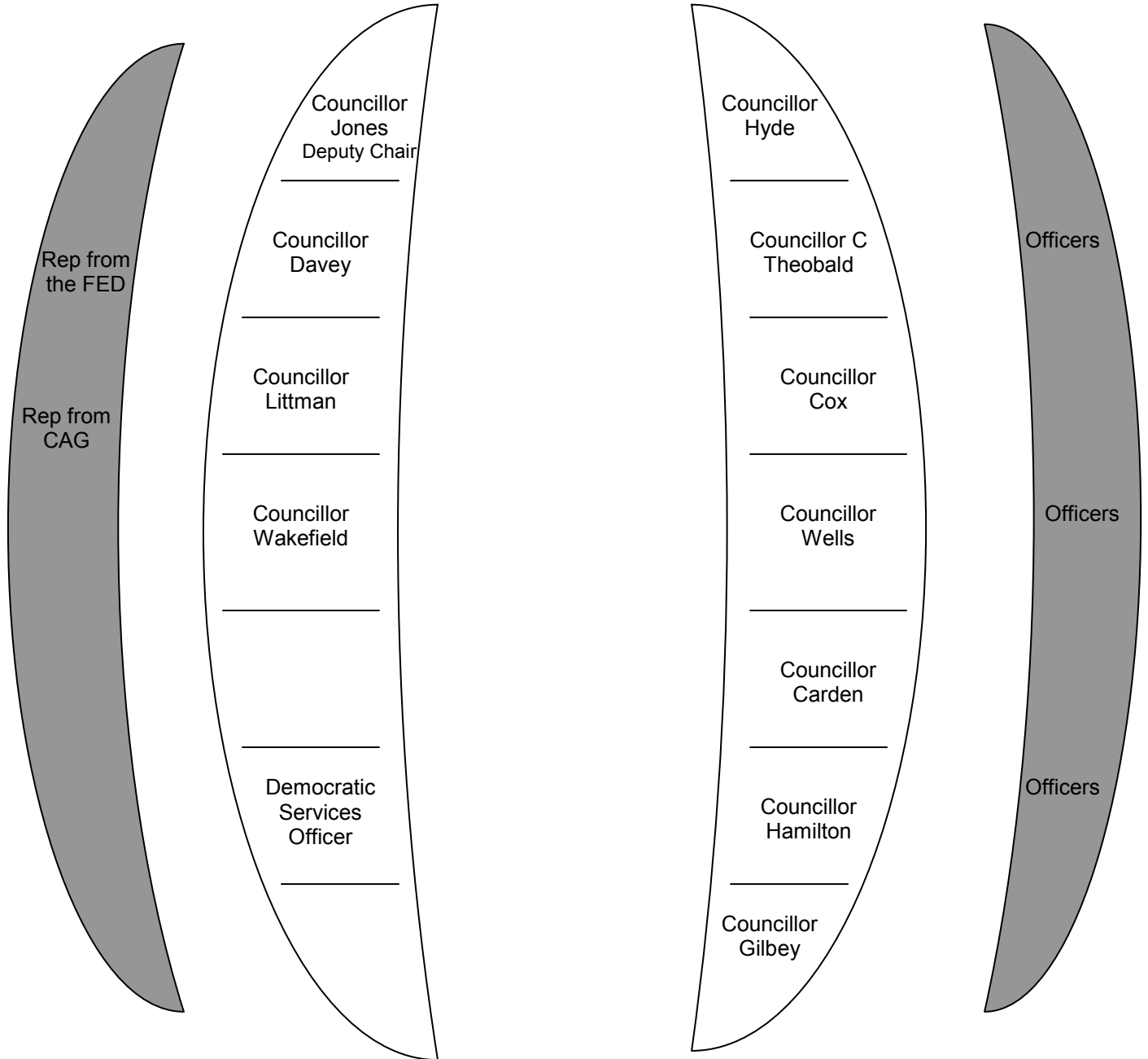
Planning Committee

Title:	Planning Committee
Date:	18 September 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.gcsx.gov.uk</p>

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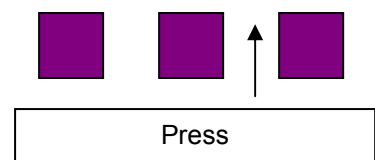
Democratic Services: Planning Committee

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

63. 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.

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'airplane mode'.

PLANNING COMMITTEE

64. MINUTES OF THE PREVIOUS MEETING 1 - 22

Minutes of the meeting held on 28 August 2013 (copy attached).

65. CHAIR'S COMMUNICATIONS

66. PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 11 September 2013.

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

68. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MAJOR APPLICATIONS

A. BH2013/02096 - Hove Park Depot, The Droveaway, Hove - 23 - 44 Full Planning Permission

Demolition of existing buildings and construction of a new three storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping.

RECOMMENDATION – REFUSE

Ward Affected: Hove Park

B. BH2013/02097 - Hove Park Depot, The Droveaway, Hove - 45 - 52 Conservation Area Consent

Demolition of existing buildings.

RECOMMENDATION – GRANT

Ward Affected: Hove Park

PLANNING COMMITTEE

- C. BH2013/02050 - Aldi Stores Ltd, 7 Carlton Terrace, Portslade - Removal or Variation of Condition 53 - 64**

Application for variation of condition 1 of BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 0800 and 2100 on Monday to Saturday and 1000 to 1600 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 0700 and 2200 hours on Mondays to Saturdays and 0930 and 1730 on Sundays and Bank Holidays.

RECOMMENDATION – GRANT

Ward Affected: South Portslade

MINOR APPLICATIONS

- D. BH2013/01836 - Rear of 32 Stanford Avenue, Brighton - Full Planning Permission 65 - 78**

Demolition of existing garage and erection of a two storey 1no bedroom house.

RECOMMENDATION – REFUSE

Ward Affected: Preston Park

- E. BH2013/01985 - 36 Upper Rock Gardens, Brighton - Full Planning Permission 79 - 88**

Demolition of upper ground floor rear extension and staircase and erection of lower and upper ground floor rear extensions with staircase.

RECOMMENDATION – REFUSE

Ward Affected: Queen's Park

- F. BH2013/02349 - Land to South of 32 Cambridge Grove, Hove - Full Planning Permission 89 - 102**

Erection of 3no bedroom dwelling.

RECOMMENDATION – REFUSE

Ward Affected: Goldsmid

- G. BH2013/02074 - 119 Church Road, Hove - Full Planning Permission 103 - 116**

Erection of single storey rear extension.

RECOMMENDATION – GRANT

Ward Affected: Central Hove

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- H. BH2013/02075 - 119 Church Road, Hove - Listed Building Consent** **117 - 126**
- Listed building consent for the erection of single storey rear extension.
- RECOMMENDATION – GRANT**
Ward Affected: Central Hove
- I. BH2013/01713 - 128 Church Road, Hove - Full Planning Permission** **127 - 144**
- Change of use of basement and ground floor from Financial (A2) to Restaurant (A3) and Bar (A4). Installation of new shop fronts to front and side elevations. Part excavation to facilitate extension of basement level. Erection of single storey rear extension with external steps and associated roof terrace. (Part Retrospective).
- RECOMMENDATION – GRANT**
Ward Affected: Central Hove
- J. BH2013/01938 - 52 Ainsworth Avenue, Brighton - Householder Planning Permission** **145 - 154**
- Erection of extension to first floor including dormer and window to front, windows to sides and Juliet balconies to rear.
- RECOMMENDATION – REFUSE**
Ward Affected: Rottingdean Coastal
- K. BH2013/02139 - 3 Royal Crescent, Brighton - Full Planning Permission** **155 - 166**
- Demolition of existing garage/store in rear garden and erection of garden room.
- RECOMMENDATION – GRANT**
Ward Affected: Queen's Park
- L. BH2013/02140 - 3 Royal Crescent, Brighton - Listed Building Consent** **167 - 174**
- Demolition of existing garage/store in rear garden and erection of garden room.
- RECOMMENDATION – GRANT**
Ward Affected: Queen's Park

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- M. BH2013/02475 - 33 Redhill Drive, Brighton - Full Planning Permission 175 - 184**

Erection of two storey rear extension.

RECOMMENDATION – GRANT

Ward Affected: Withdean

- N. BH2013/01800 - Park Manor, London Road, Brighton - Full Planning Permission 185 - 200**

Roof extension to form 4no one bedroom flats and 2no two bedroom flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Withdean

- O. BH2013/00647 - Brighton Beach Market, Lower Esplanade, King's Road, Brighton - Full Planning Permission 201 - 214**

Temporary change of use from lower seafront promenade to open air market (during construction of i360 development).

RECOMMENDATION – GRANT

Ward Affected: Regency

- 69. 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

- 70. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 215 - 218**

(copy attached).

- 71. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 219 - 338**

(copy attached)

- 72. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 339 - 342**

(copy attached).

PLANNING COMMITTEE

73. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 343 - 344

(copy attached).

74. APPEAL DECISIONS 345 - 386

(copy attached).

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

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

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

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

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

Date of Publication - Tuesday, 10 September 2013

PLANNING COMMITTEE

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 28 AUGUST 2013****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, A Norman, Phillips, Robins and Wells

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

Officers in attendance: Jeanette Walsh (Head of Development Control), Hilary Woodward, (Senior Solicitor), Nicola Hurley (Area Planning Manager), Anthony Foster (Senior Planning Officer), Adrian Smith (Planning Officer), Sanne Roberts (Heritage Officer), Steven Shaw, (Principle Transport Officer, Sustainable Transport) and Ross Keatley (Democratic Services Officer).

PART ONE**50. PROCEDURAL BUSINESS****50a Declarations of substitutes**

50.1 Councillor Ann Norman was present in substitution for Councillor Carol Theobald; Councillor Robins was present in substitution for Councillor Hamilton and Councillor Phillips was present in substitution for Councillor Littman.

50b Declarations of interests

50.2 Councillor Cox referred to Application BH2013/01720 – Aldrington C of E Primary School, Eridge Road, Hove, and explained he was the Secretary of Brighton & Hove Cricket Club, and involved in the sports and football clubs. He explained that he remained of a neutral mind and had not predetermined the application; he would therefore remain present at the meeting during the consideration and vote thereon.

50.3 Councillor Phillips referred to Application BH2013/01860 – Police Station, Holland Road, Hove, and explained that she had been involved with the campaign as part of 'Action for Kids' approximately four years, and it had been her suggestion to consider the site for a school. She explained that she remained of a neutral mind and had not

predetermined the application; she would therefore remain present at the meeting during the consideration and vote thereon.

50c Exclusion of the press and public

50.3 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.

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

51. MINUTES OF THE PREVIOUS MEETING

51.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 7 August 2013 as a correct record.

52. CHAIR'S COMMUNICATIONS

52.1 The Chair highlighted mandatory Planning training for Councillors on the Planning Committee taking place on 8 October 2013 at 10.00am in the Council Chamber at Hove Town Hall.

53. PUBLIC QUESTIONS

53.1 There were none.

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

54.1 The Committee considered a report of the Executive Director of Environment, Development & Housing in relation to 1-50 Preston Mansions, Preston Park, Avenue, Brighton: Request for a variation of s106 25 August 2004 signed in association with BH2004/00406/FP. The originally application provided 50 residential units, and 35 parking spaces; the scheme was granted permission in 2004 and completed in October 2006. In 2009 consultation commenced for a controlled parking zone, and was implemented in May 2010 – before this time residents had been able to park freely in the area. It was not considered that making residents of Preston Mansions ineligible would mitigate the impact of the development as such impacts had already been assimilated into the area, and it was recommended that the s106 agreement be varied to remove the ineligibility clause.

54.2 **RESOLVED** – That the Committee allow the completion of a variation to the s106 agreement dated 25 August 2004 relating to 1-.50 Preston Mansions, Preston Park Avenue, Brighton to allow residents of the development to apply for residents' parking permits.

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

55.1 There were none.

56. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**Major Applications**

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

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

(2) The Case Officer, Jason Hawkes, introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application proposed the erection of a three storey sixth form block, and the site was located north of Old Shoreham Road. The school was a mixed secondary Catholic Comprehensive School for pupils aged 11-18; with two large playing fields on the north side of the school. The new sixth form block would allow for an extra 150 pupils and three staff; as well more space and better facilities. The application had sought to reduce the impact of the three storey building by partially excavating so that the building would appear as two storeys from the northern elevation; there would also be photovoltaic panels on the roof. The application proposed the loss of some outside space at the school which policy sought to protect; however, the application involved the relocation of an existing car park to an area of underused hardstanding, and as such there was no objection from Sport for England. The application was considered to be well designed with an appropriate mix of materials, and although it would be higher than the adjacent Newman building it was considered acceptable given the substantial distance to the nearest residential properties. It was also noted that there would be no net loss of parking on the site, and the building would achieve BREEAM level excellent. For the reasons set out in the report the application was recommended to be minded to grant subject to the completion of a s106 agreement and the conditions in report.

Questions for Officers and Decision Making Process

(3) It was confirmed in response to a query from Councillor Hyde that the proposed s106 contributions were in line with the prescribed formula used by the Council. Councillor Hyde noted that she was not in support of the proposed level of contribution towards highway improvements.

(4) It was confirmed for Councillor Davey that some of the s106 monies would be used for improvements to cycling infrastructure in the area.

(5) A vote was taken and planning permission was unanimously granted.

- 56.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to be **MINDED TO GRANT** planning permission subject to the conditions and informatives set in the report and the completion of a s106 agreement.

Note: Councillor Wakefield was not present at the meeting.

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

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

- (2) The Case Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application sought to increase the capacity of the school from 218 to 436 pupils; access to the school was via Nevill Road, and the site was surrounded by residential properties and Blatchington Mill School. The current configuration was largely a single storey building, and the proposals sought permission for a mixed one and two storey extension providing six additional classrooms and communal facilities. To compensate for the loss of the hardstanding a plot of land would be transferred from Blatchington Mill School. The additional school places would be filled incrementally each academic year – for a period of seven years. The change would also incorporate three additional disabled spaces and a new cycle shelter – as well as a new hedge boundary. The key issues related to the design; impact on neighbouring amenity and transport implications. It was noted that the two storey extension would be the only building of this height on the site, but it would be not excessive in the context of the wider area and was located on the north of the site. Overall the scheme was considered appropriate and preserved the design and character; the nearest residential properties would be located a minimum of 12 metres away, and the play areas would be further away from the residential properties. The application sought contributions towards sustainable transport, and a walking bus scheme to the amount of £60,000. The application was recommended for approval subject to the conditions set out in the report.

- (3) A vote was taken and planning permission was unanimously granted.

- 56.2 **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 in the report.

Note: Councillor Wakefield was not present at the meeting.

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

56.3 This application had been deferred from the agenda.

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

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Case Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application sought consent for a change of use from a Police Station to satellite site of West Hove Primary School. The building was a purpose built four storey Police Station that had been vacant since early 2013; the site was opposite residential properties, and next to a telephone exchange – with other blocks of flats to the rear. Each of the four storeys would be used to accommodate a year group, and there would also be a three storey extension to the rear – as well as other minor alterations to the fenestration and the provision of new ventilation. The application also proposed the removal of all but three of the rear garages, and the existing parking area would be retained to be used as a playground – an area of grass at the front of the site would also be adapted for play use. The application also proposed no on-site parking, and a mesh security fence would be erected around the site, and apple trees would be planted.
- (3) The key issues related to principle of the change of use; the impact on neighbouring amenity; the design and transport matters. It was acknowledged that there was a shortage of primary school places in Hove, and given this need positive weighting was placed on the principle of the change of use. The application would retain the building with only minimal changes, and the rear extension would be subordinate and inset. It had been considered that the choice of materials was not appropriate, and a condition within the report sought the approval of different materials. Acoustic reports had been undertaken to assess the impact of noise from the site when it would operate as a school, and given the number of nearby residential units a playground management plan would be sought through condition. In relation to traffic it was acknowledged that the school would create a considerable increase in trip numbers at the beginning and end of the school day; however, measures in relation to sustainable transport would help to mitigate this impact. For the reasons set out in the report the application was recommended for approval subject to conditions.

Questions for Officers

- (4) In response to Councillor Robins it was confirmed by the Sustainable Transport Officer, Steven Shaw, that there would not be any on-site parking for staff, and this had been seen as important to help reduce the conflict on site between vehicle and pupil movements. Councillor Cox also added that when the site had operated as a Police Station there had been approximately 400 staff using the site without any provision of staff parking – aside for operational vehicles.

- (5) Councillor Ann Norman asked about the parking controls in place on Holland Road, and it was explained that there was currently a mix of drop kerbs for off-road parking; residents permit bays and shared use bays. The scheme proposed some small changes around the entrances to the site as well as the provision of a crossing point and some raised tables in the street. It was envisaged the transport management plan and the associated works to the street would help mitigate problems in relation 'unsociable' stopping and parking.

Debate and Decision Making Process

- (6) Councillor Hyde stated that she appreciated the need for additional school places; however, she felt that the site was too small and it would generate a significant amount of additional traffic. She went on to note that there could be problems if parents had to drop their children off at both of the satellite sites (Connaught Road and Holland Road), and hoped the school would consider measures to address this. She concluded by stating that it be better to see a new junior school and building.
- (7) Councillor Davey noted that the location was very appropriate given the local availability of sustainable transport; he noted parents would welcome the scheme, and suggested that the biggest challenge would be to ensure the best use of the s106 monies.
- (8) The Case Officer noted that the school was aware of the potential problem for parents with children at the two satellite locations, and explained that this would be addressed through the travel plan condition and the school had considered measures such as staggering the start times.
- (9) A vote was taken and planning permission was unanimously granted.

56.4 **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 in the report.

Note: Councillor Wakefield was not present at the meeting.

Minor Applications

- E. BH2012/04035 - 43 Russell Square, Brighton - Full Planning Permission** - 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)
- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application site related to a four storey mid-terrace property on the southern edge of Russell Square; planning permission was sought for a change of use to create a one bedroom flat on the basement floor, and a house in multiple occupation (HMO) on the other floors for five HMO type units – the application also sought the provision of new windows. A late letter of representation had been received from one of the Local Ward Councillors, Ania Kitcat, highlighting the stress the development would cause to the

listed building; overcrowding; safety hazards and the increased level of HMOs in the area. The Local Plan supported the provision of HMOs, and stated that it was necessary to have an adequate provision within the city; the ward was also outside of the area for the new Article 4 Direction in relation to buildings in type C3 and C4 use. The mapping exercise had also been undertaken and found only one other registered HMO within a 50 metre radius (giving a percentage of 0.4% - which would increase to 0.8% with the inclusion of the site) which was compliant with policy. The proposal was acceptable and considered appropriate. For the reasons set out in the report the application was recommended for approval.

Public Speakers and Questions

- (2) Ms Julie White spoke on behalf of Ms Jenny Piercy, a local resident, and stated that almost all of the residents were against the application. She highlighted that policy sought to create and protect mixed and balanced communities; however, this application would not achieve this as the area had a number of guest houses as well as three large hostels and needed more family homes. Ms White referenced a murder at the property and noted that the area was already a 'hotspot' for anti-social behaviour. It was considered that an HMO would not help to balance the community as, she believed, some of the guest houses were already operating as unlicensed HMOs, and the Committee were not in receipt of information from the Electoral Roll and Council Tax records that would support this. The Committee were asked to take a common sense approach to the application and exclude Sussex Heights from the calculation in relation to HMO density; furthermore it was noted that that property was already in a very poor state of repair and the change of use could further add stress to the building. Issues in relation to overcrowding and fire hazards were also cited as reasons for the refusal.
- (3) Councillor Robins asked about the current occupants of the house and in response Ms White explained that there had previously been one resident.
- (4) Councillor Davey asked about the mix of types of dwellings in the area, and Ms White explained that it was a mix of guest houses, hotels and residential flat conversions – she stated that no. 43 had been the sole remaining building in Russell Square that was a single unit.
- (5) Councillor Jones asked if the house had previously been flats, and Ms White explained that she was not sure, but noted it had had squatters recently and had been a family home for many years.
- (6) Dr Raouf spoke in his capacity as the applicant and stated that when he had purchased the house it had been in use as eleven bedsits, and this was documented by the Council. He stated that upon buying it immediate work had been undertaken due to the very poor state of repair, and the property had been reconfigured in a manner very close to the original layout. It was his intention to retain the use as an HMO, and he had agreed to make the basement unit a separate dwelling. The potential monthly rental price of £325-350 would be affordable for low wage retail workers, and opened up the rental market for people in a lower income bracket. Mr Raouf concluded that the property had been an unregistered HMO for some years, and

it was no longer suitable to be a family dwelling as it was too large and many of the original features were lost.

- (7) In response to a query from Councillor Cox it was explained by Dr Raouf that when let the property would be supervised through a managing agent, and cleaners would be employed.
- (8) Mr Gowans asked queries in relation to sound and fire proofing; however, this latter matter related to Building Control and was not within the remit of the Committee to consider.
- (9) Councillor Davey asked how many people would be living in each of the units, and Dr Raouf explained that each would be let to two people, but in reality it was very difficult to control the number of people living at the property.

Questions for Officers

- (10) In response to a query from Councillor Gilbey it was explained that Officers were not able to elaborate on the detail of the planning history in the report as this was all the information they held.
- (11) Councillor Davey asked for more information about other HMOs in the area, and it was explained that the immediate 50 metre radius had a low proportion; however, if Sussex Heights were removed the calculation would still give a figure below the 10% outlined in policy.

Debate and Decision Making Process

- (12) Mr Gowans explained that the Conservation Advisory Group (CAG) were recommending refusal to the Committee; he stated the use of the building would be very intensive and he was alarmed at the applicant's comments that the number living inside the property could not be controlled. He stated that the building was small and expressed concern about potential access to a roof terrace through a window.
- (13) Councillor Cox stated he was concerned about the application, and felt that the approach lacked common sense as Sussex Height was an anomaly in the area. This building was the last remaining single house, and the application sought to turn it into something that would fall short of decent homes standards. He also felt a very compelling argument had been put forward by the Local Ward Councillor and that this application would be a step backwards for Russell Square.
- (14) Councillor Carden noted that he welcomed the addition of a sprinkler system.
- (15) Councillor Davey stated that the decision was difficult, but had concerns about the potential number of people living at the property – he was considering voting against the Officer recommendation.
- (16) Councillor Hyde noted that she agreed with both Councillors Cox and Davey; she was very uncomfortable with the application and noted that the building was Grade 2 listed and felt the proposed use would undermine the listing.

- (17) Councillor Jones noted that he felt the points in relation to the affordable housing for young people in the city were compelling; however, he noted the use would be very intensive.
- (18) Councillor Robins felt that the change to an HMO was inevitable.
- (19) Councillor Phillips noted she was of two minds in relation to the application, and it was clarified that the Committee could not impose conditions in relation to occupancy numbers as this was covered by separate legislation.
- (20) Before a vote was taken the Area Planning Manager noted that there was already an approved permission for listed building consent for the internal alterations, and the property would have to meet the necessary standards for HMOs – this would require licensing under separate legislation.
- (21) A vote was taken and the Officer recommendation to grant was not carried on a vote of 5 in support, and 6 against. Councillor Cox proposed reasons for refusal and these were seconded by Councillor Davey; a short recess was then held to allow Councillor Mac Cafferty; Councillor Cox; Councillor Davey; the Head of Development Control; the Senior Solicitor and the Area Planning Manager to draft the reasons for refusal in full. These reasons were then read to the Committee and it was agreed that they reflected what had been put forward by Members. A recorded vote was then taken and Councillors: Hyde, Cox, Davey, Gilbey, Ann Norman and Wells voted that planning permission be refused and Councillors: Mac Cafferty, Jones, Carden, Robins and Phillips voted that it be granted.

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

- i. The intensity of use by virtue of the subdivision of the building would be harmful to the amenity of future occupiers of the building and to nearby residents contrary to policy QD27 of the Brighton and Hove Local Plan 2005
- ii. The proposed development by virtue of its high intensity residential use will lead to an imbalance of types of residential use within the surrounding area contrary to policy QD27 of the Brighton and Hove Local Plan 2005 and policies SA6 and CP21 of the emerging City Plan Part 1.

Note: Councillor Wakefield was not present at the meeting.

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

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) A vote was taken and planning permission was granted on a vote of 10 in support with 1 abstention.

- 56.6 **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 in the report.

Note: Councillor Wakefield was not present at the meeting.

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) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application related to a two storey detached property on Dean Court Road, and sought permission for an extension and roof lights. The main considerations related to the design of the extension and the impact on amenity. It was considered that this application was sympathetic; however, the overall depth was still considered excessive and harmful to the character of the building; as was the overwhelming scale and bulk of the proposals. Whilst revisions to the scheme had reduced some of the height and bulk it still stood that Officers were of the view that the proposals would be overly dominant and overbearing. For the reasons set out in the report the application was recommended for refusal.

Public Speakers and Questions

- (3) Ms Ganding spoke in her capacity as the agent on behalf of the applicant Mr Harding. She stated that the application sought an extension the owner's family home. The family had three children, and the current arrangements were not sufficient for their needs; the family loved living in the area and all the children went to local schools, and enjoyed the access to local facilities. The accommodation needed to be bought up to a family standard, and since the refusal of the previous application close work had been undertaken with neighbours to overcome their concerns, and the current application had no objection from them. The scale of the roof had been reduced, and it was considered the harm would be reduced through the provision of a mature boundary. The only part of the proposals that would be visible from the front of the property would be the side utility area, but this would be set back and subordinate. The applicant accepted that the proposals would increase the depth, but the overall increase was not huge and the neighbouring house was set forward which helped to obscure the view. It was reiterated that the extension was to accommodate the family; there was no objection from the immediate neighbour and the extension would fit in with the surrounding area.

Debate and Decision Making Process

- (4) Councillor Hyde stated that she shared the concerns in relation to the impact on neighbouring amenity; however, she highlighted the mature boundary of shrubs and

trees. There would be no impact on the street scene, as the extension was at the rear, and she stated that the neighbouring property (no .56) appeared to be more out of keeping with the rest of the road generally. Councillor Hyde reiterated some of the points made by the applicant's agent in relation to the needs of the family, and stated that she believed this was a good planning application. There would be no impact on neighbouring amenity; the property was not overlooked, and suitable amendments had already been made to the scheme. She stated she would be voting against the Officer recommendation.

- (5) Councillor Gilbey noted that there was space at the rear of the property; however, she did not feel the vegetation would create sufficient screening; the property would protrude significantly at the rear and it would impact on neighbouring amenity. She stated she felt the application was overdevelopment of the site.
- (6) Councillor Wells stated that the street was a mix of different building; there were no objections from neighbours and he would be voting against the Officer recommendation.
- (7) Councillor Philips stated she would be voting against the Officer recommendation; she considered that the applicant had worked closely with their neighbours and she saw no reason to refuse.
- (8) Councillor Ann Norman noted that there recently been two similar types of proposals in her own ward which had worked well; she noted there were no objections and the applicant had worked well with both their neighbours and the Council.
- (9) Councillor Cox stated that he liked the design; he was not so taken with the arguments in relation to the neighbour objections, but felt the proposals were good.
- (10) The Head of Development Control noted the credentials of the architect were not material planning consideration, and that the mature boundary could in future be removed and it was necessary to protect amenity for future occupants, as well as current ones. The Senior Solicitor noted that personal circumstances were capable of being given weight by the Committee, but these should be considered only in extreme circumstances.
- (11) Councillor Jones noted that he saw the compelling case for the proposals; however, as he had concerns in relation to scale of the extension he would abstain from the vote.
- (12) A vote was taken and the Officer recommendation to refuse was not carried on a vote of 3 in support; with 5 against and 3 abstentions. Councillor Hyde proposed reasons for approval and these were seconded by Councillor Wells. These reasons were then read to the Committee, and it was agreed they reflected what had been put forward by Members. A recorded vote was then taken and Councillors: Hyde, Cox, Phillips, Ann Norman and Wells voted that planning permission be granted; Councillors: Mac Cafferty, Gilbey and Robins voted that it be refused and Councillors: Jones, Carden and Davey abstained from the vote.

56.7 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation to refuse, but resolves to **GRANT** the application for the reason set out below.

- i. The scale, design, siting and bulk of the proposed development would comply with policies QD14 and QD27 of the Brighton and Hove Local Plan 2005. In particular there is no adverse impact on neighbouring amenity and no overlooking and the boundary is planted with mature shrubs and trees. Moreover there is no detrimental impact on the street scene and no properties to the rear with views of the rear extension. Some small amount of weight is given to the personal circumstances of the applicant.

Note: Councillor Wakefield was not present at the meeting.

H. **BH2013/01566 - Woodvale Crematorium, Lewes Road, Brighton - Full Planning Permission** - Installation of 16no illuminated bollards to South driveway.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. Permission was sought for the installation of 16 illuminated bollards on the southern side of the site which was located in the cemetery grounds along with the listed property. The driveway was currently lit by 10 columns up to the coroner's office; however, the remainder of the driveway was unlit. Supporting documentation had been submitted to demonstrate that funeral services could take place up to 16:30 hours and the area was very dark during this time in the winter. The bollards were of simple design and 1.1 metres high. The Ecologist had also stated that the application was unlikely to cause harm, and the hours of use would be restricted by condition. For the reasons set out in the report the application was recommended for approval.

Debate and Decision Making Process

- (2) Mr Gowans stated that the CAG 'were not enthusiastic about the application.'
- (3) Councillor Ann Norman stated that this scheme had been proposed some years ago; she was sorry it had taken so long to come forward, and stated that the stretch could be very unpleasant when dark.
- (4) A vote was taken and planning permission was unanimously granted.

56.8 **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 in the report.

Note: Councillor Wakefield was not present at the meeting, and Councillor Robins had left the meeting during the consideration and vote on this application.

I. **BH2013/01855 - The Bungalow, 11 Hangleton Lane, Hove - Full Planning Permission** - Erection of single storey side, front and rear extension incorporating associated roof alterations.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings, and provided details in relation to the history of applications at this site. It was also noted that the recent Committee decision to refuse the previous application had been upheld by the Inspector at appeal. The new application had an amended layout and removed the proposed large chimney. The application was recommended for approval for the reasons set out in the report.

Questions for Officers and Decision Making Process

- (2) It was clarified for Councillor Gilbey that the property was 8 metres away from the nearest property located within the conservation area.
- (3) A vote was taken and planning permission was unanimously granted.

56.9 **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 in the report.

Note: Councillor Wakefield was not present at the meeting, and Councillor Robins had left the meeting during the consideration and vote on this application.

J. BH2013/01034 - East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton - Full Planning Permission - 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.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Case Officer, Anthony Foster, introduced the application and gave a presentation by reference to photographs plans and elevational drawings; the presentation related to both application BH2013/01034 for full planning permission and application BH2013/01035 for conservation area consent. The application site was on the east side of Jubilee Street, and the building was four storeys in height at the southern side of Jubilee Square with a basement car park. The two 2 storey mews properties were located at the northern end of Pavilion Mews in the North Laine Conservation Area. The proposals would provide an additional 15 hotel rooms; additional space at the ground floor; a green wall and assorted alterations to the basement car park to convert it to a music venue. It was noted that the Heritage Officer had objected to the scheme, and the CAG objected to the demolition of the mews properties. There was also a planning brief for Jubilee Street that referenced the strong cohesion of the buildings, and the prominence of the library in the scheme.
- (3) The main considerations related to the loss of the residential unit; the principle of the change of use and the impact on the character of the street scene and the conservation area. The loss of the residential unit was considered contrary to policy as the scheme proposed one unit gained against the two that would be lost. The Heritage

Team had concerns that the proposed alterations would adversely impact on the character of the conservation area and the surrounding street scene in Pavilion Mews. There would also be an increased level of over and inter-looking. The Highways Officer had objected as there was no provision for sustainable transport in the scheme. For the reasons outlined in the reports the applications were recommended for refusal.

Public Speakers and Questions

- (4) Mr Bareham, the agent, spoke in support of the application assisted by Mr Nicolson the applicant. He stated that the application would provide economic benefits, and extensive consultation had been undertaken with community groups. The existing hotel and associated businesses provided for 100 full and part and time jobs, and the proposal would allow for an additional 20 positions, and a projected additional 7000 visitor stays each year. The proposals were well designed and proportionate, and Mr Bareham was of the view that adherence to the Jubilee Street planning brief amounting to prejudgement of the application, and did not allow the scheme to be considered on its own merits. It was acknowledged that Jubilee Street had been very successful; however, it was felt that this did not prevent scope for alterations to the current configuration – furthermore the perceived relative height of the buildings would be in transition when viewed from different locations. The car park was currently not the best arrangement, and the proposals should be encouraged as an improvement. The scheme would provide significant job creation; was well design and respected the character of the area, and the scheme met provisions within the National Planning Policy Framework (NPPF).
- (5) Councillor Davey asked for more information on how the scheme would work with the building on the southern aspects. In response Mr Nicolson explained that the scheme had evolved by looking at how to make improvements to this aspect. Work had been undertaken so that the scheme would have as little impact as possible; the green wall would also help to soften the elevations and add green landscaping.

Questions for Officers

- (6) Councillor Phillips asked about the reasons for refusal in relation to sustainable transport, and in it was explained that it was a reason that needed to be included as this ensured that the matter would be considered by the Inspector if an appeal was lodged.
- (7) Councillor Hyde asked for more information in relation to the agent's view that adherence to the planning brief amounted the prejudgment of the application. In response the senior solicitor explained that the planning brief was a material planning consideration, and it would be necessary for Members to consider the appropriate weight to be given to it – as well as to all other material planning considerations..
- (8) Councillor Hyde asked why there were no comments from the Economic Development Team in the report, and in response Officers explained that they had been consulted during the consultation period; however, at this point the case had not been made in relation to employment at the site.

- (9) Councillor Davey asked for more information in relation to the mews properties; in particular their age and how they related to the wider development of the Jubilee Street site. In response the Case Officer explained that the mews were part of the funeral directors that had previously occupied Pavilion Mews, and the two mews properties in question had been used as storage. The properties had been retained when the site was developed.
- (10) Councillor Davey also asked about the proposals for the area at the front of the hotel and the side where the current access to the basement car park was located. Officers explained that railings would be added to provide a smoking area, and there would be a new sign to the front of the building. The existing vehicular access would be removed and a new access to the music venue installed in its place, and two additional bedrooms built above.
- (11) Councillor Robins asked for more information in relation to the status of the two mews properties; particularly if they were protected or had any historical merit. Officers referred the Heritage Officer, Sanne Roberts, who explained that they were part of the conservation area, but had no special listing or protection; the original planning brief mentioned that they had been built as stables, and they had historic merit insofar as they were the remaining example of such buildings.
- (12) Councillor Hyde continued this line of questioning and noted that on the site visit Members had been told they were storage units that had been updated and refurbished when the hotel was built, but she did not believe they were original. Officers reiterated that they had been built as stables; they had been used as storage by the funeral directors, but were now in residential use and retained some of their historic integrity.
- (13) It was confirmed for Councillor Gilbey that the proposals would create a net loss of one residential unit as the two mews properties would be lost and the one penthouse unit would be built.

Debate and Decision Making Process

- (14) Mr Gowans explained that the CAG were recommending refusal on this application, and they had particular concerns in relation to the loss of the flint wall and they were strongly advocating the retention of the mews houses; he also drew attention to the submission from the Heritage Team in the report.
- (15) Councillor Hyde stated that when she had first read the report she had been in agreement with the Officer recommendation; however, since the site visit her view had changed. The southern elevation was bland, and the proposed changes would be an improvement – the access to the underground parking also detracted from the area generally. The application was also seeking to provide extra facilities for a ‘flourishing’ hotel which would bring additional business into the city. At the rear the plant equipment on top of the premises was quite prominent and the proposed extension would help to reduce the visibility of some of this. Councillor Hyde went on to say that she was pleased to see that the hotel was doing well, and it was good to encourage tourism into the city. She stated that during the site visit Jubilee Square had looked ‘brilliant’, but she had some reservations about the green wall on a northern elevation.

On the whole she was not of the view that the loss of the two mews houses outweighed the wider benefits of the scheme, and she would not be supporting the Officer recommendation.

- (16) Councillor Wells stated that he could not see that there would be a detrimental impact on the existing buildings, and he felt development of this nature should be encouraged. He also felt that too much work had already been done on the original mews houses to justify any historic value, and the loss of the car park was acceptable.
- (17) Councillor Gilbey noted that on the site visit she had been against the loss of the residential units; she also stated that the new eastern elevation would appear as a large white wall and constitute overdevelopment. She went on to say that she liked the mews houses, and if they were removed the view from the entrance of Pavilion Mews through to the houses would be lost.
- (18) Councillor Davey stated he was in two minds in relation to this application; he stated that the current configuration on the southern elevation felt unfinished, but he was concerned about the loss of the two mews houses.
- (19) Councillor Jones echoed these comments; he stated he walked through this area often and was unhappy to see the historic buildings demolished, but the hotel improvements would make the building better. He stated that on balance he would support the Officer recommendation.
- (20) Councillor Ann Norman noted that this was a vibrant part of the city, and it was good to see a business that was successful and wanting to expand – which should be supported. The proposals would improve the appearance of the hotel, and help improve some of the views of the building. She stated that the decision was difficult as she saw the merits of protecting the flint wall; however, she did not feel she could support the Officer recommendation.
- (21) Councillor Mac Cafferty stated that the planning brief for Jubilee Street was already approximately 15 years old, and had reservations about attaching too much material weight to the document. The area had changed for the better in last 15 years, and the businesses should be supported in expanding. He stated that he attached some historic value to the mews houses, but they were not as important as other properties on Pavilion Mews, and he did not believe that the proposals would damage the cohesion of the wider area. On balance he stated he would not support the Officer recommendation.
- (22) A vote was taken and the Officer recommendation to refuse was not carried on a vote of 4 in support and with 7 against. Councillor Hyde proposed reasons for approval and these were seconded by Councillor Mac Cafferty. These reasons were then read to the Committee, and it was agreed they reflected what had been put forward by Members. A recorded vote was then taken and Councillors: Mac Cafferty, Hyde, Cox, Davey, Phillips, Ann Norman and Wells voted that planning permission be granted and Councillors: Jones, Carden, Gilbey and Robins voted that it be refused.
- 56.10 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation to refuse, but resolves to be **MINDED TO GRANT** the application for

the reasons set out below and subject to conditions and a s106 agreement to be agreed by the Head of Development Control in consultation with the Chair, and in the event that conditions and s106 terms cannot be agreed the matter will return to Committee for determination.

- i. The proposed development is of high quality design and materials, is of appropriate height, scale and bulk and is well sited and thereby conforms with policies QD1, QD2, QD14, and HE6 of the Brighton and Hove Local Plan 2005. The Jubilee Street Master Plan is considered out of date in the context of this application and the area has changed in the intervening years.

Note: Councillor Wakefield was not present at the meeting.

- K. BH2013/01035 - East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton - Conservation Area Consent** - Demolition of East House, 7 and West House, 8 Pavilion Mews, Brighton. It was noted that this application had formed the subject of a site visit prior to the meeting.

- (1) Following the granting of Application BH2013/01034 - East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton for full planning permission the recommendation was changed to recommend that the Committee consider a minded to grant Recommendation with appropriate conditions to be delegated to the Head of Development Control

- 56.11 **RESOLVED** – That the Committee resolves to **MINDED TO GRANT** conservation area consent in the light of an acceptable replacement scheme (ref. BH2013/01034) having been granted planning permission. With appropriate conditions to be delegated to the Head of Development Control in consultation with the Chair of Planning

Note: Councillor Wakefield was not present at the meeting.

- L. BH2013/02063 - 41 Hove Park Road, Hove - Householder Planning Permission** - 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.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application site related to a large detached family home, and the application sought permission for the remodelling and extension of the roof to infill the area between the two gables and create additional accommodation on the second floor of the building. Since the closure of the agenda additional representations had been received from neighbours, Councillor Bennett and the applicant's agent. The recent adopted guidance for extensions and alterations was referenced and it was considered that the proposals would cause significant harm to the appearance of the property. The proposal to extend the roof-slope would create two additional bedrooms and an additional bathroom. It was felt that in isolation the roof form would not appear unusual; however, the creation of a flat area of flat roof would be out of keeping and an unusual roof form. Officers were of the view that resulting form would be dominant and create an awkward, contrived roof scene. For the reasons outlined in the report the application was recommended for refusal.

Public Speakers and Questions

- (2) Mrs Barwell spoke in support of the application in her capacity as the applicant. She stated that she and her husband had bought the property six years ago and that the roofline already appeared odd when compared to the other houses in the street. The property was very bottom heavy, and the original 1920's roof was currently in a very poor state of repair, and the application sought to remedy the existing odd roof form. It was important for the family to stay in the area, and they had consulted with neighbours who also felt the proposal would be an improvement on what was currently there. They had worked closely with their architect to create an aesthetically pleasing design and wanted it to appear better from the rear of the property. The property was also set quite far back from and not very visible from the street. Mrs Barwell stated that she hoped her presentation had demonstrated that the proposals would have less of an impact than the Officer report suggested.
- (3) Councillor Bennett spoke in support of the application in her capacity as the Local Ward Councillor. She stated that the proposals were very similar to other schemes in her ward that had also recently received consent at Committee. The proposals would enhance the appearance of the property. There were six letters of support – including both Ward Councillors, and there would be no loss of privacy, sunlight or amenity for neighbours. The application would enhance the street scene and the Committee were asked to grant the application.

Questions for Officers

- (4) Following queries from several Members some of the images used during the presentation were shown to the Committee again.

Debate and Decision Making Process

- (5) Councillor Wells stated that he quite liked the application as it would infill the gap between the ridges appropriately. He stated he had no objection to the scheme and would be voting against the Officer recommendation.
- (6) Councillor Hyde stated that the building and roof form were 'ugly'. She felt that the application would tidy up the roof shape, and could not see any reason to refuse the application.
- (7) Councillor Phillips stated that she did not think the building was unattractive, and that the proposed design at the back would be better; however, she felt that the proposed form at the front would be unsightly and as such she would be voting in support of the Officer recommendation.
- (8) A vote was taking and planning was refused on a vote of 5 to 5 with one abstention on the Chair's casting vote.

56.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission.

Reasons for Refusal:

- i. 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)

Informatives:

- i. 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.

Note: Councillor Wakefield was not present at the meeting.

M. BH2013/01505 - 162 Woodland Drive, Hove - Full Planning Permission -
Demolition of existing bungalow and erection of 2no five bedroom dwellings (Part retrospective)

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The site related to a partially developed piece of land on Woodland Drive, and the history of the site was outlined in the report. The application was for two 2 storey buildings and a series of revisions and alterations to the previously approved scheme; these including: the roof space; roof lights; additional windows and doors; removal of a front entrance canopy and patio doors; the removal of a garage to create additional living space and the addition of a Juliet balcony. The current scheme was similar to the previous approval and the amended height and changes were considered acceptable. They were sufficiently far from the existing flats to mitigate concerns in relation to neighbouring amenity. For the reasons set out in the report the application was recommended for approval.
 - (2) A vote was taken and planning permission was unanimously granted.
- 56.11 **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 in the report.

Note: Councillor Wakefield was not present at the meeting, and Councillor Robins had left the meeting during the consideration and vote on this application.

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

57.1 There were none.

58. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

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

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

60. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

61. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

62. APPEAL DECISIONS

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

The meeting concluded at 17:32

Signed

Chair

Dated this

day of

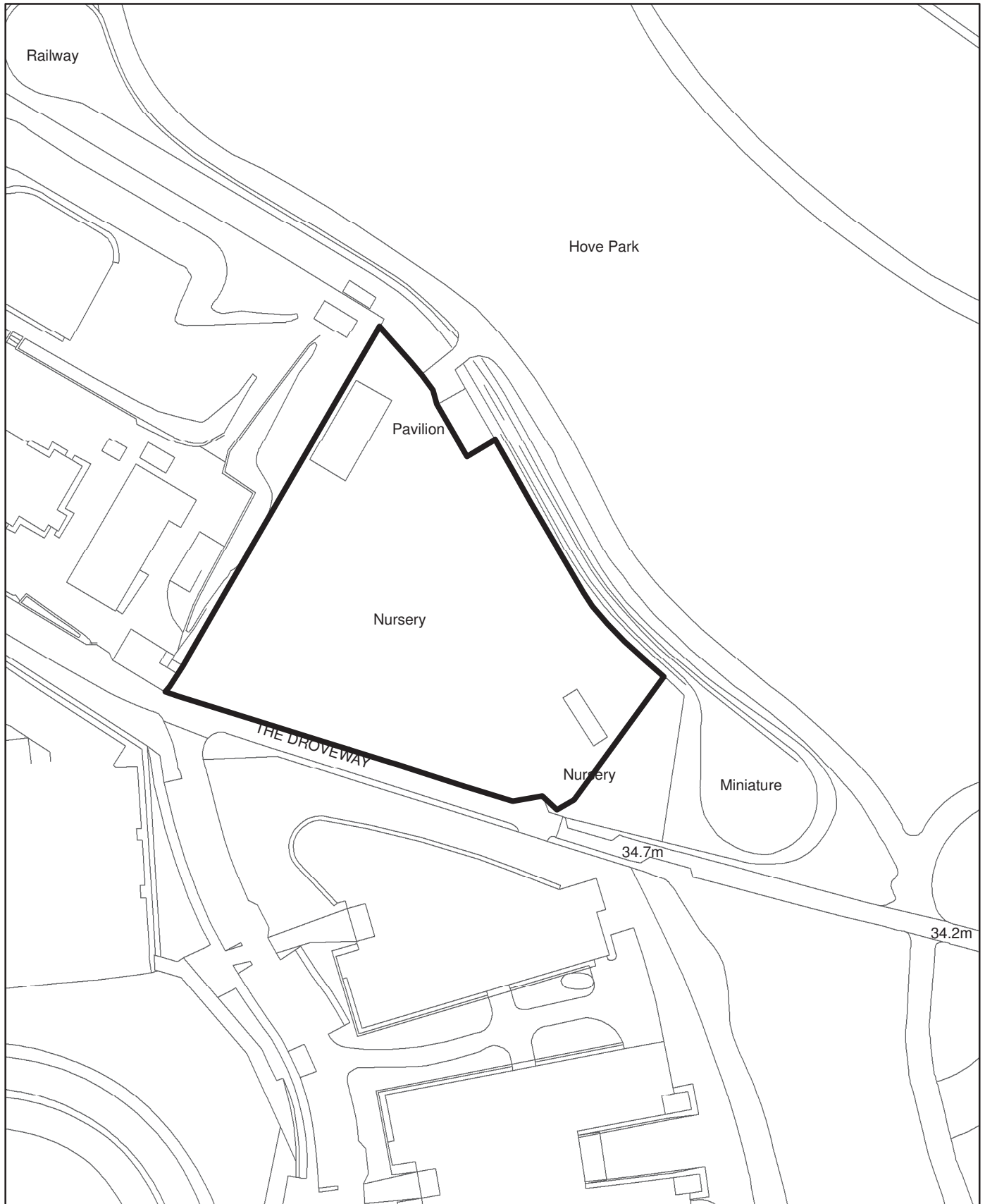
ITEM A

**Hove Park Depot,
The Droveaway,
Hove, BN3 7QA**

**BH2013/02096
Full Planning**

28 AUGUST 2013

BH2013/02096 Hove Park Depot, The Droeway, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02096	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hove Park Depot The Drove Hove		
<u>Proposal:</u>	Demolition of existing buildings and construction of a new three storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping.		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	02/07/2013
<u>Con Area:</u>	Engineerium	<u>Expiry Date:</u>	01 October 2013
<u>Listed Building Grade:</u>	Adjoining Grade II & Grade II*		
<u>Agent:</u>	ECE Planning Limited, Brooklyn Chambers, 11 Goring Road, Worthing		
<u>Applicant:</u>	Kier Construction, Mr Darren Howe, Langley House, International Drive, Southgate Drive, Crawley		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a roughly triangular piece of land sited between The Drove Hove and City Park (to the south), Hove Park (to the north and east) and The Engineerium (to the west). Although the site is currently used as a Council depot it is understood that the majority of functions previously performed at the site have now been transferred to Stanmer Nursery.
- 2.2 The site is predominantly open with the exception of 3 detached buildings used in association with the depot. The site incorporates significant changes in ground level, as do ground levels of the area in general, which allows views into the site from Hove Park. The Engineerium is located towards the top of the hill; such that its chimney and boiler houses are prominent in views from the park and from the development site, forming a local landmark. The Drove Hove slopes down from The Engineerium towards the Park and is at its steepest beside the application site.
- 2.3 The site is located within The Engineerium Conservation Area which is dominated by the adjoining Engineerium complex of grade II & II* listed buildings.

3 RELEVANT HISTORY

BH2013/02097: Demolition of existing buildings. Under consideration.

BH2006/03698: New Indoor Bowls Centre. Refused 23/02/2007 for the following reasons:-

1. *The proposed development, by virtue of its form design and materials, fails to preserve or enhance the character or appearance of the Engineerium Conservation Area and the setting of the nearby listed buildings. The development is therefore contrary to Policies HE6 and QD1 of the Brighton & Hove Local Plan.*
2. *The proposed development fails to make efficient and effective use of the site contrary to the objectives of Policy QD3 of the Brighton & Hove Local Plan.*

4 THE APPLICATION

- 4.1 Planning permission is sought for a bilingual primary school on the site. The school is currently located temporarily in the Brighton Aldridge Community Academy (BACA), with the proposal providing a permanent location for the school. The proposal would create a 3 form entry school with a capacity of 630 pupils and 46 staff. The number of pupils and staff would increase incrementally until maximum capacity was reached in 2021.
- 4.2 The development entails a three-storey school building with surrounding hard landscaping providing 12 on-site parking spaces and hard court play areas. The building, and hard landscaping, would roughly align with the north-eastern boundary of the site with Hove Park and would require extensive excavation works to create a lowered level surface. The south-western corner of the site, which is sloped in relation to the main school building, would provide an informal soft play area with adjoining landscaping and habitat area.
- 4.3 The school would be accessible by vehicles and pedestrians from The Droveaway, with further pedestrian access routes across Hove Park from Goldstone Crescent and The Droveaway.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** 124 letters of representation have been received from the addressed listed in **Table One** (at the rear of the report) objecting to the application for the following reasons:
 - The building has limited screening and is an unimpressive functional box which is not in keeping with any other building in the locality;
 - The site is too small for a school of this size;
 - The plans do not include outdoor play space; it would be unviable to allow school use of Hove Park, which is intensely used by residents. Any school use of Hove Park would lead to a deterioration of the local amenity;

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- The orientation of the building means many rooms would be in shadow for much of the day; communal rooms are small and question how much disabled access is provided;
- As the site is in public ownership question why has the general public not been consulted about its future use;
- The site would be better used for allotments, with existing allotments at Weald taken for the school use;
- The site should be used in association with the adjoining Engineerium to allow the visitor attraction to be extended.
- The site is part of a covenant for Hove Park;
- There are already 3 schools in the area;
- The school is in the wrong location with poor access. The route across Hove Park is long and would be dark during certain times of the year;
- Targets within the transport statement are misleading and unenforceable;
- The proposal would encourage the use of more cars and higher frequencies of traffic;
- Any use of The Droveaway by parents would cause havoc and interrupt the Coop service area and City Park;
- Children would have to cross a busy road to get to school or be dropped off by car in a horrifically overused Goldstone Crescent;
- There has been a major increase in traffic and congestion in recent years, with the Park House development only adding to this;
- A number of spaces on the eastern side of Goldstone Crescent could not be safely used by parents dropping off children. This would result in inadequate spaces for future use in connection with the school;
- The school would reach maximum capacity at the same time development on Toads Hole Valley would be likely, with inevitable amounts of resulting traffic;
- Surrounding roads are not suitable for child cyclists;
- The bus service in this area is inadequate to serve a school;
- There has been insufficient time to properly assess the impacts of the proposal;
- Light spill onto Hove Park;
- Increased air pollution and noise disturbance from vehicles;
- As outdoor play times will need to be staggered, due to inadequate outdoor space, there will be noise disturbance for longer times through the day;
- Loss of natural habitat;
- The development would result in the loss of trees;
- The proposal is for a specialist school which ignores the needs of children living in the immediate vicinity;
- It would be better to employ additional language teachers at existing schools;
- A number of local schools have recently been extended and there is primary school capacity in the area;
- Toads Hall Valley or vacant industrial / commercial units would be a better location for the school;
- Question what would happen to the buildings if the school fails (as per Swedish Free Schools).

60 letters of representation have been received from the addressed listed in **Table Two** (at the rear of the report) supporting the application for the following reasons:-

- The school would be based in an area short in primary school places;
- The local community would benefit from having a multicultural influence from the bilingual school;
- The school has already exceeded educational expectations;
- The building would not impose on the area any further than existing development and would fit in well with the site, which is currently a waste ground;
- The school would be well located for parents and would allow the option of trips to Hove Park;
- Hove Park should not be kept for local use only;
- The school will be sensitive and try to reduce traffic congestion, with all parents keen to work together;
- The proposal would be environmentally sound.
- The area needs more schools rather than flats;
- The scheme would provide valuable jobs;
- The school would be beneficial to surrounding businesses.

5.2 **Councillors Jayne Bennett & Vanessa Brown** object – a copy of their letter is attached.

5.3 **Brighton & Hove Archaeological Society:** Comment. Hove Park, immediately south of the application site, has in recent times produced significant quantities of Neolithic flint work. It is possible that vestiges of an ancient landscape may remain in the surrounding area. Recommend contacting the County Archaeologist.

5.4 **Brighton & Hove Society of Miniature Locomotive Engineers:** Object. The design would not benefit or enhance the area, is a gross overdevelopment with severely restricted access. The volume of people accessing the school would impinge enjoyment of the park. A school of this size would generate traffic and parking demands.

A 1.5 metre access gate is proposed in the north-eastern end of the site adjoining the miniature railway. The track is used on weekdays and weekends on a regular basis and no impediment to its use should be caused; the gate should not be permitted.

5.5 **The Brighton Society:** Object. The location is inappropriate for a school and a high proportion of pupils will inevitably arrive by car, leading to unacceptable traffic problems in an area of Hove already subject to serious traffic congestion.

The proposed 3-storey brick box is unimaginative, banal and ugly, and would detract from the park's visual and amenity value. The site is sloping and a better solution to any future building can be imagined. Whilst the need for more schools is appreciated the proposal has no merit and would set a bad precedent for future school applications in the City.

- 5.6 **CAG:** Object due to the inappropriate nature of the design in relation to the listed Engineerium and Conservation Area.
- 5.7 **County Archaeologist:** No objection. The application site is within an area of prehistoric and Roman activity. The submission includes a very comprehensive archaeological desk based assessment. As intrusive archaeological assessment of the site has not been carried out and in light of the potential loss of a heritage asset the area affected by the proposals should be subject of a programme of archaeological works. This could be secured through condition.
- 5.8 **County Ecologist:** No objection. The preliminary Ecological Appraisal and subsequent badger Survey found evidence of two setts on site, a main sett and an outlier. The proposed working method outlined in the Badger Mitigation Strategy is sufficient to minimise disturbance to badgers, and should be applied by condition should planning permission be granted. It is considered that the proposed meadow area should be extended to cover the whole badger exclusion zone, and there should be no shrub planting in this zone. The Landscape Management Plan should include the location of badger gates along the southern boundary, and the creation of a mixed native hedgerow to screen the main sett from the development.

A Bat Survey found no evidence of roosting bats. As a precautionary measure if any removal of trees or arboricultural works is required this should be preceded by an inspection for bats.

The site has potential to support breeding birds and any removal of scrub / trees should be carried out outside the breeding season (generally March to August). If this is not possible a bird check should be carried out prior to any clearance works.

The site offers potential foraging and basking habitat for reptiles, particularly the undisturbed edge habitat close to the boundary walls, the vegetated bank on the southern edge and the soil heaps in the southern section of the site. The development should not have an adverse impact on local populations of reptiles, and can be supported from an ecological perspective, provided the recommended mitigation and compensation measures are carried.

The site offers opportunities for biodiversity enhancements, as set out in the submitted Landscape Master plan and Planting Scheme, and this should be secured by condition.

- 5.9 **East Sussex Fire & Rescue Service:** Comment. Where a building, which has a compartment of 280 sq metres or more in an area is being erected more than 100m from an existing fire hydrant, additional hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. The plans do not appear to indicate the water supply and provision of hydrants: recommend the installation of sprinkler systems.

- 5.10 **English Heritage: Comment**. The proposed development would be sited on the undeveloped land south-east of The Engineerium. The historic maps show this area of land as being historically open, although it is unclear whether there was an historic functional association with the pumping station. Whilst acknowledged that the setting of the Engineerium buildings has been altered by the recent approval of new exhibition space east of the listed buildings, this is sited in the grounds of the museum which historically has been more densely developed than the area to the east. The school, while set well below the listed buildings would substantially develop this open space, which appears to have been deliberately retained as such with the landscaping of the adjacent Hove Park in the early c20th.
- 5.11 **Environment Agency: No objection**, subject to conditions relating to land contamination, foundation design and surface water drainage.
- 5.12 **saveHOVE: Object**. The proposal amounts to a massive overdevelopment which would compromise use of the park and make the park part of the school. The school would interfere with the smooth operation of business in City Park. The proposal would endanger The Engineerium project at the adjoining site, the application site should be used in conjunction with The Engineerium. The Drove way is not a suitable access for a school and parking pressure on Goldstone Crescent would be unreasonable. The proposed school is an ugly chunk and inappropriate to the setting of listed buildings and conservation area. The site is a refuge for wildlife. It is unacceptable for the Miniature Railway to be expected to provide access over their section of the park. A Planning Brief for the site should be prepared.
- 5.13 **Southern Water: Comment**. Foul sewage disposal and a water supply can be provided for the development. Consent would be required for excavation in proximity to water mains. Records show a public water trunk main and distribution main cross the site. The exact position should be determined before the layout is finalised. It may be possible to divert the public water main, so long as this would result in no unacceptable loss of hydraulic capacity, at the applicant's expense. There is inadequate capacity to provide surface water drainage and alternative means of disposal should be considered.

Internal:

- 5.14 **Children's Services: Support**. The Bilingual Primary School is an innovative concept which has been developed through the framework of the government's Free School policy. It is proving popular and successful in its temporary location at BACA, and there is good and positive dialogue between the school's leadership and the authority.

This application has been discussed with officers of the Children's Services and Property & Design departments during its development. It will provide additional primary school places in an area where the number of children has increased by at least 120% in recent years and where numbers of children are still increasing. In the last three years it has not been possible to place all the children in local schools without creating unplanned 'bulge' classes and asking some children to attend schools outside their home area. The additional 90

places per year group being offered by the Bilingual Primary School if it relocates to the Hove Park Depot site will assist greatly in addressing these pressures, and as such the application is supported by the Executive Director of Children's Services.

- 5.15 **Economic Development:** No objection, request a contribution towards the Local Employment Scheme and the provision of an Employment and Training Strategy, with the developer committing to using 20% local employment during construction.
- 5.16 **Environmental Health:** No objection, subject to conditions relating to contaminated land, opening hours and to control noise from plant / machinery.
- 5.17 **Heritage:** Object. The position of the proposed building is well placed in terms of the topography of the site and to respect the listed buildings at the neighbouring Engineerium. Its footprint, scale and massing, however, have an adverse impact on the conservation area and listed buildings. The space would be dominated by the bulk of the building in comparison to the size of the plot, which would detract from its character as a historically open space. The third storey in particular impacts on views of The Engineerium (such as that from the entrance to Hove Park on Goldstone Crescent), and therefore detracts from the setting of this group of listed buildings and their landmark status in the local area. The building/hardstanding is also located too close to the northeast boundary to the park, such that insufficient space is available for planting.
- 5.18 **Planning Policy:** No objection. The existing use of the site does not have any policy protection and the principle of development is therefore acceptable. The scheme would make a contribution to satisfying future demand for school places in the west of the city.
- 5.19 **Sustainable Transport:** Object. The scale and nature of the development is forecast to have a significant highway impact that will have a detrimental impact on the local area. The proposals could lead to localised on-street parking stress in and around the road network surrounding the site, especially on Goldstone Crescent and the Drove way at school start and end times. This would result in vehicles circulating round looking for available parking spaces which would lead to road safety, environmental issues and interference with the free flow of traffic. It has not been demonstrated that the scheme complies with local plan policies TR1 and TR7.

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
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection

QD27	Protection of Amenity
HO19	New community facilities
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

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 The main considerations in the determination of this application relate to the principle of development on this site and the resulting impact on the character and appearance of The Engineerium Conservation Area, the setting of adjoining Listed Buildings, neighbouring amenity, transport and ecology.

Principle of development

- 8.2 The established use of the site is as a Council Parks' Depot which is a 'sui generis' use (i.e. a specific use in its own right). Whilst current planning policy seeks to protect existing employment uses within the City the Local Plan does not specifically seek to retain sui generis. On this basis, the depot would not be considered to be an active employment site and there is no objection to the loss of the existing use. It is also understood that the majority of functions previously performed at the site have now been transferred to Stanmer Nursery.
- 8.3 The proposed development would create a three form-entry primary school on the site with a capacity of 650 pupils. The school would be established through the Government's Free School initiative (and would be a maintained school free from local authority control) and would offer a bilingual curriculum in a mixture of English and Spanish.
- 8.4 The proposed school would be supported by local plan policy HO19, and paragraph 72 of the National Planning Policy Framework which explicitly encourages the provision of new schools. In addition Strategic Objective SO21 of the Submission City Plan (Part One) 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.
- 8.5 The proposed educational use of the site would therefore provide additional school places in an area of high demand. The proposed use, in isolation of

other considerations, does not raise any policy conflict which would warrant refusal of the application and the Planning Policy Team has advised that, as a result of the existing use, the site should be viewed as brownfield / previously developed. The key remaining issues of consideration therefore relate to the impact of the proposal on the character and appearance of the area, neighbouring amenity, transport and ecology.

Character and appearance

- 8.6 The application site forms the southern end of the Engineerium Conservation Area (CA). The Character Statement for the CA states *'the character and appearance of the Conservation Area, which it is important to preserve or enhance, is provided by the bold decorative polychromatic brickwork of the large (grade II & II*) listed Victorian industrial buildings within the main Engineerium complex.'*
- 8.7 The applicant considers that since the site does not reflect *'the bold decorative polychromatic brickwork'* of the main complex its inclusion site within the CA cannot be reasonably justified, with the existing use having a significant adverse impact on the CA. English Heritage comment however that historic maps show the site as being open (although it is unclear whether there was an historical function associated with the pumping station) and this openness appears to have been deliberately retained during the landscaping of Hove Park in the early 20th Century.
- 8.8 It is accepted that the application site is not reflective of the architectural character or appearance of the CA. The Engineerium was originally developed on open land to the north-west outskirts of Hove and despite suburban development of the surrounding area in the early 20th Century the site itself has remained largely open throughout. The application site contributes to the open and green character of the CA and wider surrounding area and is therefore of importance. Furthermore, the existing use of the site is relatively low-key and does not involve extensive outdoor activity or storage. As such, although views into the site are possible from the surrounding area, and particularly land to the east which is at a higher level, the overall visual impact is limited and no significant harm to the CA or adjoining Listed Buildings occurs.
- 8.9 The application site includes a number of constraints which limit the siting of the proposed development. The resulting three-storey building features a large generally rectangular footprint roughly parallel with the north-eastern boundary of the site with Hove Park. The building incorporates a uniform roof height with elevations dominated by extensive brickwork relieved only by window openings (and associated brise soleil) to a regular pattern at all levels.
- 8.10 While the proposed building would be well sited in relation to the surrounding topography views into the site would be possible from raised ground level to the east (within Hove Park and adjoining streets). The footprint, scale, massing and design of the proposed building is considered inappropriate in this location and would detract from the character of the site as a historically open space. The building, and particularly the third storey, would impact on views of The Engineerium complex across Hove Park, and the lack of articulation and

modeling to the building as a whole would create a sense of bulk which is not present in the surrounding locality. The (computer generated) visuals, which are not verified photomontages, submitted with the application support this concern.

- 8.11 The development comprises a building with a functional appearance that would be of extremely limited visual interest within the Engineerium Conservation Area and in views from the wider surrounding area. The proposal would therefore fail to preserve or enhance the character or appearance of the CA, and would instead detract from the setting of The Engineerium group of listed buildings and their landmark status in the local area. The proposal is considered contrary to Local Plan policies QD1, QD2, HE3 and HE6.

Landscaping

- 8.12 The application site incorporates mature vegetation to the boundaries which makes a positive contribution to the character and appearance of the site and wider area. An Arboricultural Report and Tree Schedule has been submitted with the application which confirms that the vast majority of vegetation, and established trees, would be retained as part of the proposals, with the exception of 6 (Maple) trees to the north-eastern boundary of the site with Hove Park.
- 8.13 The trees to be removed are of low arboricultural value and there is no fundamental objection to their loss. The level of mature vegetation to other boundaries should though be retained and enhanced and if necessary tree protection measures could be secured through condition. Whilst there is limited space available to the north-eastern boundary there remains scope to secure enhanced planting along this key boundary of the site and across the application site. If necessary landscaping could be secured through condition.

Impact on amenity

- 8.14 The application site is a considerable distance from neighbouring residential properties, with Hove Park and The Engineerium providing separation of at least 70 metres. This separation is considered sufficient to ensure no significant harm would result through loss of light, outlook or privacy for occupiers of adjoining properties.
- 8.15 The separation from adjoining residential properties and presence of other buildings and walls between them and the school would reduce noise levels from outdoor play. These factors coupled with the noise being limited to working hours on weekdays are considered sufficient to ensure no harmful noise would result from the proposal. Whilst future noise complaints from the school cannot be entirely ruled out any such complaints could be investigated as a Statutory Noise Nuisance under the Environmental Protection Act 1990.
- 8.16 A lighting statement has been submitted indicating that obtrusive light would be minimal and would rapidly diminish to very low levels outside the boundaries of the site. On this basis the proposal would not result in light nuisance for occupants of adjoining properties or users of Hove Park.

Transport

- 8.17 The application site is accessible by vehicles off The Drove way which, at its eastern end, is a narrow two-way road which does not provide access elsewhere. There are pedestrian access points from The Drove way, which can be accessed from Nevill Road, and across Hove Park which links The Drove way and Goldstone Crescent. Whilst the site has an access to the north, across the park, this could not be used when the neighbouring miniature railway is operational.
- 8.18 The submitted Planning Statement considers that movement associated with the proposed development would be less than, or at parity with that generated by the current use of the site. This view is not shared by the Council's Transport Team, who consider that the proposal would result in a significant increase in trip generation associated with the site, with the resulting trips focused on specific times at the start and end of the school day (as opposed to a depot where trips would be spread throughout the working day).
- 8.19 As a 'free school' there is no set catchment area for future pupils and the future admissions policy would not prioritise places on a basis of school to home distances. This is reflected by the submitted Transport Statement, which establishes that of the 2013 school intake (based at BACA) approximately 1.2% live within 1000 metres of the application site. It is therefore considered unlikely that significant numbers of pupils would be walking to school and there would be a considerable demand for travel by car.
- 8.20 The applicant considers that initially '*up to a maximum of 50% of pupils may travel to and from the school by car*'. As the capacity of the school increases it is envisaged that pupils travelling by car would fall to 35%. The number of vehicular movements at the start and end of the school day has been based on these assumed figures. The forecast vehicular travel patterns are though considered to be very optimistic when compared with other schools in the City. For example, Aldrington School which is close proximity to the site, and also features an admissions policy which is not based on home to school distance, had 65% of pupils being driven to school in 2011-2012. The Council's Transport Team does not therefore support the figures used in the Transport Statement and has questioned whether forecasts for car usage are achievable, particularly when no improvements to sustainable modes of transport have been suggested by the applicant to promote non-car use.
- 8.21 The application does not propose any on-site car parking provision for parent parking or dropping off. The applicant has instead advised that to accommodate vehicular trips to the site a Park & Walk site from Goldstone Crescent would be promoted, with a Travel Plan encouraging parents to park on Goldstone Crescent and walk through Hove Park to the school. A parking survey submitted with the application (undertaken on 02/05/2013) for the section of Goldstone Crescent from Old Shoreham Road to Woodland Drive indicates that up to 94% of the total available car parking spaces could be occupied in the peak morning period as a result of the proposal. This figure is though based on extremely optimistic figures for car use, the number of parking

spaces occupied could be higher than this and in reality very few spaces could be available for use in connection with the proposed development.

- 8.22 The applicant's assertion, that there is sufficient parking on Goldstone Crescent to accommodate the parking demands of the school, is not therefore accepted. The scale of the proposed school coupled with the forecast vehicular impact could lead to localized on-street parking stress on and around Goldstone Crescent. This could result in vehicles circulating for available parking spaces and lead to road safety and environmental issues. The proposed development is likely to result in a material increase and a material change in the character of traffic in the vicinity of the site. This is considered contrary to Local Plan policies TR1 and TR7.
- 8.23 Notwithstanding the above concerns the proposal incorporates 12 on-site parking spaces, 3 of which would be disabled accessible, which would be allocated on the basis on need. This level of parking would accord with maximum standards outlined in SPGBH4. Similarly the level of cycle parking (20 spaces) and servicing / delivery arrangements are considered acceptable. These findings would not however overcome the harm identified above.

Ecology

- 8.24 The application is accompanied by an Ecological Appraisal which notes that the site is of importance within the local area and provided suitable habitat to support protected species, including badger, reptiles and breeding birds. In recognition of this the appraisal is also accompanied by a Badger Mitigation Strategy, Bat Survey and a Reptile Survey.
- 8.25 The Badger Mitigation Strategy found evidence of two setts on the site; a main sett in the south-western corner and an outlier along the north-eastern boundary (within The Engineerium). It is proposed that the outlier sett be closed, subject to a license from Natural England, and that the impact on the main sett be mitigated through the implementation of a detailed method statement / mitigation strategy. The proposed measures include retention of the main sett with a landscaping scheme to provide partial screening, retain a foraging area and commuting route along the north-eastern and southern boundaries. The submission also states that potentially disturbing activities would take place outside of the badger breeding season with specific aspects of the development taking place under an ecological watching brief. The County Ecologist has advised that the proposed working method is sufficient to minimise disturbance to badgers. If necessary this could be secured through condition.
- 8.26 A Reptile Survey report identifies a low population of slow worms present on the site and outlines mitigation measures which include, phased habitat manipulation to displace reptiles into the retained habitat area, destruction of habitat by hand under ecological supervision, and enhancement measures including the creation, retention and management of habitat areas to provide a diversity of suitable reptile habitats, provision of a log pile refuge, scrub management and hedge management. These mitigation measures are considered appropriate to avoid harm to reptiles on site and, if necessary, could be secured through condition.

- 8.27 The Bat Survey found that although the surrounding landscape provides commuting and foraging habitat there was no evidence of bats roosting on the site.
- 8.28 A Landscape Master plan and Planting Scheme has been submitted for the site which would protect, strengthen and enhance the most important edge habitats. If necessary the implementation of this scheme could be secured through condition.
- 8.29 The submitted documents are considered sufficient to ensure the development addresses Local Plan policies QD17 and QD18, and the provisions of Supplementary Planning Document 11 on Nature Conservation & Development. If necessary conditions could ensure development takes place in accordance with these documents.

Sustainability

- 8.30 Local Plan policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08 'Sustainable Building Design' recommends that a development of this scale should achieve 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'; and a feasibility study on rainwater harvesting and grey water recycling systems.
- 8.31 The applicant has submitted a comprehensive Sustainability Statement which advises that physical constraints of the site prevent this standard being achieved within the funding available. The building has therefore been designed to achieve 'Very Good' (with 53.85% in energy and 55.56% in water sections), with an A rating for Energy Performance. A feasibility report, submitted with the application, found grey water to be less practicable than rainwater harvesting and the scheme has progressed on this basis. The comments of the Council's Sustainability Team will be made available on the Late Representations list.

Other considerations

- 8.32 The County Archaeologist has advised that the site is within an area of prehistoric and Roman activity. If the application were approved it would be necessary to require an archaeological watching brief prior to the commencement of development.
- 8.33 The application site lies within Source Protection Zone 1 for the Goldstone Public Water Supply. If the application was approved it would be necessary to require further details of a remediation strategy for any land contamination at the site, foundation design (to avoid the need for piling) and surface water drainage through condition.
- 8.34 A representation has been received concerning potential conflict between a new access to the site and the neighbouring miniature railway. It is acknowledged that if this new access was used as a main entrance / exit for the school there

could be a resulting conflict between the two uses. It is though considered that if necessary a condition could restrict use of the access to emergencies only, with the main access to the school therefore off The Droveaway. This arrangement would not therefore warrant refusal of the application.

9 CONCLUSION

The development has the support of the Council's Children's Services team and would create a new primary school on the site in an area of high demand without significant harm to neighbouring amenity or protected species or habitat; this weighs in favour of granting consent.

The development is though of a scale, massing and design that would cause harm the visual amenities of the wider surrounding area, including the setting of Listed Buildings and the character and appearance of The Engineerium Conservation Area. Furthermore, on the basis of the submitted information, the scale of the proposed school would lead to localised on-street parking stress and would lead to road safety issues and interference with the free flow of traffic.

This identified harm, to the character and appearance of the area and surrounding highways, is considered to outweigh the benefit that would result from the formation of a new primary school on the site. The application is therefore recommended for refusal.

10 EQUALITIES

The development would result in increased primary school capacity in the City. The proposed school building would be accessible throughout with lift access between floors. The on-site car park makes provision for 3 disabled accessible parking spaces.

11 REASON FOR REFUSAL / INFORMATIVES

Reasons for Refusal:

1. The development, by reason of its scale, massing and design, would detract from the character of the site as a historically open space and the lack of articulation and modelling to the building as a whole would create a sense of bulk which is not present in the surrounding locality. The resulting building would fail to emphasise and enhance the positive qualities of the local neighbourhood, would harm the setting of adjoining Listed Buildings within The Engineerium, and would fail to preserve or enhance the character or appearance of The Engineerium Conservation Area. The proposal is thereby contrary to policies QD1, QD2, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.
2. The development, by reason of its scale and nature, would lead to localised on-street parking stress in and around the road network surrounding the site, and particularly along Goldstone Crescent. The development would not provide for the travel demands it creates and

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would lead to road safety issues and interference with the free flow of traffic. The proposal is thereby contrary to policies TR1 and TR7 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	5935 (PL) 001	B	02/07/2013
Site Block Plan (as proposed)	5935 (PL) 002	B	02/07/2013
Site Constraints	5935 (PL) 003	A	18/06/2013
Ground Floor Plan	5935 (PL) 004	A	18/06/2013
First Floor Plan	5935 (PL) 005	A	18/06/2013
Second Floor Plan	5935 (PL) 006	A	18/06/2013
Roof Plan	5935 (PL) 007	A	18/06/2013
Ground Floor - Community Use	5935 (PL) 008	A	18/06/2013
Section Thru' Hall	5935 (PL) 009	A	18/06/2013
Proposed Elevations (South & North)	5935 (PL) 010	A	18/06/2013
Proposed Elevations (East & West)	5935 (PL) 011	A	18/06/2013
Contextual Elevations (East & South)	5935 (PL) 012	A	18/06/2013
Contextual Elevations (North & West)	5935 (PL) 013	A	18/06/2013
Proposed Site Sections	5935 (PL) 014	A	18/06/2013
Existing Contextual Elevations (East & South)	5935 (PL) 017	A	18/06/2013
Existing Contextual Elevations (North & West)	5935 (PL) 018	A	18/06/2013
Existing Buildings Plans & Elevations	5935 (PL) 019		02/07/2013
Site Survey	2478 1		18/06/2013
Landscape Master plan	D101	C	18/06/2013
Proposed Boundary Treatment Plan	D102	B	18/06/2013
Access & Security Plan	D103	B	18/06/2013
Trees to Retained or Removed Plan	D104	B	18/06/2013
Landscape Materials Plan	D105	C	18/06/2013
Levels Plan	D401	B	18/06/2013
Planting Plan	D501	B	18/06/2013

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Table One: Letters of objection have been received from the following addresses:-

Aymer Road	20
Benett Drive	2 (x2), 5
Bishops Road	28
Chartfield	2
Chartfield Way	2
Chatsworth Road	47
Church Hill	1 The Villages Barn
Cobton Drive	24, 35, 39, 56
The Droveaway	The British Engineerium, City Park (Legal & General), 47, 49, 51, 55, 62, 69
Glendor Road	22
Goldstone Close	1
Goldstone Crescent	4, 24, 32, 35, 37, 57, 59, 61, 64 (x4), 65, 69, 71, 77, 81, 83, 87, 89, 99, 101 (x2), 103, 107, 117, 119, 125, 127, 128 (x2), 133 (x2), 139, 193, 199, 261
Goldstone Valley Residents Association	
Goldstone Way	24
Hill Brow	58
Hove Park Road	54, 56
Lloyd Road	25
Mill Drive	21, 22, 34, 36, 40, 42, 43, 50
Nevill Road	24 (x2), 58, 80, 98, 122, 139, 159, 173, 199
Nevill Way	4, 13
Queen Victoria Avenue	4, 13
Richardson Road	1
Stanford Avenue	8 (flat 12)
Shirley Drive	108
Tongdean Road	34
Tredcroft Road	1A
Westbourne Villas	40 (flat 3)
Windsor Close	11 (x2)
Woodland Avenue	3, 8 (x2), 39, 52, 71, 97
Woodland Drive	5, 9, 10, 14 (x3), 29, 66, 72, 74 (x2)
Woodland Drive Action Committee	
Woodruff Avenue	60, 68
4 letters of no address	

Table Two: Letters of support have been received from the following addresses:-

Addison Road	103
Alpine Road	16
Argyle Road	10
Belmont	2 (flat 2)
Blaker Street	18
Burlington Gardens	16A
Church Road	48A (flat 3)
Coleman Avenue	27
Court Farm Road	4
Cowley Drive	107
Cranmer Avenue	22
Denmark Villas	47
Elm Drive	149
Falmer Road	386
Glendale Road	12
Godwin Road	44 (x2)
Goldstone Crescent	86
Hangleton Road	17 Shanklin Court
Hangleton Valley Drive	84
High Street (Hurstpierpoint)	Farralls
Hova Villas	17
Hove Park Road	87
Kendal Road	31
Lewes Mews	3
London Road	79 Kingsmere (x2)
Mill Drive	10
Millers Road	79
Montgomery Street	30
Osborne Villas	31
Over Street	36
Ovingdean Road	Wilton
Park Crescent Road	63
Park View Road	1
Rochester Gardens	6 Palm Court
The Ridgeway	124
Sandown Road	64 (x2)
Sherbourne Way	15 (x2)
St Leonards Gardens	31, 38
Thornhill Rise	143
Thornhill Way	11
Tisbury Road	10, 22A
Tivoli Crescent North	75
Vale Road	22, 87
Victoria Road	82 (x2)

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Wellington Road	12-14 (flat 16 x 2)
Worcester Villas	46
Wroxeter (Shrewsbury)	Donington Cottage
4 letters of no address	

24/7/13

Dear Mr Everest

Re: BH2013/02096 Bi-lingual School

We are supportive of the Bi-lingual School but do not believe that the Hove Park Depot is the right site. We are very concerned about the traffic implications.

This site is situated at the end of a narrow cul-de-sac and there are no immediate parking spaces for parents and nowhere for cars to turn if they try to access the site which could be a safety hazard.

Hove Park Ward has already been seriously affected by parking problems caused by the Citypark development . There were travel plans produced for that development but they have proved to be completely ineffectual. All the surrounding roads that do not have parking restrictions are fully parked all day every day. To take the car parking places in Goldstone Crescent to deliver and collect children from the school will stop other families being able to access Hove Park.

To access Nevill Road from Woodland Drive in the morning rush hour is very difficult and the traffic is often stacked back from the Sackville Road/ Old Shoreham Road lights to the entrance to the Co-Op. More traffic is going to make matters worse and there will be more traffic as the school takes pupils from right across the City.

We also feel that the site is too small to properly accommodate over 600 pupils. There is insufficient outdoor play space. The design of the shed like building is also inappropriate for its location next to the Engineerium..

Yours sincerely

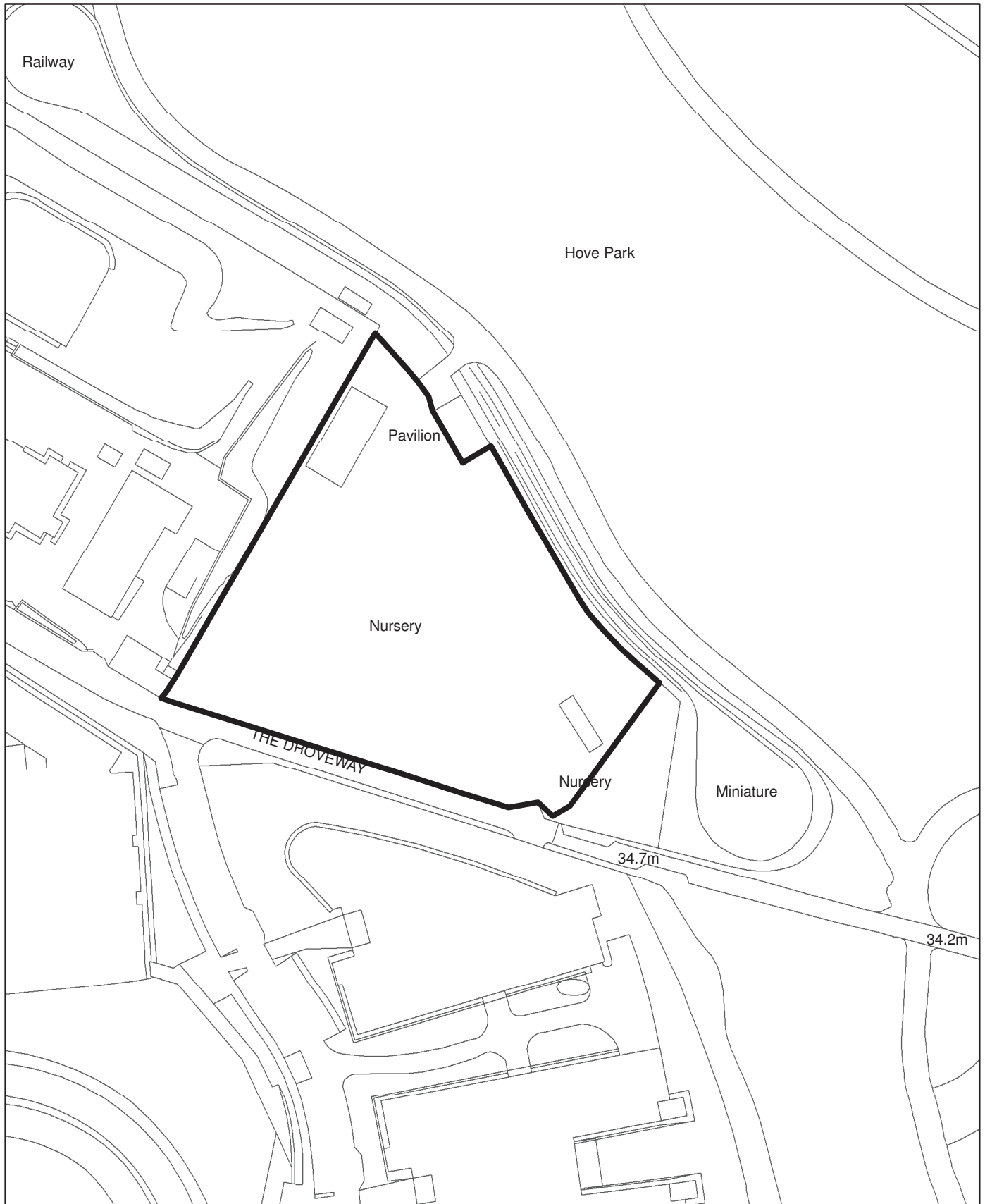
Vanessa Brown and Jayne Bennett
Councillors for Hove Park Ward

ITEM B

**Hove Park Depot, The Droveaway,
Hove, BN3 7QA**

**BH2013/02097
Conservation Area**

BH2013/02097 Hove Park Depot, The Droveaway, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02097	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	Hove Park Depot The Drove Hove		
<u>Proposal:</u>	Demolition of existing buildings.		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	02/07/2013
<u>Con Area:</u>	Engineerium	<u>Expiry Date:</u>	27 August 2013
<u>Listed Building Grade:</u> Adjoining Grade II & Grade II*			
<u>Agent:</u>	ECE Planning Limited, Brooklyn Chambers, 11 Goring Road, Worthing		
<u>Applicant:</u>	Kier Construction, Mr Darren Howe, Langley House, International Drive, Southgate Drive, Crawley		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a roughly triangular piece of land sited between The Drove Hove and City Park (to the south), Hove Park (to the north and east) and The Engineerium (to the west). Although the site is currently used as a Council depot it is understood that the majority of functions previously performed at the site have now been transferred to Stanmer Nursery.
- 2.2 The site is predominantly open with the exception of 3 detached buildings used in association with the depot. The site incorporates significant changes in ground level, as do ground levels of the area in general, which allows views into the site from Hove Park. The Engineerium is located towards the top of the hill; such that its chimney and boiler houses are prominent in views from the park and from the development site, forming a local landmark. The Drove Hove slopes down from The Engineerium towards the Park and is at its steepest beside the application site.
- 2.3 The site is located within The Engineerium Conservation Area which is dominated by the adjoining Engineerium complex of grade II & II* listed buildings.

3 RELEVANT HISTORY

BH2013/02096: Demolition of existing buildings and construction of a new three storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping. Under consideration.

BH2006/03698: New Indoor Bowls Centre. Refused 23/02/2007 for the following reasons:-

1. The proposed development, by virtue of its form design and materials, fails to preserve or enhance the character or appearance of the Engineerium Conservation Area and the setting of the nearby listed buildings. The development is therefore contrary to Policies HE6 and QD1 of the Brighton & Hove Local Plan.
2. The proposed development fails to make efficient and effective use of the site contrary to the objectives of Policy QD3 of the Brighton & Hove Local Plan.

4 THE APPLICATION

- 9.1 Conservation Area Consent is sought for demolition of 3 prefabricated commercial buildings on the site; a workshop building and store building parallel with the western boundary of the site and a further store building to the eastern section of the site.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from **54 & 58 Hill Brow; 23 Hill Drive; 5, 9 & 14 (x2) Woodland Drive** objecting to the application for the following reasons:

- The site is not suitable;
- The proposed access point is wrong unless escorts are provided across the park;
- Increased traffic congestion;
- Increased noise.

Six (6) letters of representation have been received from **16 Alpine Road; 17 Shanklin Court (x2), Hangleton Road; 31 Osborne Villas; 38 St Leonards Gardens and 22A Tisbury Road** supporting the application for the following reasons:

- As existing the depot site is unattractive, the proposed building would be discreet, sympathetic and more appealing;
- The development would provide essential primary school places in the Hove area;
- The local community would benefit from having a multicultural influence from the bilingual school;
- The proposed building is environmentally friendly;
- The plans allow planting to preserve privacy.

Internal:

- 5.2 **Heritage:** The existing buildings are of no architectural or historic merit, and their demolition is acceptable.

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)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issue for consideration is whether the loss of the existing buildings on the site would adversely affect the character or appearance of the Engineerium Conservation Area.

- 8.2 Local Plan policy HE8 states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The existing buildings do not reflect the prevailing character or appearance of The Engineerium Conservation Area and are of no architectural or townscape merit. The buildings do not therefore make a positive contribution to the Conservation Area and there is no objection to their loss. The proposed demolition works would enhance the appearance of the Conservation Area and, as their removal would not create an unsightly gap site, it is not necessary to require a suitable scheme for the redevelopment of the site in advance of allowing demolition to proceed.

9 CONCLUSION

The existing buildings do not make a positive contribution to the Conservation Area and there is no objection to their demolition.

10 EQUALITIES

None identified.

11 CONDITIONS / INFORMATIVES

Regulatory Conditions:

- 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.

Informatives:

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

Plan Type	Reference	Version	Date Received
Site Location Plan	5935 (PL) 001	B	02/07/2013
Existing Buildings Plans & Elevations	5935 (PL) 019		02/07/2013

- This decision to grant Conservation Area Consent has been taken:
 - having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan: (Please see section 7 of the report for the full list); and
 - for the following reasons:-

PLANNING COMMITTEE LIST – 18/09/13

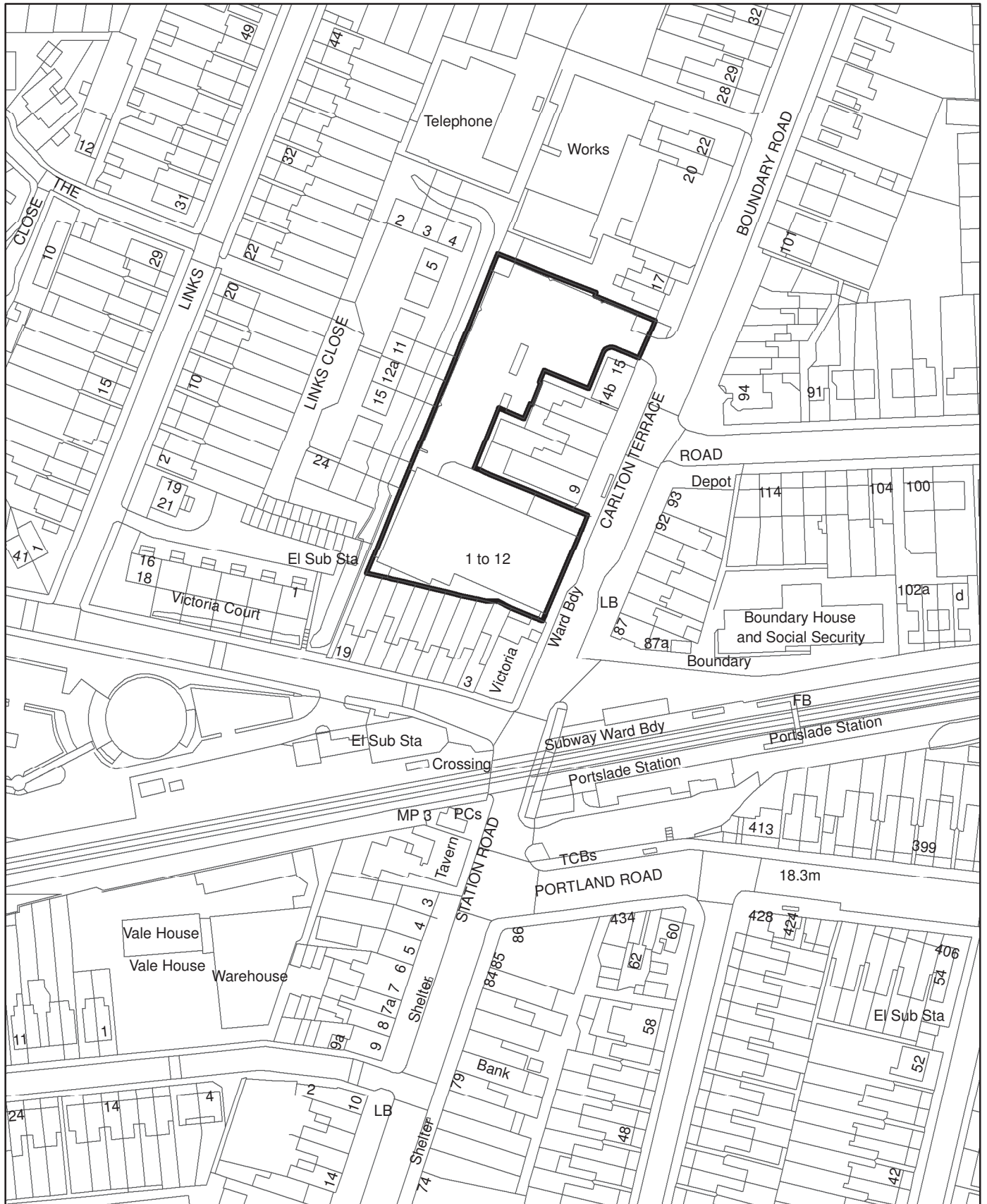
The existing buildings do not make a positive contribution to the character or appearance of The Engineerium Conservation Area and there is no objection to their demolition.

ITEM C

**Aldi Stores Ltd, 7 Carlton Terrace,
Portslade, BN41 1XF**

**BH2013/02050
Removal or Variation of Condition**

BH2013/02050 Aldi Stores Ltd, 7 Carlton Terrace, Portslade



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02050	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Aldi Stores Ltd 7 Carlton Terrace Portslade		
<u>Proposal:</u>	Application for variation of condition 1 of BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 0800 and 2100 on Monday to Saturday and 1000 to 1600 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 0700 and 2200 hours on Mondays to Saturdays and 0930 and 1730 on Sundays and Bank Holidays.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	17/07/2013
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	16 October 2013
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Planning Potential Ltd, Magdalen House 148 Tooley Street London		
<u>Applicant:</u>	Aldi Stores Ltd , c/o Planning Potential Ltd Magdalen House 148 Tooley Street London		

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 Aldi store located at Carlton Terrace in Portslade. The development consists of 2 buildings. A large detached building comprising of a retail store on the ground floor and 12 residential units above and a smaller detached three storey building comprising of a ground floor shop and 2 flats.

3 RELEVANT HISTORY

BH2013/02049 - Application for variation of condition 12 of BH2011/02857 for a reduction in the free parking allowance to read: The first one and a half hours of parking shall be free of charge for visitors of the Portslade Shopping Centre. – Under consideration

BH2012/04062 - Application for variation of 5 of previously approved application BH2006/00834 (Mixed use development comprising food retail unit & separate shop unit, 14 residential units with associated parking. (Revision of BH2004/00571/FP). Condition 5 to be varied to alter allowed delivery times. Amended condition to read as follows - 'No HGV movements nor any loading or

unloading of vehicles associated with the retail uses hereby permitted shall take place between the hours 20.30 and 07.00 Monday to Saturday. Deliveries on Sundays/Bank Holidays shall be limited to one main delivery and a milk delivery only between the hours of 09.30 and 17.30, with no deliveries outside these hours'. – Withdrawn 14/05/2013

BH2011/02857 - Application for variation of conditions 11 & 12 of application BH2010/01684. Variation of condition 11 to provide 2 car parking spaces for residential use and variation of condition 12 to provide 2 hours of free car parking to all visitors of the Portslade Shopping Centre. – Split decision Condition 11 (Residents Parking reduction) Refused, Reduction of Free Parking from 3hrs to 2hrs Approved - 07/12/2011

BH2010/01684: Application for variation and removal of conditions to application BH2006/00834 to vary condition 5 to allow an extended delivery period at the store, vary wording of condition 4 to allow the premises to trade to the public between 8.00 and 20.00 hours and for ancillary activities to take place outside of these hours when the store is closed to the public, vary condition 16 to reduce free car parking to all visitors of the Portslade Shopping Centre from 3 hours to 1 hour, removal of condition 15 in order not to provide 5 resident parking spaces. Split Decision to allow Variation of Condition 4, Refuse variation of 5, 15 & 16 - 30/12/2010. Appeal to Vary Condition 5 *Allowed* - 07/06/2011.

BH2006/00834: Mixed use development comprising food retail unit & separate shop unit, 14 residential units with associated parking. (Revision of BH2004/00571/FP). Approved 31/05/2006.

BH2004/00571/FP: Mixed use development comprising food retail unit and separate shop unit with 5, 2-bedroom flats and 9, 1-bedroom flats at first floor level, associated parking and highway works (existing buildings to be demolished). Approved 20/05/2004.

4 THE APPLICATION

- 4.1 Planning permission is sought for the variation of condition 1 of BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 0800 and 2100 on Monday to Saturday and 1000 to 1600 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 0700 and 2200 hours on Mondays to Saturdays and 0930 and 1730 on Sundays and Bank Holidays.
- 4.2 In effect the application would extend the opening hours of the store by an extra hour in the evening on Monday to Saturdays, and would allow staff to work within the premises for an additional 30 minutes Monday to Saturday. Sunday and Bank Holiday timings would not be affected.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eighteen (18)** letters of representation have been received from **F6 & F7 9-10, 33b Carlton Terrace, 87 (Cherry's News), 94 (The Coffee Station), Flat 3 94a Boundary Road, 3 Florence Avenue, 30 Hallyburton**

Road, Flats 2, 3, 5, 6, 8, 10, 11, 12, (unnumbered x2), Ronuk House - 7 Carlton Terrace objecting to the application for the following reasons:

- Ronuk House, Located above the store; includes accommodation for key workers and as such has shift workers. The operation and extension of the store therefore further impacts upon the amenities of occupiers.
- The soundproofing of Ronuk House is poor and does not provide sufficient mitigation for the noise levels imposed upon residents.
- The Committee are invited to visit Ronuk House and witness the operation, unloading and witness the level of disturbance.
- Complaints have been made by residents of Ronuk House to the Environmental Health and Planning Investigations Teams with reference to hours, noise, use of fire doors for loading.
- At present the staff operating hours are already being breached.
- The store already causes significant noise and disturbance by conducting works throughout the night and deliveries outside of permitted hours.
- Noise disturbance is taking place from the operation of the store and in close proximity to residents.
- The profitability of the store should not come before the welfare of residents.
- There would be a negative impact to businesses in the area by extending the hours.

One (1) letter of representation has been received from **61 Trafalgar Road** supporting the proposal on the following grounds:

- The additional hour in the evening may be useful and could reduce some of the pressure of busy shopping at the weekend.

5.2 Sussex Police:

No objection to the extension of hours.

Internal:

5.3 Environmental Health: Support

Having assessed the acoustic report prepared by Sharps Redmore Partnership, dated 5th June 2013, it appears that the proposed changes are unlikely to have significant impact upon local residents.

As such it is recommended that the application is approved.

5.4 Transport: Support

Having examined the application material the proposal would not increase the scale or number of trip generations of this store.

The likely impact is a small amount of spreading and retiming of existing trips which may slightly reduce congestion and will not cause any additional safety risks and there are no changes relevant to other local plan transport policies. There is therefore no transport objection to the application.

5.5 **Planning Policy: Comment**

The decision should be made in accordance with the adopted Local Plan and emerging City Plan Part 1.

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
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- QD27 Protection of Amenity

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Brighton & Hove City Plan Part One (submission document)

SS1 – Presumption in favour of development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the change in the opening hours and staff working hours and the impact of the changes upon the amenities of nearby residential occupiers.

Planning Policy:

- 8.2 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.
- 8.3 Policy SU9 advises that permission will only be approved where it can be demonstrated that it may not be liable to cause pollution (including noise); where detrimental to human health and safety and it does not reduce the LPA's ability to meet air quality and does not negatively impact upon existing pollution and nuisance situation.
- 8.4 Policy SU10 advises that applicants may be required to submit noise impact studies or assessments to assess the effect of a development or existing noise source upon a potential proposal prior to determination. Developments which are likely to generate significant noise levels would only be permitted where appropriate noise attenuation measures which would reduce the impact to acceptable levels. Where necessary conditions will be imposed to ensure appropriate noise limits, hours of operation and mitigation. In addition, the policy advises that permission for noise sensitive development such as housing will not be granted if its users would be affected adversely by noise from existing uses or generates significant levels of noise.

Noise, disturbance and residential amenity

- 8.5 The main consideration in this case is the change of and extension of hours of opening and staff working and the potential impact upon the amenities of adjoining and nearby residential occupiers.
- 8.6 Adopted Local Plan Policies require that it can be demonstrated that a development, an extension of opening and working hours in this case does not unduly harm the amenity of existing residential occupiers and/or it can be shown that adequate mitigation measures can be secured.
- 8.7 The applicant has submitted a detailed noise assessment with the application. The acoustic assessment follows current best practice by considering British Standard (BS) 8233:1999 and World Health Organisation "Guidelines for Community Noise". The assessment undertook sound meter readings from the Car Park, the store and an intermediate monitoring location.

- 8.8 The report sets out a robust case for the proposed and perceived changes in noise levels and concludes that an additional hour of trading and further staff operation beyond as requested would not have detrimental impact on the amenities of the residents of Carlton Terrace.
- 8.9 The Council's Environmental and Noise Officers from the Environmental Health team have analysed the results and methodology of the report and agree with its findings.
- 8.10 It is on this basis that the proposal to extend hours of opening and operation is recommended for approval.
- 8.11 The objections and representations from neighbouring residents are noted and given appropriate weight as a material consideration. It is clear from the comments received by the immediate neighbours, especially those in Ronuk House, located above the Supermarket, that the residents do presently perceive and report a harmful level of disturbance emanating from the operation of the store.
- 8.12 The extent of planning powers and noise as a material consideration when considering potential statutory noise disturbance must be considered. Where there is robust evidence to show that the potential noise disturbance would not be detrimental to the amenities of adjacent residents as in this case; and where there is other primary legislation capable of managing and resolving noise nuisance; in this case the Environmental Protection Act 1990 (as amended); the Local Planning Authority must be careful not to act in excess of its powers.
- 8.13 In future should a statutory noise nuisance be reported and found to be occurring the matter could be successfully managed and resolved through the other primary legislation. It is on this basis and the findings of the acoustic assessment that the balance to be struck is in favour of granting the extension of hours of trading and operation.

Other issues.

- 8.14 The site has been subject to some recent Planning Investigations with regards to the operation and opening hours of the store. The resolution of these cases has been suspended upon the consideration of this case.
- 8.15 Issues relating to the non compliance of conditions 5 & 11 of planning approval BH2011/02857 relating to the increase in height of the western boundary wall to a minimum of 2.4m and the signing/labelling of resident parking bays are also currently being considered by the Planning Investigations Team.
- 8.16 Matters relating to competition and effect upon local businesses are noted but cannot be afforded weight as a material consideration in this case.

9 CONCLUSION

- 9.1 The comments of local residents with regards to the levels of noise and disturbance and loss of amenity are noted. However the acoustic assessment is

considered robust, it is not considered that the additional hours are likely to have a further detrimental impact upon the amenities of adjacent occupiers. Powers are available under other legislation should future issues arise

10 EQUALITIES

- 10.1 The change in the opening and operation hours would be unlikely to have any equalities implications.

11 CONDITIONS / INFORMATIVES

Regulatory Conditions:

1. The store shall not be open for trading to the public except between the hours of 08.00 and 21.00 hours on Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 07.00 and 22.00 hours on Monday to Saturday, and 09.30 to 17.30 on Sundays and Bank Holidays.
Reason: To allow satisfactory operation of the store and to protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
2. The compactor machine shall only be operated during the actual store trading hours to the public and at no other times.
Reason: To protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. No HGV movements nor any loading or unloading of vehicles associated with the retail uses hereby permitted shall take place between the hours of 20.30 and 07.30 Monday to Saturday. Deliveries on Sundays/Bank Holidays shall be limited to one main delivery and a milk delivery only between the hours of 09.30 and 17.30, with no deliveries outside these hours.
Reason: To allow satisfactory operation of the store and to protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The approved and implemented refuse and recycling facilities shall 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 policies SU2 and QD27 of the Brighton & Hove Local Plan.
5. The existing wall along the western boundary of the site shall be increased in height to a minimum of 2.4m within 3 months of the date of this approval. The wall shall be maintained as such to the satisfaction of the Local Planning Authority.
Reason: To effectively screen the development from adjacent residential properties and to reduce the effect of noise and disturbance from the development in the interests of amenity and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
6. The windows on the ground floor of the east elevation of the main store fronting Carlton Terrace shall be clear glazed only, and shall be kept free of internal or external advertisements unless otherwise agreed in writing by the Local Planning Authority.

- Reason:** To ensure there is an interesting and attractive frontage at street level, to comply with policy QD10 of the Brighton & Hove Local Plan.
7. Any planting from the approved and implemented landscaping scheme which dies, becomes seriously damaged or diseased within a period of 5 years from being set out, shall be replaced in the next planning season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan.
8. The approved and implemented cycle parking facilities shall be retained for such use at all times.
- Reason:** To ensure that satisfactory facilities for the parking of cycles are provided to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.
9. The approved Travel Plan shall be implemented to the satisfaction of the Local Planning Authority at all times.
- Reason:** To promote sustainable travel choices for employees of the main store to reduce reliance on the private car, to comply with policies TR1, TR2 and TR14 of the Brighton & Hove Local Plan.
10. The first floor kitchen and living/dining room windows on the southern elevation serving Flat 1 above the main store, and the first floor glazing to the entrance to the flats on the southern elevation, shall not be glazed otherwise than with obscure glass and either fixed shut or top hung and thereafter permanently retained as such.
- Reason:** To safeguard the privacy of the occupiers of adjacent properties in Victoria Road, to comply with policy QD27 of the Brighton & Hove Local Plan.
11. The 5 resident parking bays indicated on the approved plans in association with application BH2006/01684 shall not be used other than for occupiers of the residential units. The residents' car parking spaces shall be clearly signed/labelled as such, and details of signage shall be submitted to and approved in writing to the Local Planning Authority within one month of the date of this permission, unless otherwise agreed in writing. The agreed scheme shall be implemented to the satisfaction of the Local Planning Authority and thereafter retained.
- Reason:** To ensure adequate car parking provision to serve residential occupiers of the development, to comply with policies QD1, TR1, TR4, TR18 and TR19 of the Brighton & Hove Local Plan.
12. The first two hours of parking shall be free of charge for visitors of the Portslade Shopping Centre.
- Reason:** To ensure parking provision is made available to shoppers not using the main store as there is an identified shortage of shopper's parking spaces within the Portslade District Shopping Centre, in the interests of enhancing the vitality and viability of the Centre, to comply with policies SR6 and TR2 of the Brighton & Hove Local Plan.
13. The access gates shall be locked outside of opening hours of the main store except for purposes of loading/unloading and access by residents of the flats.
- Reason:** In the interests of visual amenity and to ensure adequate security for the site, to comply with policy QD7 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST – 18/09/13

Informatives:

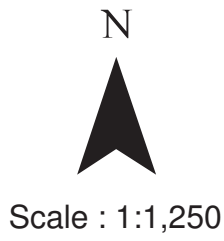
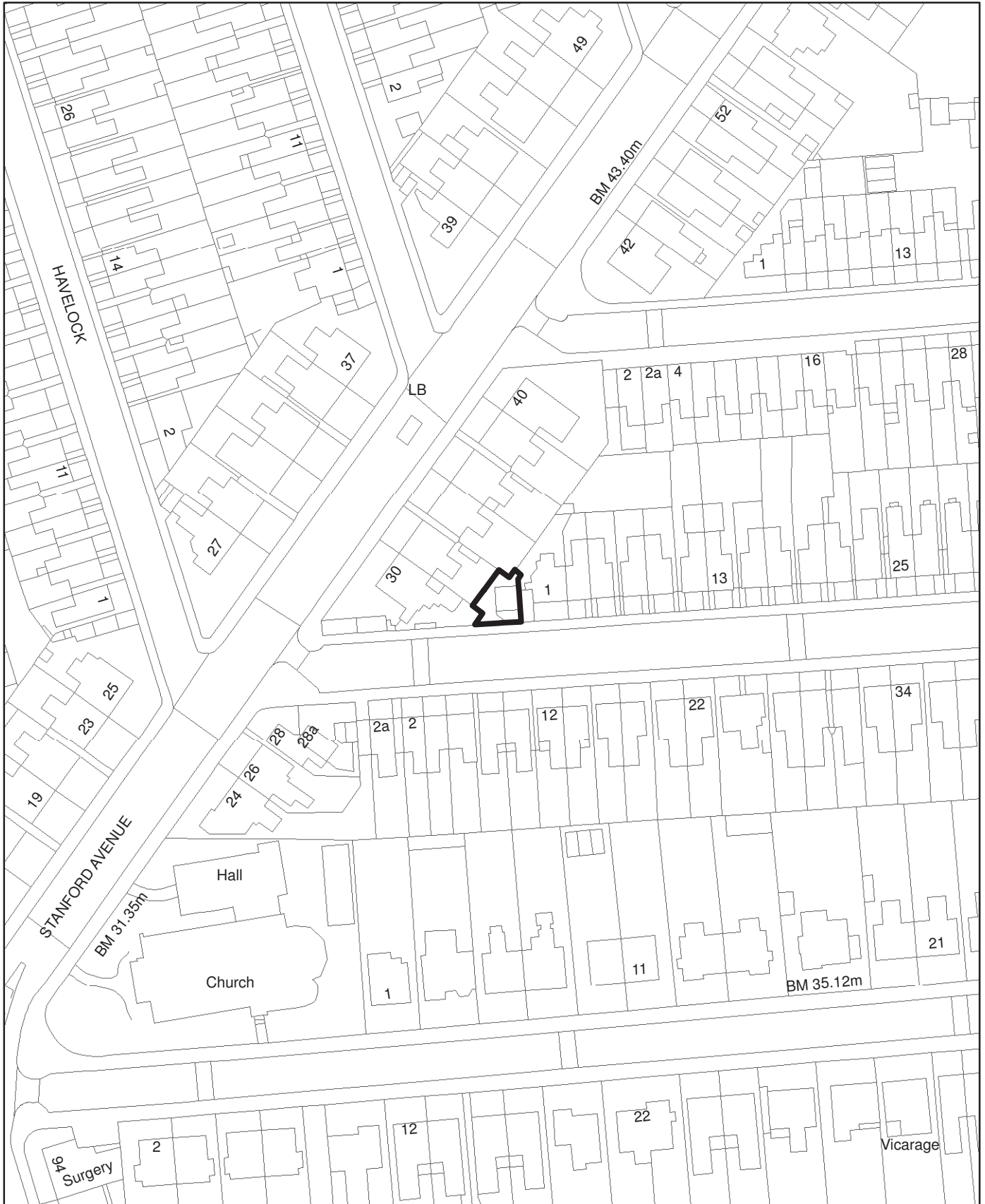
1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority 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 variation of condition 1 of BH2011/02857, to extend the opening and operating hours would not unduly harm the amenities of adjacent and nearby occupiers.

ITEM D

**R/O 32 Stanford Avenue, Brighton,
BN1 6EA**

**BH2013/01836
Full Planning**

BH2013/01836 Land at rear of 32 Stanford Avenue, Brighton



<u>No:</u>	BH2013/01836	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land at rear 32 Stanford Avenue Brighton		
<u>Proposal:</u>	Demolition of existing garage and erection of a two storey 1no bedroom house.		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	18/06/2013
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	13 August 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road Brighton BN1 6ED		
<u>Applicant:</u>	Mr Jon Mills, C/O Agent CJ Planning Ltd 80 Rugby Road Brighton BN1 6ED		

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 domestic garage within the site of a semi-detached property on the eastern side of Stanford Avenue. The flat roofed garage is sited at the rear of this property but fronts onto Rugby Road, adjacent to no. 1 Rugby Road. The site is located within the Preston Park Conservation Area.
- 2.2 Nos. 30 – 32 Stanford Avenue are a pair of large late Victorian semi-detached villas, comprising part of a group with nos. 34 – 40. They have gabled ridged roofs and brick and render front facades. Their backs are visible from Rugby Road and have rendered rear facades and ridged roofed and gabled rear wings.
- 2.3 The street scene in Rugby Road is very consistent in height scale, form, building line, style and materials and has a strong architectural unity. On the north side of Rugby Road is a row of smaller closely spaced semi-detached late Victorian houses with gabled and ridged roofs. The one adjacent to the site, no. 1 is an anomaly in that it is one of a group of 3 attached houses. The western end ones nearly all have red brick front facades with canted flat roofed window bays. Other houses in Rugby Road have gabled bays. The exceptions are a short terrace of four houses opposite the site, three of which have flint and brick facades and the western end one having a stucco façade with ornate canted barge boards. They originally would have had slate roofs but most now have

concrete corrugated tiles. Those at the eastern end have red brick ground floor facades and pebble-dashed first floors.

3 RELEVANT HISTORY

BH2012/03990 Demolition of existing garage and erection of two storey 1no bedroom house – Refused 13/02/2013 (The reasons for refusal referred to the appropriateness of a dwelling, the impact on the Conservation Area, and impact on neighbouring amenity).

78-2474 Erection of double garage at rear having access to Rugby Road – granted 21/11/78

Site rear of 18 Southdown Road and adj to 51 Rugby Road Brighton

BH2005/05964 Demolish existing single storey garage and construct one residential unit – Approved 09/01/2006

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing garage and the erection of a two storey 1no bedroom house.

4.2 The details of the proposal are as follows:

- Size: The 2 storey building would measure 6.7m in depth and 5.6m in width. The roof would be pitched with an eaves height of 3.6m and a ridge height of 6.9m.
- Siting: The building would have the same front building line as the existing garage.
- Fenestration: Windows are proposed on the front, side (west) and rear elevations. The first floor rear windows are proposed to be obscure glazed and fixed shut.
- Materials: The walls would consist of brickwork, with aluminium framed windows, metal balcony balustrade, and slate roof tiles.
- Amenity Space: garden space surrounding the rear and side (west) elevations of the building and a first floor front elevation balcony.
- Car parking: The scheme does not include off-street car parking.
- Cycle storage: within the garden space.
- Refuse Storage: within front garden area behind the boundary wall.

4.3 In this resubmission, the proposed property would have brickwork walls rather than render, the front of the roof has been scaled back to behind the balcony, and the low lying boundary wall has been removed to leave an open front boundary.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Seven (7)** letters of representation have been received from **30, 34 & 37 Stanford Avenue, 94 Waldegrave Road, 182 Springfield Road, Flat 1 3 Florence Road, and 7 Florence Road** in support of the application.

Internal:

5.2 Environmental Health: Comment

A contaminated land discovery strategy is recommended as an informative for this development

5.3 Access: Comment

The proposal appears satisfactory in respect of Lifetime Homes Standards.

5.4 Heritage:

This proposal follows the refusal of a previous similar proposal for the site. The proposal is to demolish the garage and build a two storey house on the same footprint. There is no objection in principle to the loss of the garage but the existing garage sits well forward of the prevailing, consistent building line in Rugby Road, even projecting further forward than the bays to the existing houses, and this raises concerns about the undue prominence of the proposed house in the street scene. This concern is compounded by the design of the proposed dwelling, which is a somewhat uncomfortable hybrid of traditional and contemporary approaches to a 'coach house' form.

5.5 The main change in comparison to the previous scheme is that the roof has been set back approximately one metre to the line of the first floor, but it remains over 600mm forward of the main building line.

5.6 The other main change is that the building would be finished in facing brick rather than render and this is welcome in principle, subject to the brick being a satisfactory match for the red brick of Rugby Road. Concern remains regarding the full width balcony, particularly as there is no detail of the proposed balustrade design. It is also considered that there is too much glazing on the street elevation. The pitch of the roof has been justified by reference to existing gable pitch in Rugby Road and the proposed gable should have a timber bargeboard.

5.7 The deletion of the previously proposed low front wall and gates is welcome in helping to the proposed dwelling to be more reasonably read as a coach house form, but it would be more appropriate to extend the existing high wall and to include a pair of tall gates (as suggested in the comments on the previous application).

5.8 Sustainable Transport: Comment

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.

5.9 The applicant is not proposing a boundary wall. This means that once the footway is reinstated, there is the potential for cars associated with the development to bump up the kerb and park on the small hardstand in front of the proposed dwelling. This is likely to result in vehicles overhanging the footway and damaging the surface of the footway. Ideally the applicant should

propose a short boundary wall and pedestrian entrance to prevent such parking occurring.

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
- QD3 Design – efficient and effective use of sites

- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1 - Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations material to this application are the principle of development on the site, the impact of the proposed dwellings on the character and appearance of the street and the Preston Park Conservation Area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability, traffic and lifetimes homes issues.
- 8.2 **Principle of Development**
The site is located within the Built-up Area as designated in the Brighton & Hove Local Plan and currently consists of a private residential garage. The loss of the garage would not materially impact upon parking provision in the area; therefore no objection to the demolition is raised in this instance. Residential use of the site would be consistent with the NPPF that encourages the effective use of land by reusing land that has been previously developed (brownfield land).
- 8.3 The thrust of policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan is to require a high standard of design that emphasises and enhances the positive qualities of the neighbourhood and avoid town cramming.
- 8.4 The plot size for the proposed dwelling is considered to be very constrained. There would be limited circulation space around the dwelling with limited outside space. Taking into account the plot size and siting, it is apparent that the current use of the land as a garage is therefore more suited to the site than that of a more intensive use such as a new dwelling.

- 8.5 It is considered that the resultant dwelling would appear as a cramped form of development, due to the added height of the building to replace the garage, and with the neighbouring properties and gardens tightly surrounding it. This would be at odds with the more spacious regular shaped plots in the surrounding area.
- 8.6 It is noted that a planning application at the rear of no. 18 Southdown Road, adjacent to no. 51 Rugby Road (BH2005/05964) was approved for a residential unit in replace of a garage, which has been referred to by the applicant. However there are clear differences between the sites and the schemes which make them not directly comparable. The application site here is laid out differently due to the orientation of the immediately surrounding housing plots, with three dwelling sites from the adjoining street (Stanford Avenue) surrounding the site. The adjoining street of the 2005 development (Southdown Avenue) is at more of a 90 degree angle resulting in fewer rear elevations facing the development site. The previous development was a replacement lean-to structure attached to the side of the property. In this current proposal the dwelling would be a free standing and more prominent structure.
- 8.7 In the submissions, the applicant has referred to various measures of density. However these figures do not take into account the shape of the plot and the form of the building within it, and also does not take into account the nature of the surrounding plots and the prevailing context. The importance of these factors is evident when assessing the overdevelopment in this instance.
- 8.8 Overall it is considered that the proposal for a new dwelling, due to the site constraints and character, would result in an overdevelopment of the site, contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

Design and Appearance:

- 8.9 The existing garage sits significantly in front of the building line of the houses on the north side of Rugby Road but does not sit forward of the rear of No. 30 Stanford Avenue which backs onto Rugby Road. The proposed dwelling would be sited broadly on the footprint of the existing garage, and so in the same way as the existing garage, the proposed dwelling would be set further forward than the established building line of the dwellings on the north side of Rugby Road, even projecting further forward than the bays of these. The building would also be two storeys and so would be a more prominent building on the street scene compared with the existing single storey structure. The existing garage is screened from longer views from the west by the boundary wall of no. 30 Stanford Avenue and street trees, but it is clearly visible from the south and the east. Due to its positioning un-obscured from other buildings, the side elevations of the proposed building would be very visible on the street scene. It is noted that the roof has been set back on this new scheme. However it would remain forward of the building line, and the ground floor and balcony would still protrude forward by almost 2m.
- 8.10 The properties on this part of the north side of Rugby Road have a fairly uniformed appearance, with the road lined on both sides with closely spaced semi detached properties that create a strong architectural unity. The form of

the building reflects a coach house style building, however the size of the building, the eaves and ridge height, and the fenestration appear as a new house. The Heritage officer notes the design to be a somewhat uncomfortable hybrid of a traditional and contemporary approach to 'coach house' form.

- 8.11 The building would be finished in facing brick rather than the previously proposed render which is considered an improvement. Sufficient justification has also now been made regarding the proposed gable frontage. The proposed roof lights are now considered an appropriate type for the Conservation Area.
- 8.12 The exterior of the building would include a full width balcony metal balustrade. There is limited detail on the appearance of the metal balustrade. However, it is clear that full width metal balcony railings and the extensive glazing on the front elevation would be a prominent and striking modern appearance that would appear incongruous in context amongst the bay windows of neighbouring properties. The previously proposed low front garden wall has been removed from the scheme which is welcomed; however no new boundary treatment is now proposed which would not provide an appropriate appearance for the frontage of a dwelling.
- 8.13 Overall the design characteristics would detract from the character this highly coherent historic street scene, and would appear out of context with the larger more traditional properties on the north side of Rugby Road. As such the development would cause harm to the character and appearance of the existing building and the Preston Park Conservation Area, and thus be contrary to policies QD2, QD3 and HE6 of the Brighton & Hove Local Plan.

Impact on Amenity of Future Residents:

- 8.14 The size of the dwelling means that all rooms would be closely packed together, but the proposed room layout appears to provide suitable accommodation for future occupiers in terms of room size. The floor plans appear to show adequate room light and ventilation.
- 8.15 The proposal incorporates many of the Lifetime Home Standards including ground floor WC and sufficient turning space for wheelchair users in many rooms. It can be difficult for dwellings of a small footprint to comply with all standards where the only bedroom is on the first floor. Where practicable this meets the Lifetime Homes Standards and is considered acceptable subject to a planning condition.
- 8.16 Policy HO5 requires the provision of private usable amenity space in new residential development, appropriate to the scale and character of the development. The proposal would provide a small garden space and a first floor balcony. The garden space would be of an irregular shape and would be extremely narrow. It could be quite compact especially being boxed in by the walls of the building and the 2m high timber boundary fencing. However taking into account the size of the dwelling and the formation of a balcony at the front, on balance it is considered that the level of private amenity space, although cramped, would not warrant a reason for refusal in isolation.

- 8.17 The proposed low front wall and gates have now been removed from the scheme. No front boundary treatment is proposed. In terms of design, it would be more appropriate for the front boundary treatment to have a high wall and gates that continued the height of the existing wall of no. 30 Stanford Avenue to the west. However this would potentially result in a heightened sense of enclosure to the ground floor glazed doors, which highlights the cramped overdevelopment of the proposal. The issue of no front boundary treatment and its impact on transport is assessed below.
- 8.18 Storage for refuse and recycling would be provided in the front paving area and is considered acceptable.

Impact on Amenity:

- 8.19 The rear elevations of properties on Stanford Avenue obliquely face the site. The dwelling itself, as well as the surrounding amenity spaces, would intensify the use of the site in a cramped plot very close to neighbouring amenity spaces, especially the rear gardens of the application site and 34 Stanford Avenue. The proposed dwelling would appear incongruous from these gardens due to its proximity to the neighbouring gardens as well as the added height of the structure.
- 8.20 The proposed dwelling would be in close proximity to the converted flats within no. 1 Rugby Road; however this neighbouring property does not have any side windows of habitable rooms that would be affected by the proposal. The rear garden is also set away and would not be significantly affected.
- 8.21 Proposed windows and balconies for new buildings can have the potential to enable overlooking towards neighbouring properties and gardens. In this case the main windows of the dwelling (as well as the balcony) are located on the front elevation, and so despite being in close proximity to neighbouring properties, the potential for overlooking is reduced and the main views would be towards public areas.
- 8.22 The upper floor rear windows are for non habitable rooms which could include obscured glazing with a condition. No adverse impact on overlooking of neighbouring properties is envisaged with regard to the proposal.
- 8.23 Overall it is considered that the proposal is contrary to policy QD27.

Sustainable Transport:

- 8.24 The proposal does not include any off-street car parking spaces. There may be some level of overspill car parking as a result of this development. This could be from the loss of the garage as well as from future occupiers of the new residential property. However this level of overspill car parking in this instance is not considered to warrant a refusal of planning permission.
- 8.25 SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. The proposed space to the

side of the property in a covered store is considered acceptable subject to being secured by condition.

- 8.26 The existing vehicular crossover would be made redundant as a result of this development; and so a condition would be required to ensure that the footpath is reinstated.
- 8.27 Policy TR7 states that planning permission will be granted for developments that do not increase the danger to users of adjacent pavements, cycle routes and roads. There is no proposal for new boundary treatment on the front boundary of the site, and so this would enable a vehicle to park partly on the small hardstand in front of the dwelling and partly on the pavement. The Transport Team have commented on this, and have suggested that a boundary wall is required in order to prevent such parking occurring. However, a proposal for front boundary treatment cannot be conditioned in this instance. It has already been highlighted that any proposed boundary treatment may detract from the appearance of the street scene or cause amenity issues for future occupiers. Therefore it is considered that the use of the hardstand as a parking space would jeopardise highway safety, in particular pedestrians that use the public pavement on Rugby Road. This would be contrary to policy TR7.

Sustainability:

- 8.28 Proposals for new build residential development of this size on previously developed land should include a completed sustainability checklist, should achieve Level 3 of the Code for Sustainable Homes, and should meet all Lifestyles Homes Standards. The completed sustainability checklist details that the proposal would meet Code Level 3, to include efficient gas boiler and rainwater butts. Subject to conditioning to ensure at least Code Level 3, it is considered that the proposal is in line with the requirements of SPD08.
- 8.29 Policy SU2 requires all new developments to make provision for adequate refuse and recycling storage facilities. The applicant has identified the front garden for the location for bin storage. However further details for this could be conditioned.

Waste Management:

- 8.30 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. The submitted statement acceptably details how waste is to be minimised during demolition and construction works with regard to this policy.

Other matters

- 8.31 The existing garage use could have resulted in localised land contamination; the applicant would need to be aware of the situation with a contaminated land discovery informative, in the event that planning permission was granted.

9 CONCLUSION

The application is recommended for refusal for the reasons set out in section 11.

10 EQUALITIES

None identified

11 REASON FOR REFUSAL / INFORMATIVES

Reasons for Refusal:

1. The proposed development is considered to represent an uncharacteristic and inappropriate development in excess of what might reasonably be expected to be achieved on this limited plot site. Consequently the proposal represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The proposed dwelling would extend beyond the building line on Rugby Road, and by reason of its scale, height, footprint, positioning and design, would be an unsympathetic and dominant addition to the street scene. As such the development would cause harm to the character and appearance of the Preston Park Conservation Area and thus be contrary to policies QD2, QD3 and HE6 of the Brighton & Hove Local Plan.
3. The proposed dwelling, by reason of the height and proximity to site boundaries, would represent a cramped and overbearing development within the rear gardens of neighbouring properties on Stanford Avenue. This would be to the detriment of neighbouring amenity which is contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The development would enable the use of the existing hardstand as a parking space that would jeopardise highway safety, in particular pedestrians that use the public pavement on Rugby Road. There is no proposal for new boundary treatment on the front boundary of the site that would restrict this, and would therefore be contrary to policy TR7 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.

PLANNING COMMITTEE LIST – 18/09/13

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

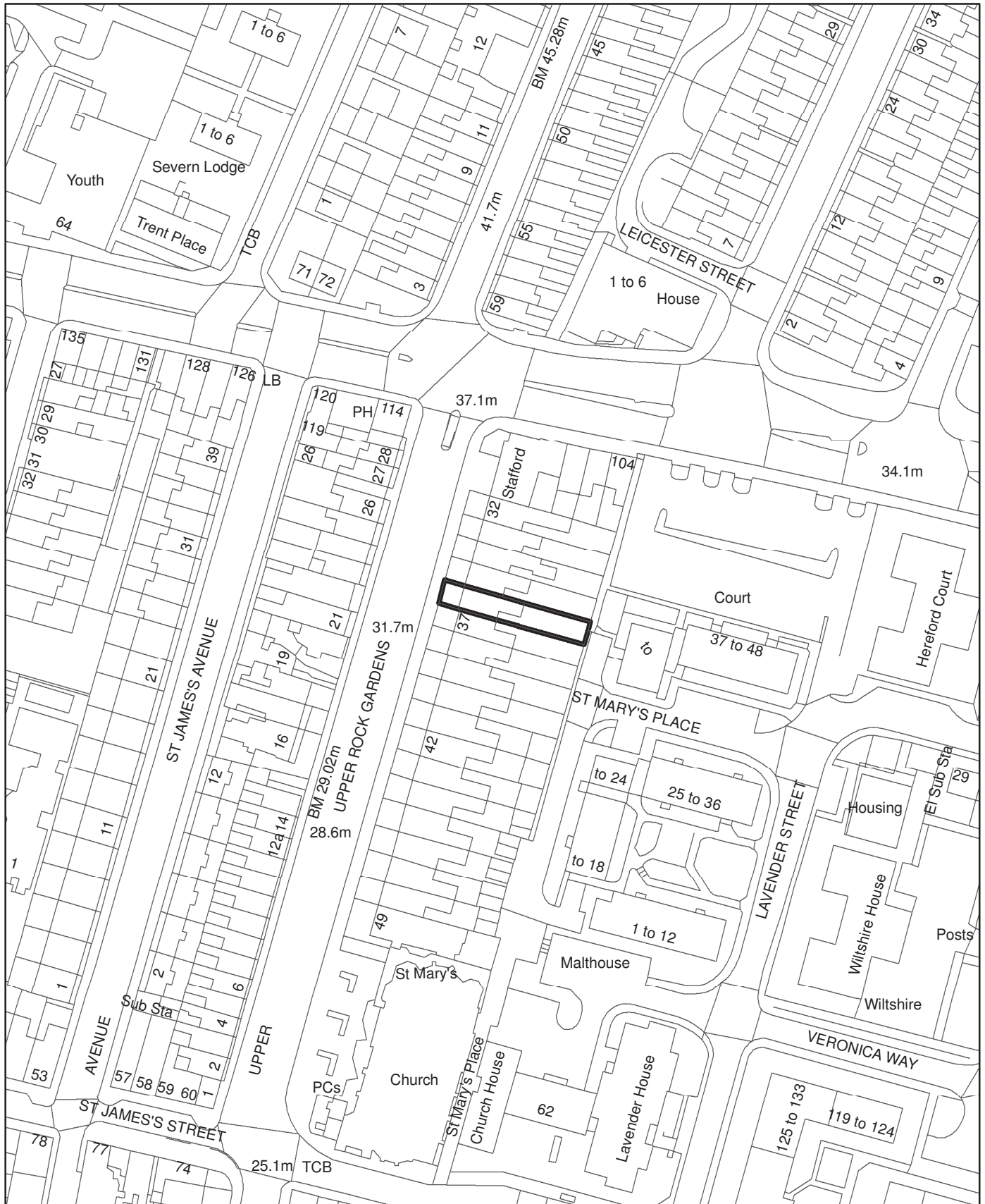
Plan Type	Reference	Version	Date Received
Site plan	340/P1	A	05 June 2013
Existing plan	340/P2	A	05 June 2013
Existing elevations	340/P3	A	18 June 2013
Proposed ground floor plan	340/P4	A	05 June 2013
Proposed first floor plan	340/P5	A	05 June 2013
Proposed elevations	340/P6	A	05 June 2013
Proposed elevations	340/P7	A	05 June 2013
Context study	340/P8	A	05 June 2013

ITEM E

**36 Upper Rock Gardens, Brighton,
BN2 1QF**

**BH2013/01985
Full Planning**

BH2013/01985 36 Upper Rock Gardens, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01985	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Alvia Hotel 36 Upper Rock Gardens Brighton		
<u>Proposal:</u>	Demolition of upper ground floor rear extension and staircase and erection of lower and upper ground floor rear extension with staircase.		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	28/06/2013
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	23 August 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Delavals Design, Heron House Laughton Road Ringmer East Sussex BN8 5UT		
<u>Applicant:</u>	Alvia Hotel, C/o Delavals Design Heron House Laughton Road Ringmer East Sussex BN8 5UT		

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 multi-storey terraced property in use as a guest house to the eastern side of Upper Rock Gardens. The property has a four storey flat roofed projection to the rear and then an additional pitched roofed rear addition at ground floor level with steps down to the rear yard/drive which is at a raised basement level. The outdoor space to the rear is separated from the adjoining property to the north by a brick wall with timber fence above and by a timber fence from the adjoining site to the south. The rear of the site is accessed via St Mary's Place. The site is located within the East Cliff Conservation Area.

3 RELEVANT HISTORY

BH2012/03182 - Erection of rear extension to upper ground floor with open terrace and staircase to replace existing extension. Refused on 18 December 2012.

BH2004/02337FP - Single storey rear extension at second floor level. Approved
3 September 2004.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of upper ground floor rear extension and staircase and erection of lower and upper ground floor rear extensions with staircase.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** None.

- 5.2 **Councillor Stephanie Powell** supports the application. Representation attached.

Internal:

- 5.3 **Heritage Team:** (verbal comments). Object to the scheme on the grounds that the proposal would add further inappropriate development to the rear of the property. The building has already been extended beyond the original building line and the proposal would further worsen this relationship. The proposal is ill-proportioned with the two storeys overly squat in appearance. The staircase is unsympathetic in regards to design and scale and would dominate the rear elevation.

- 5.4 **Sustainable Transport:** No Objection

Recommended approval as the Highway Authority has no objections to this application as the development is not forecast to have a highway impact due to its scale, nature and location.

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
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD012 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 - Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the design upon the character and appearance of the building, the street scene and the surrounding East Cliff Conservation Area and the impact upon the amenity of adjoining occupiers.

Planning Policy:

- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;

- b. would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - c. takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - d. uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.5 Policy HE6 Proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.

Planning History

- 8.6 This proposal follows the refusal of a similar application for a rear addition for the three reasons set out below:
- The proposed development by reason of its scale, design, depth and materials would result in an overly dominant and incongruent addition that relates poorly to the traditional form of the existing building and would have a significantly detrimental impact upon the appearance and character of the building, the wider terrace and the East Cliff Conservation Area.
 - The proposed development, by reason its height, design, and depth would result in a significantly overbearing impact, a loss of light and an unacceptable sense of enclosure towards the adjoining property, No.35 Upper Rock Gardens.
 - The proposed terraced area would result in significant overlooking and loss of privacy towards the rear elevations and outdoor amenity space at neighbouring properties, No.35 and No.37 Upper Rock Gardens, to the detriment of their residential amenity.

The applicant has attempted to address the reasons for refusal by revising the design of the proposed addition and removing the raised terraced area.

Design

- 8.7 The proposal relates to the demolition of the existing pitched roof addition at upper ground floor level to the rear of the building and the construction of a larger replacement addition.

- 8.8 The proposed, flat roofed addition would span the full width of the existing outrigger and would extend out 3.8m from the rear elevation. It would result in an addition which would be 1.5m deeper and 1.5m wider than the existing structure. The addition would be two storeys, set at lower and upper ground floor levels. Access would be via an external staircase set diagonally across the rear elevation. The boundary, shared with No. 35 Upper Rock Gardens would be built up with a masonry wall to provide a solid screen between the properties.
- 8.9 The proposal takes a more appropriate form compared to the previously refused application, with the flat roofed design introducing a more traditional approach in comparison to the pitched roof design, extensive glazing and cantilevered terrace of the earlier scheme. Notwithstanding this, the proposed addition would be an additional 0.5m in depth and would add a significant amount of bulk to the existing building and is still considered to be an overly dominant structure to the rear elevation that harms the appearance and character of the rear elevation and the wider Conservation Area. The extended outrigger would project 9.5m from the main rear elevation of the building and would result in an overly extended property. Furthermore the external staircase and the built up boundary wall to provide a screen are inappropriate elements that further detract from the appearance and character of the building.
- 8.10 Whilst the proposal is an improvement on the previously refused scheme it is considered to be poorly designed, with an awkward relationship with the existing building and would detract from the appearance and character of the wider Conservation Area.
- 8.11 The Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012) states that, 'all extensions to Buildings of Local Interest and Buildings within Conservation Areas should be completed to a high design standard, with materials and detailing matching exactly those of the host building.' The design and detailing of the proposal fail to relate satisfactorily to the existing building and thus would have a detrimental impact upon the building, the wider terrace and the East Cliff Conservation Area.
- 8.12 The rear of the terrace backs onto St Mary's Place and as such, the alterations would be highly visible from the public domain. Whilst the rear elevations of these properties are relatively mixed with various ad hoc additions to the rear, these are predominantly historical alterations either without planning history or approved before the adoption of the current local plan in 2005. These extensions do not set a precedent for further inappropriate and harmful development that detracts from the appearance and character of the terrace and the wider Conservation Area.
- 8.13 It is noted that a proposed wraparound rear and side extension at No.33A Upper Rock Gardens to the north was refused in August 2013 on the grounds that the 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 Local Planning

Authority is considered to be adopting a consistent approach in regards to additions to the rear of the terrace.

- 8.14 There is substantial a rear addition to the north at No.34 Upper Rock Gardens. There is no planning approval for this overly bulky and poorly designed addition and it does not set a precedent for further unsympathetic alterations to the rear of the terrace.
- 8.15 Overall, the proposed addition is considered to detract significantly from the appearance and character of the building, the wider terrace and the East Cliff Conservation Area.

Impact on Amenity:

- 8.16 The proposal is considered to have a detrimental impact upon the residential amenity of the adjoining building to the north, No.35 Upper Rock Gardens. This property is in use as a guest house, with the former basement flat (35A) occupied with a residential use by the owners of the guest house.
- 8.17 The proposed extension would extend a further 1.5m in depth over and above the depth of the existing extension and would be sited adjacent to boundary with No.35. Given the position of the windows at ground floor level in 35 Upper Rock Gardens together with the extended boundary wall to provide a screen, the proposed development would result in an increased loss of light and overshadowing to the residential accommodation at the basement level of this property.
- 8.18 The proposal would be contrary to SPD012 which states, '*Extensions should not overshadow, overlook, or have an overbearing or enclosing affect on adjacent properties by way of their height or depth.*'
- 8.19 The solid, blank façade on the boundary with No.35 would result in an increased sense of enclosure to the adjoining property as well as an increased overbearing impact. The basement level of No.35 currently receives restricted light as it is enclosed by an existing structure, separating it from the outdoor space used by the guest house. Notwithstanding this, the proposal would significantly worsen the situation and is considered to have a significantly detrimental impact on the residential amenity of this property.
- 8.20 The removal of the terraced area on the current proposal would ensure that there would not be any significant overlooking towards adjoining occupiers. Whilst the proposed external staircase does include a modest platform at upper ground floor level it would be too limited in size to function as an external amenity area and it is considered that the staircase would be used solely to access the rear garden/yard and as such would not result in any significant loss of privacy to neighbouring occupiers.

9 CONCLUSION

- 9.1 To conclude, it is not considered that the proposal has adequately addressed the reasons for refusal of the previous scheme. The proposed development by

reason of its scale, design, depth and detailing would result in an overly dominant addition that would have a significantly detrimental impact upon the appearance and character of the building, the wider terrace and the East Cliff Conservation Area.

- 9.2 In addition the proposed development, by reason its height, design, and depth would result in a significantly overbearing impact, a loss of light and an unacceptable sense of enclosure towards the adjoining property, No.35 Upper Rock Gardens.

10 EQUALITIES

None identified.

11 REASON FOR REFUSAL / INFORMATIVES

Reasons for Refusal:

1. The proposed development by reason of its scale, design, depth and detailing would result in an overly dominant addition that would have a significantly detrimental impact upon the appearance and character of the building, the wider terrace and the East Cliff Conservation Area, contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan.
2. The proposed development, by reason its height, design, and depth would result in a significantly overbearing impact, a loss of light and an unacceptable sense of enclosure towards the adjoining property, No.35 Upper Rock Gardens. As such the proposal is contrary to policies 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
Site location plan			28 June 2013
Block plan			14 June 2013
Existing plans and elevations	12/10/01/01		14 June 2013
Proposed rear elevation	12/10/01/02		14 June 2013
Proposed side elevation	12/10/01/03		14 June 2013
Proposed lower ground floor plan	12/10/01/04		14 June 2013
Proposed upper ground floor plan	12/10/01/05		14 June 2013

From: Stephanie Powell
Sent: 10 July 2013 11:16
To: Chris Swain
Subject: Planning App: BH2013/01985 - slightly amended
Importance: High

Dear Chris,

I am writing in support of the above application, as one of the ward councillors of the QP area.

I have visited the property, and viewed the plans. I am supporting it because the proposals seem reasonable. It is also necessary for my constituent's business to run more effectively.

The proposed plans affect the rear of the property. On my visit, I noticed that other such extensions on nearby properties already exist, and some a quite a bit bigger than the proposed plan here.

In view of the earlier refusal, and the inability to find a way forward until now, I feel the applicant deserves support to enable him to run his business more efficiently, and that planning permission is granted in respect of these new proposals.

If this planning application is likely to be refused in the first instance, then I'd like to request that this item goes to the full Planning Committee for its consideration.

Regards,

Cllr Stephanie Powell
Green Party Councillor for Queens Park Ward
Brighton & Hove City Council

Chair, Licensing Committee
Disability Champion
Shared LGBT Champion role with Cllr Mike Jones
Member, Children & Young People's Committee
Member, East Sussex Fire Authority

ITEM F

**Land to South of 32 Cambridge
Grove, Hove, BN3 3ED**

**BH2013/02349
Full Planning**

BH2013/02349 Land to South of 32 Cambridge Grove, Hove



<u>No:</u>	BH2013/02349	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to South of 32 Cambridge Grove Hove		
<u>Proposal:</u>	Erection of 3no bedroom dwelling.		
<u>Officer:</u>	Helen Hobbs Tel 293335	<u>Valid Date:</u>	16/07/2013
<u>Con Area:</u>	Willett Estate	<u>Expiry Date:</u>	10 September 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Alan Phillips Architects, 31 Montefiore Road Hove BN3 1RD		
<u>Applicant:</u>	Mr John Cramer, C/O Agent 31 Montefiore Road Hove BN3 1RD		

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 is **REFUSE** planning permission, subject to the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

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

3 RELEVANT HISTORY

- BH2013/00254** Erection of 1no 3 bedroom dwelling. Refused 21st May 2013.
- BH2012/02186** Erection of detached dwelling house. Refused 17/10/2012.
- BH2000/02207/FP** Construction of 1 no. mews house. (Further revised proposals). Refused 07/03/2003. Appeal dismissed 29/12/2003.
- 3/88/1158** Outline application for a detached dwelling (on land adjoining) Refused 3/2/89. Appeal dismissed 15/01/1990.
- 3/88/0777** Outline Application. Demolition of existing dwelling and erection of three town houses. Refused 17/10/88

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a 3 bedroom dwelling. The dwelling would be two storey in height, although would appear single storey from Cambridge Grove as it is to be constructed on excavated ground. The layout of the dwelling would include 3 bedrooms and a bathroom at ground floor and a kitchen, living room and WC at lower ground floor.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Nine (9)** letters of representation have been received from **Flat 12 – 65 The Drive, 1 Parham House – Chatsworth Square, 104 Eaton Road, Flat 5 Phillip Court – 74a The Drive, 32 Cambridge Grove, Flat 20 Drive lodge 68-70 The Drive, 1 Wilbury Mansions – 39-41 Wilbury Villas, 38 Marlborough Court – 46-48 The Drive and 49 Elm Drive** supporting the application for the following reasons:

- Good use of waste land
- Innovative design

- 5.2 **One (1)** letter of representation has been received from **Save Hove** objecting to the application the application for the following reasons;

- Loss of light to the properties on Cromwell Road
- Overshadowing
- Overlooking
- Impact upon the listed buildings and the conservation area

Internal:

- 5.3 **Environmental Health: Comment**

Recommend approval subject to the recommended informative for land contamination.

- 5.4 **Heritage: Comment**

Recommend refusal due to the effect of a new structure upon the openness of the site and the separation it currently gives between the grand Victorian terrace of Cromwell Road to the south and its mews to the north.

- 5.5 **Sustainable Transport: Comment**

Recommended approval as the Highway Authority has no objections to this application subject to the recommended conditions.

- 5.6 **Access Officer: Comment**.

The application is satisfactory for Lifetime Homes.

- 5.7 **Arboriculture (comments from previous application BH2012/02186 and BH2013/00254): Comment**

There is one small, juvenile Elm on site.

The Arboricultural Section would recommend that this tree is felled, and a suitable species planted on site to replace it, perhaps one or two fruit trees on

dwarf root stock may be suitable for this location. Overall, the Arboricultural Section has no objection to this application

5.8 **CAG: Object**

Recommend refusal due to the design being contrary to Policy HE6, in that the proposal fails to preserve or enhance the character or appearance of the conservation area.

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:

- Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of ;
- East Sussex and Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coal yard 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 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)

Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards

PLANNING COMMITTEE LIST – 18/09/13

SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

City Plan Part One (submission document)

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

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

Planning Policy:

- 8.2 The thrust of policies QD1, QD2 and QD3 of the Local Plan is to require a high standard of design that emphasises and enhances the positive qualities of the neighbourhood and avoid town cramming. Local Plan Policies HE3 and HE6 seek to ensure that development does not have an adverse impact on the setting of listed buildings or the character and appearance of conservation areas.
- 8.3 The properties to the south are large semi detached properties which are Grade II listed. These properties have long gardens, which abut the mews buildings fronting Cambridge Grove. No. 76 The Drive has been subdivided into flats and

the original long garden has been divided into the garden space of 76A and 76B, as well as the application site. This subdivision appears to have been in place for over 10 years.

- 8.4 The properties fronting Cambridge Grove are two storey mews properties with small rear gardens. No. 32 Cambridge Grove is an anomaly within the area, in terms of design, appearance and siting. It is sited at right angles to Cambridge Mews, with an 'L' shaped footprint, flat roof and plain elevations, and appears to have been built later than the original mews buildings.
- 8.5 The site has had three previous refusals for the erection of a new dwelling house (refs: BH2000/02207/FP, BH2012/02186 & BH2013/00254). The older application (ref: BH2000/02207/FP) was subsequently dismissed at appeal on the grounds that the proposal would significantly affect the Willett Estate Conservation Area. The inspector stated that the proposed dwelling would 'fill a good proportion of the remaining gap between the Cromwell Road properties and the mews, fronting Cambridge Grove and harm the open relationship. As such the proposal would have an adverse effect on the openness of the garden area, interrupting the general view and outlook when seen from The Drive'.
- 8.6 The 2012 application (ref: BH2012/02186) differed in size and design to that of the previously refused scheme in 2000, as it proposed a two storey property that would closely match the design and scale of No. 32 Cambridge Mews and in fact from the front would have been a mirror image of this property. This application was refused on similar grounds to the first application, due to the harmful loss of openness between the grade II listed properties and the mews buildings, the design of the dwelling appearing incongruous in this historic mews setting, as well as the dwelling having an overly dominant and overbearing impact upon the neighbouring gardens.
- 8.7 The 2013 application (ref: BH2013.00254) proposed what would have appeared to be a single storey dwelling on account of the excavated lower ground level. The front boundary wall would have been in the form of a 2.7m green wall, spanning the full width of the plot. This application was again refused on grounds similar to the previous applications.
- 8.8 The current proposal is similar to the most recent application in that it would appear single storey from the road due to the creation of a lower ground level, however the proposed dwelling would have a different orientation, siting and front boundary treatment. Notwithstanding these changes, the principle of the scheme for an additional dwelling on this plot is unacceptable. The proposal does not sufficiently improve the lack of openness of the site, as the height of the dwelling remains the same, albeit over a shorter frontage. The proposed modern design of the dwelling would also be out of keeping and the proposal is therefore considered to have a significantly harmful impact upon the Willett Estate Conservation Area and open setting to the rear of the listed buildings.
- 8.9 The dwelling would result in the loss of this plot which has historically formed garden land and this 3 bedroom property would result in an overdevelopment of the land. It would appear incongruous within this locality due to the loss of the

important spacing around and between properties which currently exists, therefore resulting in town cramming, out of keeping with the surrounding conservation area.

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

Design

- 8.11 This site is to be excavated down a maximum of 3m, to accommodate a lower ground floor to appear as single storey from the adjacent road. The dwelling would face the south, with solid walls to the west, east and north elevations. It would be positioned on the northern half of the plot and would be the full depth of the plot. The western elevation would form part of the front boundary, spanning 6.5m of the plot with a height of 2.7m. Amended plans have been received during the course of the application, which have sought to address some of the issues regarding the front boundary that have been raised by the Heritage Officer. The boundary would now drop down to a height of 1.1m. Where the boundary drops down in height, the dwelling is still visible along the boundary as it would have a splayed corner angled away from the boundary. The gate would be positioned to the southern side and allows access into the dwelling via an external staircase down to the lower ground entrance.
- 8.12 The applicant has stated that the design of the front boundary wall would maintain the openness of this plot. However it is considered that this would not sufficiently improve the lack of openness, as the height of the dwelling would remain the same and would cover over half of the plot. Furthermore parts of the boundary itself would be significantly taller than typical side and rear garden walls in the Willett Estate, and bears no resemblance to the character of the surrounding buildings. Whilst the proposed gate has been designed to match the gate at No. 76b The Drive, it would appear as an incongruous feature which would poorly relate to the height of the boundary wall.
- 8.13 The appearance of this frontage would appear out of keeping and overly dominant within the Cambridge Grove street scene and would not be sympathetic to its surroundings. It would therefore still result in the loss of the current open views across the gardens.
- 8.14 The dwelling would have a flat roof with solar panels on top. Amended plans have been received to show that the photovoltaics would lay flat against the roof. Whilst this would make them less prominent, the height of the roof and the gradient of The Drive, the panels would still be highly visible and are considered inappropriate features in this location, particularly given the high number of panels.

- 8.15 The glazing would all be positioned on the south elevation, resulting in the large blank walls to the other sides which would be fully visible especially from Cambridge Grove and the listed villas in Cromwell Road. Both storeys of the proposed dwelling would also be visible from some views, and therefore given the large expanse of brick, the proposed dwelling would appear overly bulky, further exacerbating the loss of the openness.
- 8.16 The south elevation would also contain a projecting ensuite shower enclosure on the upper floor which would be clad in obfuscated Profilit glazing system. This feature would be visible from the street scene and the surrounding properties and due to its projecting nature and materials, would appear incongruous. The glazing on this elevation involves full height folding doors at lower ground floor. The ground floor has a mix of full height folding doors and timber panels which have been poorly positioned. The splayed corner appears contrived. This elevation, due to the use of materials, window pattern and projecting elements overall results in a discordant appearance.
- 8.17 The overall design of the dwelling is modern and minimalist. It does not reflect either the Victorian mews architecture of Cambridge Grove or the surviving vinery / orangery glasshouses on their raised arcaded platforms in the rear gardens of the Cromwell Road villas. It would appear discordant in this locality which has a very strong and distinctive character and is almost entirely late Victorian. It would still result in the loss of the open space between the Cromwell Road frontage and the mews at the rear.

Standard of Accommodation

- 8.18 The proposed dwelling would accommodate 3 bedrooms with the amenity space being provided at the rear lower ground level. The 3 bedroom house as proposed forms a good sized standard of accommodation. It is acknowledged that there would be no provision of natural light from the west and east elevations, however given the amount of glazing on the south elevation, this would provide adequate light, ventilation and outlook. One concern is that these windows would be largely overlooked, particularly from the upper floors of No. 76 The Drive. However given the distance separating these properties and that a degree of mutual overlooking is expected within an urban location, the proposal would still provide adequate accommodation.

Lifetime Homes

- 8.19 Local plan policy HO13 Accessible housing and lifetime homes, states that proposals for new residential homes will only be permitted if they are built to Lifetime Home Standards, whereby they can meet the needs of people with disabilities without major structural alterations.
- 8.20 The applicant has stated within the Design and Access Statement that it will be built to lifetime home standards. The Access Officer has raised no objections and therefore if the principle of the proposal was acceptable, a condition would be attached to ensure that Lifetime Homes standards were met.

Impacts on the Amenity of Adjacent Occupiers

- 8.21 Policy QD27 seeks to protect proposed, existing and/or adjacent users, residents and occupiers from harmful development or changes of use and development.
- 8.22 The gardens of the properties on Cromwell Road are set at a lower level than the application site. As with the previous application, there still appear to be some inaccuracies on the plans in terms of the height of the existing rear boundary fence and the ground level of the garden and outbuilding of No. 20 Cromwell Road as well as the existing window location and design of the adjoining properties. The dwelling would be positioned upon this boundary and would have a width of 6.5m. Regardless of the inaccurate plans, given the width and height of the dwelling on this boundary, the proposal would result in an unacceptable impact in terms of overbearing and sense of enclosure to the garden of No. 20 Cromwell Road. The proposal would have a similar impact upon the property to the north No. 32 Cambridge Grove. The shared boundary is currently in the form of 2m high trellising which allows light through and does not have the same impact as a solid boundary. The solid wall of the dwelling would not only enclose the property and garden space of No. 32, given the orientation of the properties it would also result in overshadowing and loss of light.
- 8.23 The glazing would have a southerly aspect and would face directly onto No. 76 The Drive. The lower ground glazing and garden, given their sunken positioned would not result in any overlooking or privacy issues. The ground floor windows would mainly be screened by the existing boundary fence and would be approximately 17m from the nearest windows. The dwelling could provide views into the upper floor windows on No. 76, however this harm is not considered significant as it would not be direct overlooking and the properties are sited within an urban location where mutual overlooking does occur. It is therefore considered that there would not be any significant overlooking or loss of privacy.

Sustainability

- 8.24 Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within supplementary planning document 08, sustainable building design, recommends that a development of this scale incorporates a sustainability checklist and meets Level 5 of the Code for Sustainable Homes (CSH).
- 8.25 The application is accompanied by a sustainability checklist which indicates an aim to achieve at least Level 5 of the CSH. This is considered an appropriate level to attain for this site. If the proposal had been acceptable, this could have been ensured by condition.
- 8.26 Policy SU2 requires all new developments to make provision for adequate refuse and recycling storage facilities. The applicant has stated within the Design and Access statement that these facilities have been included in the scheme; however it is not clear on the plans where they would be positioned. The site has adequate space for a bin and bicycle store and so further details for this could be conditioned, if the proposal were considered acceptable.

Transport

- 8.27 Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered and secured cycle parking facilities for residents. The development does not provide any off-street parking and the site is located within a controlled parking zone.
- 8.28 The Transport Officer states that the proposal is in compliance with the standards set out in SPG04, and therefore has no objections in principle. The site is within close proximity to a range of public transport including Hove railway station and local facilities; therefore if the application were acceptable, a standard condition requiring the development to be car free would be attached to any approval.
- 8.29 The applicant has stated within the Design and Access statement that level access has been provided for a bicycle store. The bicycle store is not evident on the plans, however it would appear that there is adequate space for a store and therefore if the application were to be acceptable, a condition could be attached to any approval requesting further details to be approved.

Arboriculture

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

Environmental Health

- 8.31 The Environmental Health Officer has commented on the application and advises that as the site is situated approximately 15m away from The Drive where noise due to traffic may have an impact on future residents.
- 8.32 It is noted that the façade facing the road does not contain any windows. Therefore in this instance an acoustic report will not be required especially as any potential purchasers/users of the property will be aware that it is situated near to a busy main road.
- 8.33 The proposed site is located close to several motor car garages along Cambridge Grove. Such uses may have resulted in localised land contamination both on site and adjacent to it. Additionally, there is a derelict tank in Cambridge Grove. Therefore, whilst this site is not on potentially contaminated land, due to its close proximity to such sites a Contaminated Land Discovery condition would be suitable for this development simply for the unexpected situation that potential land contamination is discovered during works. This could be addressed by condition if the scheme were otherwise acceptable.

9 CONCLUSION

- 9.1 The development would result in a harmful loss of openness between the listed buildings fronting Cromwell Road and the mews buildings at the rear, to the

detriment of the prevailing character and appearance of the Willett Estate conservation area. Furthermore the proposal would fail to respect or enhance the local context and the positive qualities of the local neighbourhood. The development would be detrimental to the amenity of adjoining properties.

10 EQUALITIES

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

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

- 1) The development would result in a harmful loss of openness between the Grade II Listed properties on The Drive/Cromwell Road and the mews buildings in Cambridge Grove, to the detriment of the prevailing character and appearance of the Willett Estate Conservation Area, contrary to policies QD2, HE3 and HE6 of the Local Plan.
- 2) The development, by reason of its siting and scale as well as the increased height to the boundaries, would appear overly dominant and overbearing, particularly from the neighbouring gardens of Cromwell Road and constitutes a cramped form of development. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the local neighbourhood and would have a negative impact upon the amenity of the adjoining properties, contrary to policies QD1, QD2, QD3 and QD27 of the Local Plan.
- 3) The proposed dwelling, by reason of its design, materials and detailing would appear incongruous within the historic mews setting, to the detriment of the Willett Estate Conservation Area, contrary to policies QD1, QD2, QD3, QD5 and HE6 of the Local Plan.
- 4) The development, by reason of its siting and scale would result in a loss of light and overshadowing to neighbouring properties, in particular No 32 Cambridge Grove. The proposal would therefore have a harmful impact upon the amenity of these adjoining properties, contrary to QD27 of the Local Plan.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Location plan	CG.01		12th July 2013
Block plan & Aerial views	CG.02		12th July 2013
Context images	CG.03		12th July 2013

PLANNING COMMITTEE LIST – 18/09/13

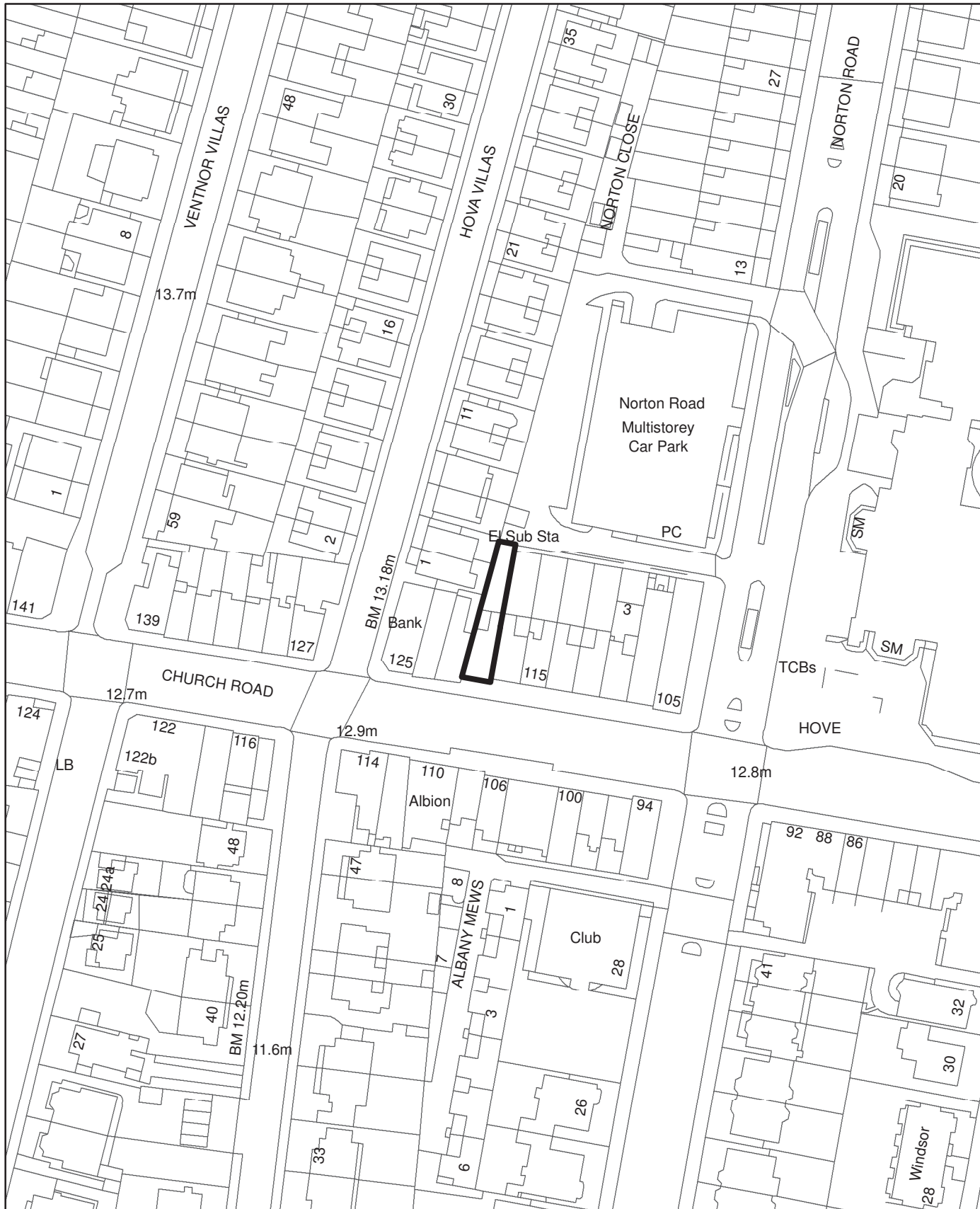
Site plan	CG.04		12th July 2013
Existing plan	CG.05		12th July 2013
Existing street/rear elevation	CG.06		12th July 2013
Existing north elevation	CG.07		12th July 2013
Proposed lower ground floor plan	CG.08		12th July 2013
Proposed ground floor plan	CG.09		12th July 2013
Proposed roof plan	CG.10	A	13th August 2013
Proposed section A-A	CG.11	A	13th August 2013
Proposed street/rear elevations	CG.12	A	13th August 2013
Proposed north & south elevations	CG.13	A	13th August 2013
Proposed photo montage	CG.14		13th August 2013

ITEM G

119 Church Road, Hove, BN3 2AF

**BH2013/02074
Full Planning**

BH2013/02074 119 Church Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02074	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	119 Church Road Hove		
<u>Proposal:</u>	Erection of single storey rear extension.		
<u>Officer:</u>	Helen Hobbs Tel 293335	<u>Valid Date:</u>	08/07/2013
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	02 September 2013
<u>Listed Building Grade:</u> Grade II			
<u>Agent:</u>	Mark Hills Architectural Services, Flat 7 8 Eaton Gardens Hove BN3 3TP		
<u>Applicant:</u>	Mr Elvis Kiri, Flat 4 26 Hove Park Villas Hove BN3 6HG		

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 mid-terrace building located on the north side of Church Road, Hove. The building is Grade II listed and located within The Avenues Conservation Area. The existing use of the site is a wine bar (A4) / Restaurant (A3). The rear elevation of the property retains most of its original external form.

3 RELEVANT HISTORY

BH2013/02075 LBC Erection of single storey rear extension. Under Consideration.

BH2013/00428 Application for variation of conditions 1 & 2 of BH2010/01342 (Change of Use from Restaurant and Cafe (A3) to a Drinking Establishment (A4) and associated external alterations (Part Retrospective)) that the use will be open to customers and garden be open to customers and staff between the hours of 12.00 - 02.00 (the following day) Monday to Saturday and 12.00 - 01.00 (the following day) on Sunday. Refused 29/04/2013.

BH2012/03725 Erection of single storey rear extension. Refused 23/01/2013.

BH2010/01343: LBC for the replacement of a basement window, railings and wall to external basement stairs, and internal alterations to facilitate new seating areas and TV brackets (Part Retrospective). Approved 23/07/2010.

BH2010/01342 Change of Use from Restaurant and Cafe (A3) to a Drinking Establishment (A4) and associated external alterations (Part Retrospective). Approved 23/07/2010.

BH2010/00429: Change of use from restaurant (A3) to public bar (A4). Withdrawn.

BH2005/05636: LBC for the provision of new garden room at ground floor and extension of basement into lightwell. Replacement of first floor window with timber sash. Approved 08/11/2005.

BH2005/05637: Provision of new garden room at ground floor and extension of kitchen by covering lightwell with flat roof. Replacement window at first floor rear. Approved 28/11/2005.

BH2005/01212/FP: Construction of a single storey extension (to replace existing structure). (Resubmission of Refused application BH2004/00627/FP). Refused 14/06/2005.

BH2004/00627/FP: Provision of new toilets, kitchen and winter garden room to replace existing unauthorised toilets and garden room. Refused 20/04/2004.

BH2000/03117/LB: Listed building consent for works associated with change of use from shop to restaurant. Approved 11/01/2001.

BH2000/02913/FP: Change of use from shop (A1) to Restaurant (A3). Approved 11

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a rear extension. The proposed extension would be built inline with the rear wall of the outrigger and would have a glazed roof and minimal solid walls in the north elevation.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eleven (11)** letters of representation have been received from **1 Hove Villas, 3 Hove Villas, 4a Hova Villas, 7 Hove Villas, 9 Hova Villas, 9A Hova Villas, 11 Hova Villas, Flat 2 – 13 Hova Villas, 15A Hova Villas and 39 Langdale Road** objecting the application for the following reasons:

- extended opening hours resulting in noise, disturbance and antisocial behaviour
- the glazed roof would not be soundproofed.
- the number of existing toilets would not be sufficient to service the additional floorspace.

- 5.2 A letter of representation has been received from **Councillor Graham Cox** objecting to this application. This letter is attached to this report.

Internal:

- 5.3 **Heritage: Comment**

This application follows a number of inappropriate proposals for this property which did not respect the traditional form of terrace development typical of 19th century housing and along with unsympathetic rear extensions of neighbouring properties (built prior to listing) would have further eroded the outrigger arrangement which is characteristic feature that should not be lost.

- 5.4 This proposal is to build in line with the back wall of the outrigger, however the use of glazing for the roof, and minimal solid walls in the north elevation, along with a very slight set back and the single storey height will retain the prominence of the original building allowing the new element to be read as a light weight addition that will not detract from the historic form.
- 5.5 The loss of the sliding sash window is regrettable, however the use of this ground floor is severely limited by the position of the toilets and it is considered that the harm caused is acceptable in this instance.

5.4 **Arboriculture: Comment**

There is one tree on site, a Prunus spp, that is in close proximity to the proposed development and may be affected by the development. The tree is situated at the top of a flight of steps and is surrounded by concrete, flint walls etc. The roots of the tree will be under concrete etc and therefore no Root Protection Zone is required during the course of the development, however, the Arboricultural Section would ask for the main stem of the tree to be protected during the course of the development by means of a wooden framework clad in marine ply etc. Overall the Arboricultural Section has no objection to the proposals in this application subject to a suitable condition regarding protection of the tree during the course of the development being attached to any planning consent granted.

Sustainable Transport: Comment

- 5.5. The proposals are not considered to have a transport impact and therefore the Highway Authority has no objections to this application.

Environmental Health: Comment

- 5.6 119 Church Road was once a coal and coke merchants and also at one point a printers. These uses could have resulted in localised land contamination, so 119 Church Rd has been identified as potentially contaminated land under Part IIA of the Environmental Protection Act 1990.
- 5.7 The plans show that a small single storey rear extension is proposed at the rear of the premises. Due to the size of the development and that it is to extend the commercial use that already exists at the premises, it is recommended that a contaminated land discovery strategy is included as an informative to this proposal. This simply means that if during the development of the extension, any previously unsuspected contamination is found, work should stop and the potential contaminants should be risk assessed and dealt with as appropriate.

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
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- HE1 Listed Buildings
- HE3 Development affecting the setting of a listed building
- HE4 Reinstatement of original features on listed buildings
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH11 Listed Building Interiors
- SPGBH13 Listed Buildings- General Advice

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in the favour of Sustainable development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations material to this application are the impacts of the proposed extension upon the amenities of adjacent occupiers, as well as the impact on the character and appearance of the conservation area and Grade II Listed Building.

8.2 Planning Policy:

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

8.4 Policy HE6 of the Brighton and Hove Local Plan states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area.

8.5 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

8.5 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.

8.6 Design:

The application seeks consent for a rear extension, to infill the area between the outrigger and the side boundary. The proposed extension would project a maximum of 2.5m and would have a slight set back from the rear building line of the existing outrigger. It would have an eaves height of 2.4m with a sloping glazed roof with a maximum height of 3.9m. The rear elevation of the extension would mainly contain glazing on account of the proposed double doors which would be the full width of the extension. The small amount of exterior walls would be painted render to match the main building.

8.7 This listed property has lost some of its internal character, however retains most of its external form which other properties within this terrace have lost. The rear of the property is highly visible from the neighbouring properties, including the

residential properties which adjoin the west boundary, and is also highly visible from the Norton Road Car Park to the north of the site.

- 8.8 It is acknowledged that some of the properties within this terrace have had substantial extensions. A number of these do not have recent planning permission and may well have been constructed before this terrace was listed in 1992. There has been a more recent extension, which was granted permission in 2004 (BH2004/03301/LB & BH2004/03390/FP) at No.109 Church Road. This application was for a first floor rear extension above an existing ground floor addition, for which there is no planning history. This application was granted on the grounds that it was considered to make improvements to this ground floor extension. It appears that in this case the original elevation of this property had already been compromised by the ground floor extension which is not true of the application site, which still has its original plan form in tact.
- 8.9 There have been a number of inappropriate proposals for a rear extension at this site which have recently been refused. The previous proposals involved a footprint that would wraparound the outrigger and as such would have failed to respect the traditional form of the terrace development and would have eroded the original arrangement. The character of the outrigger is a feature that should not be lost.
- 8.9 The Heritage Officer has stated that the proposed extension proposes to build in line with the back wall of the outrigger, however with the use of glazing for the roof, and minimal solid walls to in the north elevation, along with the slight set back, will retain the prominence of the original building allowing the new element to be read as a light weight addition that will not detract from the historic form.
- 8.10 The proposal would result in the loss of a traditional sliding sash window on the rear elevation which is regrettable, however the Heritage Officer states that the use of this ground floor is severely limited by the position of the toilets and it is considered that the harm caused is acceptable in this instance.
- 8.11 The rear of this property currently has a basement lightwell with steps leading up to the garden level. A fence surrounds the steps which partitions off this area from the main garden and creates a storage space. The proposed extension would result in the lightwell being enclosed and the steps being removed. This area as existing appears overly cluttered and the fencing is an incongruous feature. The proposed extension would therefore improve the appearance of this corner and the enclosing of the basement level is considered acceptable.
- 8.12 No large scale details of the proposed doors or the roof frame have been submitted with the application and therefore these will be required by condition, to ensure the satisfactory appearance of the development.
- 8.13 The proposed extension is considered to be a sympathetic addition that would not harm the historic character and appearance of the Grade II listed property or the surrounding conservation area.

Impact on Amenity:

- 8.14 The application site adjoins commercial properties at ground floor level to the east and west, with a mix of residential and office uses above. To the north west corner the site adjoins the rear of the residential properties fronting Hova Villas. The bulk of the extension would be at ground and basement levels. The extension would be built on the common boundary with No. 121 Church Road, a Chinese restaurant at ground floor. The boundary fence would screen the majority of the extension, with only the glazed roof protruding above the boundary. Given the use of the ground floor of No. 121 and the boundary treatment, the bulk of the extension would not have a significantly detrimental impact. To the west of the site, is No. 117 a retail unit at ground floor. The development would not be visible from this property on account of the extension not projecting forward of the outrigger. There would be no issues of loss of privacy or overlooking from the rear doors as they would provide similar outlook to the existing windows. Given the position of the glazed roof, again this would not cause overlooking or loss of privacy.
- 8.15 A number of the residential properties fronting Hova Villas have objected to the application. A number of these representations state that no objection is raised regarding the rear extension, however concerns lie with the opening hours of the premises, which if extended could result in significant noise and disturbance. This application does not include a change to the opening hours of the venue or the garden. The applicant has stated the correct opening hours on the application form and these are inline with condition attached to the change of use application in 2010, ref: BH2010/01342. This previous application also conditioned that the use of the garden was only open to customers between the hours of 10.00 and 22.00 daily. These conditions still apply to the site. Whilst the applicant has stated within the Design and Access statement that the 'benefit of the proposed layout would be to encourage customers to see and use the rear garden' this application does not allow the garden to be used after its current closure time of 22.00. Any change in opening hours would require a further planning application. To further safeguard the amenity of the adjoining properties, conditions will be attached to ensure that the opening hours of the venue and the garden area remain inline with the previous consent and to ensure that the new access into the garden is closed at 22.00.
- 8.16 Concerns are also raised that the glazed roof would not be as sound proof as the a solid structure. In line with the condition to be attached it will be required that the doors are shut at 22.00. There is no evidence to suggest that the proposed roof would not be as sound proof as a solid roof. Furthermore Environmental Health have raised no objections on these grounds.

Other Considerations:

Environmental Health:

- 8.17 The application site was once a coal and coke merchants and also at one point a printers. These uses could have resulted in localised land contamination, and therefore the site has been identified as potentially contaminated land under Part 11A of the Environmental Protection Act 1990.
- 8.18 The plans show that a small single storey rear extension is proposed at the rear of the premises. Due to the size of the development and that it is to extend the

commercial use that already exists at the premises, it is recommended that a contaminated land discovery strangely is included as an informative to this proposal. Therefore during the development of the extension, any previously unsuspected contamination is found, work should stop and the potential contaminants should be risk assessed and dealt with as appropriate.

Arboriculture:

- 8.19 There is one tree on site, a Prunus spp, that is in close proximity to the proposed development and may be affected by the development.
- 8.20 The tree is situated at the top of a flight of steps and is surrounded by concrete, flint walls etc.
- 8.21 The roots of the tree will be under concrete etc and therefore no Root Protection Zone is required during the course of the development, however, the Arboricultural Section has states that the main stem of the tree should be protected during the course of the development by means of a wooden framework clad in marine ply etc. This will be addressed by condition.

9 CONCLUSION

- 9.1 The proposed extension would not significantly harm the historic character and appearance of the Grade II Listed building or the surrounding conservation area. Furthermore the amenity of the neighbouring properties will not be harmed.

10 EQUALITIES

- 10.1 None identified.

11 CONDITIONS / INFORMATIVES

Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location/ordnance plans	1211-01		19th June 2013
Existing floor plans	1211 02		19th June 2013
Proposed floor plans	1211 03		19th June 2013
Rear (north) elevation as existing	1211 04		19th June 2013
Rear (north) elevation as proposed	1211 05		19th June 2013

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East and west elevations as existing	1211 06		19th June 2013
East and west elevations as proposed	1211 07		19th June 2013
Proposed extension	1211 08		19th June 2013
Existing north elevation	1211 09		19th June 2013
Proposed north elevation	1211 10		19th June 2013

3) The external finishes of the external wall hereby permitted shall match in material, colour, and texture those of the existing building.

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

4) The proposed extension hereby permitted shall be used in conjunction with the opening hours of the main building and shall not be open to customers except between the hours of 10.00 and 23.30 on Mondays to Saturdays and between 12.00 and 23.00 on Sundays and Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

5) The use of the garden area shall not be open to customers or staff except between the hours of 10.00 and 22.00 daily and all external activity shall cease at this time.

Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

6) The doors within the north elevation of the extension shall be closed and not used by staff or customers (except in emergencies) between the hours of 22.00 and 10.00 the following day.

Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

7) 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.

8) No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the doors and roof frame 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 policies HE1 and HE6 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 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 extension would not significantly harm the historic character and appearance of the Grade II Listed building or the surrounding conservation area. Furthermore the amenity of the neighbouring properties will not be harmed.
3. The applicant is advised that it has been identified that the land is potentially contaminated. If, during development, contamination not previously identified is found to be present at the site then no further development should be carried out until the developer contacted the Council's Environmental Health Department for advice. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Sent: 29 July 2013 07:51

To: Helen Hobbs

Subject: RE: 119 Church Road Hove, Application reference BH2013/02074 and 02075

Helen Hobbs
Planning Department
Brighton and Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 3BQ

Helen

I am emailing in connection with this application as a local resident (of 53 Hova Villas) rather than as a Councillor.

I have no objection to the proposed physical extension to the building.

I do though note there is another attempt to extend the opening hours of the bar. This would have a detrimental impact on nearby residents, including noise and disturbance. The opening hours should remain as per what was approved in 2010 (BH2010/01342). Any extension to the hours would be unreasonable.

I ask that the current opening hours of the 119 Church Road are not extended and in addition that the Council ensures the currently approved hours are complied with.

Many thanks

Graham

Graham Cox
Councillor for Westbourne Ward

ITEM H

119 Church Road, Hove, BN3 2AF

**BH2013/02075
Listed Building**

BH2013/02075 119 Church Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02075	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	119 Church Road Hove		
<u>Proposal:</u>	Erection of single storey rear extension.		
<u>Officer:</u>	Helen Hobbs	<u>Valid Date:</u>	08/07/2013
<u>Con Area:</u>	The Avenues CA	<u>Expiry Date:</u>	02 September 2013
<u>Listed Building Grade:</u> Grade II listed building			
<u>Agent:</u>	Mark Hills Architectural Services, Flat 7 8 Eaton Gardens Hove BN3 3TP		
<u>Applicant:</u>	Mr Elvis Kiri, Flat 4 26 Hove Park Villas Hove BN3 6HG		

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** Listed Building Consent subject to the Conditions and Informatives set out in section 11

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a mid-terrace building located on the north side of Church Road, Hove. The building is Grade II listed and located within The Avenues Conservation Area. The existing use of the site is a wine bar (A4) / Restaurant (A3). The rear elevation of the property retains most of its original external form.

3 RELEVANT HISTORY

BH2013/02074 FP Erection of single storey rear extension. Under Consideration.

BH2013/00428 Application for variation of conditions 1 & 2 of **BH2010/01342** (Change of Use from Restaurant and Cafe (A3) to a Drinking Establishment (A4) and associated external alterations (Part Retrospective)) that the use will be open to customers and garden be open to customers and staff between the hours of 12.00 - 02.00 (the following day) Monday to Saturday and 12.00 - 01.00 (the following day) on Sunday. Refused 29/04/2013.

BH2012/03725 Erection of single storey rear extension. Refused 23/01/2013.

BH2010/01343: LBC for the replacement of a basement window, railings and wall to external basement stairs, and internal alterations to facilitate new seating areas and TV brackets (Part Retrospective). Approved 23/07/2010.

BH2010/01342 Change of Use from Restaurant and Cafe (A3) to a Drinking Establishment (A4) and associated external alterations (Part Retrospective). Approved 23/07/2010.

BH2010/00429: Change of use from restaurant (A3) to public bar (A4). Withdrawn.

BH2005/05636: LBC for the provision of new garden room at ground floor and extension of basement into light well. Replacement of first floor window with timber sash. Approved 08/11/2005.

BH2005/05637: Provision of new garden room at ground floor and extension of kitchen by covering light well with flat roof. Replacement window at first floor rear. Approved 28/11/2005.

BH2005/01212/FP: Construction of a single storey extension (to replace existing structure). (Resubmission of Refused application BH2004/00627/FP). Refused 14/06/2005.

BH2004/00627/FP: Provision of new toilets, kitchen and winter garden room to replace existing unauthorised toilets and garden room. Refused 20/04/2004.

BH2000/03117/LB: Listed building consent for works associated with change of use from shop to restaurant. Approved 11/01/2001.

BH2000/02913/FP: Change of use from shop (A1) to Restaurant (A3). Approved 11/01/2001.

4 THE APPLICATION

- 4.1 Listed Building Consent is sought for the erection of a rear extension. The proposed extension would be built inline with the rear wall of the outrigger and would have a glazed roof and minimal solid walls in the north elevation.

5 PUBLICITY AND CONSULTATIONS

External

- 5.1 **Neighbours: Eleven (11)** letters of representation have been received from **1 Hove Villas, 3 Hove Villas, 4a Hova Villas, 7 Hove Villas, 9 Hova Villas, 9A Hova Villas, 11 Hova Villas, Flat 2 – 13 Hova Villas, 15A Hova Villas and 39 Langdale Road** objecting the application for the following reasons:

- extended opening hours resulting in noise, disturbance and antisocial behaviour
- the glazed roof would not be soundproofed.
- the number of existing toilets would not be sufficient to service the additional floor space.

A letter of representation has been received from **Councillor Graham Cox** objecting to the application. The letter is attached to this report.

Internal:

- 5.2 **Heritage: Support**

This application follows a number of inappropriate proposals for this property which did not respect the traditional form of terrace development typical of 19th century housing and along with unsympathetic rear extensions of neighbouring properties (built prior to listing) would have further eroded the outrigger arrangement which is characteristic feature that should not be lost. This

proposal is to build in line with the back wall of the outrigger, however the use of glazing for the roof, and minimal solid walls in the north elevation, along with a very slight set back and the single storey height will retain the prominence of the original building allowing the new element to be read as a light weight addition that will not detract from the historic form. The loss of the sliding sash window is regrettable, however the use of this ground floor is severely limited by the position of the toilets and it is considered that the harm caused is acceptable in this instance.

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:

HE1 Listed Buildings

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

Supplementary Planning Documents:

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 whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building.
- 8.2 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) **the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and**
 - b) **the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.**

Design:

- 8.3 The application seeks consent for a rear extension, to infill the area between the outrigger and the side boundary. The proposed extension would project a maximum of 2.5m and would have a slight set back from the rear building line of the existing outrigger. It would have an eaves height of 2.4m with a sloping glazed roof with a maximum height of 3.9m. The rear elevation of the extension would mainly contain glazing on account of the proposed double doors which would be the full width of the extension. The minimal amount of exterior walls would be painted render to match the main building.
- 8.4 This listed property has lost some of its internal character, however retains most of its external form which other properties within this terrace have lost. The rear of the property is highly visible from the neighbouring properties, including the residential properties which adjoin the west boundary, and is also highly visible from the Norton Road Car Park to the north of the site.
- 8.5 It is acknowledged that some of the properties within this terrace have had substantial extensions. A number of these do not have recent planning permission and may well have been constructed before this terrace was listed in 1992. There has been a more recent extension, which was granted permission in 2004 (BH2004/03301/LB & BH2004/03390/FP) at No.109 Church Road. This application was for a first floor rear extension above an existing ground floor addition, for which there is no planning history. This application was granted on the grounds that it was considered to make improvements to this ground floor extension. It appears that in this case the original elevation of this property had already been compromised by the ground floor extension which is not true of the application site, which still has its original plan form in tact.

- 8.6 There have been a number of inappropriate proposals for a rear extension at this site, which have recently been refused. The previous proposals involved a footprint that would wraparound the outrigger and as such would have failed to respect the traditional form of the terrace development and would have eroded the original arrangement. The character of the outrigger is a feature that should not be lost.
- 8.7 The Heritage Officer has stated that the proposed extension proposes to build in line with the back wall of the outrigger, however with the use of glazing for the roof, and minimal solid walls to the north elevation, along with the slight set back, will retain the prominence of the original building allowing the new element to be read as a light weight addition that will not detract from the historic form.
- 8.8 The proposal would result in the loss of a traditional sliding sash window on the rear elevation which is regrettable, however the Heritage Officer states that the use of this ground floor is severely limited by the position of the toilets and it is considered that the harm caused is acceptable in this instance.
- 8.9 The rear of this property currently has a basement light well with steps leading up to the garden level. A fence surrounds the steps which partitions off this area from the main garden and creates a storage space. The proposed extension would result in the light well being enclosed and the steps being removed. This area as existing appears overly cluttered and the fencing is an incongruous feature. The proposed extension would therefore improve the appearance of this corner and the enclosing of the basement level is considered acceptable.
- 8.10 No large scale details of the proposed doors or the roof frame have been submitted with the application and therefore these will be required by condition, to ensure the satisfactory appearance of the development.
- 8.11 The proposed extension is considered to be a sympathetic addition that would not harm the historic character and appearance of the Grade II listed building.

9 CONCLUSION

- 9.1 The proposed extension is considered to be a sympathetic addition that would not harm the historic character and appearance of the Grade II listed building.

10 EQUALITIES

- 10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Regulatory Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

PLANNING COMMITTEE LIST – 18/09/13

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The external finishes of the external wall hereby permitted shall match in material, 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.

Pre-Commencement Conditions:

- 3) No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the doors and roof frame 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 policies HE1 and HE6 of the Brighton & Hove Local Plan.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location/ordnance plans	1211-01		19th June 2013
Existing floor plans	1211 02		19th June 2013
Proposed floor plans	1211 03		19th June 2013
Rear (north) elevation as existing	1211 04		19th June 2013
Rear (north) elevation as proposed	1211 05		19th June 2013
East and west elevations as existing	1211 06		19th June 2013
East and west elevations as proposed	1211 07		19th June 2013
Proposed extension	1211 08		19th June 2013
Existing north elevation	1211 09		19th June 2013
Proposed north elevation	1211 10		19th June 2013

- 2) This decision to grant Listed Building Consent 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 extension is considered to be a sympathetic addition that would not harm the historic character and appearance of the Grade II listed building.



**Brighton & Hove
City Council**

PLANS LIST – 18 SEPTEMBER 2013

COUNCILLOR REPRESENTATION

Sent: 29 July 2013 07:51

To: Helen Hobbs

Subject: RE: 119 Church Road Hove, Application reference BH2013/02074 and 02075

Helen Hobbs
Planning Department
Brighton and Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 3BQ

Helen

I am emailing in connection with this application as a local resident (of 53 Hova Villas) rather than as a Councillor.

I have no objection to the proposed physical extension to the building.

I do though note there is another attempt to extend the opening hours of the bar. This would have a detrimental impact on nearby residents, including noise and disturbance. The opening hours should remain as per what was approved in 2010 (BH2010/01342). Any extension to the hours would be unreasonable.

I ask that the current opening hours of the 119 Church Road are not extended and in addition that the Council ensures the currently approved hours are complied with.

Many thanks

Graham

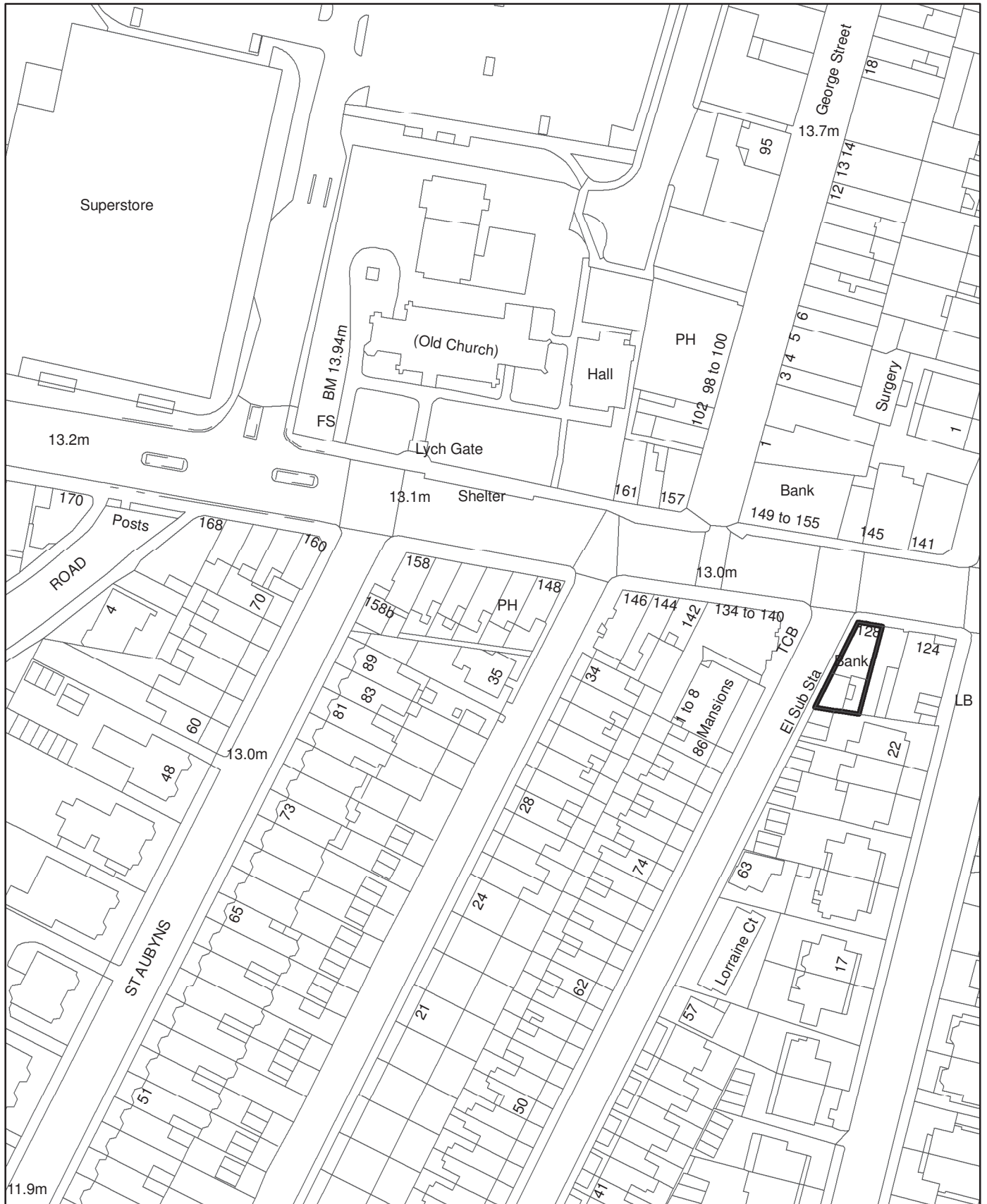
Graham Cox
Councillor for Westbourne Ward

ITEM I

128 Church Road, Hove, BN3 2EA

**BH2013/01713
Full Planning**

BH2013/01713 128 Church Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01713	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	128 Church Road Hove		
<u>Proposal:</u>	Change of use of basement and ground floor from Financial (A2) to Restaurant (A3) and Bar (A4). Installation of new shop fronts to front and side elevations. Part excavation to facilitate extension of basement level. Erection of single storey rear extension with external steps and associated roof terrace. (Part Retrospective).		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	17/06/2013
<u>Con Area:</u>	Cliftonville	<u>Expiry Date:</u>	12 August 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road, Brighton, BN1 5PD		
<u>Applicant:</u>	Mr F Abdolkhani, 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 **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 part commercial, part residential building located on the corner of Church Road and Osborne Villas, Hove, within the Cliftonville Conservation Area. The ground and basement floors were previously used for an A2 use and are currently vacant undergoing works. The first floor is in unauthorised residential use. The first floor was previously in use as an Employment Agency (B1) and is accessed independently from the ground floor unit by an external staircase. The property has been subject to a number of unauthorised works including the construction of a new extension to the rear with a first floor terrace. The site is part of Hove Town Shopping Centre.

3 RELEVANT HISTORY

BH2011/02957: Change of use of basement and ground floors from Financial (A2) to Restaurant (A3) and Bar (A4). Installation of new shop fronts to front and side elevations. Part excavation to facilitate extension of basement level. Erection of single storey rear extension with external steps and associated roof terrace. (Part Retrospective). This application was refused on the 8th March 2012 for the following reasons:

- i. The scheme results in the creation of a substantially larger first floor terrace when compared to the previous (now demolished) terrace. The use of the new terrace results in overlooking of the adjacent rear windows and garden of 22 Medina Villas and the rear upper windows of 126 Church Road with a consequential loss of privacy to residents. Furthermore, the

use of this large terrace as an amenity area is also likely to result in an unacceptable noise impact and loss of amenity for occupiers of adjacent properties. The scheme is therefore contrary to policy QD27 and SU2 of the Brighton & Hove Local Plan.

- ii. Having regard to the proximity of the site to adjacent residential properties, insufficient information has been submitted in respect of how the use will operate, the proposed opening hours or the size of the restaurant / bar to demonstrate that the proposed use would not have a detrimental impact on the amenity of occupiers of adjacent properties. The scheme is therefore deemed contrary to policy QD27 and SU2 of the Brighton & Hove Local Plan.
- iii. The scheme would comprise a shopfront treatment including wider windows than the current (previous) arrangement, and double doors positioned in the side elevation which would be out of character with this part of the building and the domestic character of the side street. The proposal also results in an inappropriate design of the main Church Road shopfront, and the inclusion of a new four panelled door at first floor level which would look incongruous on the building. The scheme therefore results in a detrimental impact on the appearance and character of the host building and surrounding conservation area and is contrary to policies QD1, QD2, QD10, QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 2 on Shop Front Design.

BH2010/01982: Conversion of first floor from offices (B1) to flat (C305) incorporating UPVC windows to replace existing (Retrospective). This application was refused on the 8th November 2010. The decision was appealed by the applicant. The Inspectorate upheld the decision and the appeal was dismissed under reference APP/Q1445/A//11/2151148.

BH2010/02119: Application for Approval of Details Reserved by Conditions 2, 7, 8, and 11 of application BH2009/01865. Split decision 10/09/2010.

BH2009/01865: Change of use of basement and ground floors from (A2) Financial to (A3) Restaurant with external changes. Approved 15/10/2009.

BH2009/00714: Change of use from financial (A2) to Restaurant (A3) with internal and external alterations. Approved 12/06/2009.

BH2008/00997: Change of use of first floor with second floor extension with additional accommodation in the roof space to form five flats. (revised scheme). Refused 30/06/2008.

BH2007/02378: Change of use of first floor with second floor extension, with additional accommodation in the roof space to form five flats. Refused 19/12/2007.

It should be noted that an enforcement investigation is currently being undertaken regarding the unauthorised use of the first floor for residential purposes and the unauthorised UPVC windows at first floor level to the front and side elevations.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the basement and ground floor from Financial (A2) to Restaurant (A3) and Bar (A4). Installation of new shop fronts to front and side elevations. Part excavation to facilitate extension of basement level. Erection of single storey rear extension with external steps and associated roof terrace.
- 4.2 The scheme is part retrospective as works have already been undertaken to the building. The works undertaken include the installation of a timber shopfront and ground floor windows and the rebuilding of the rear extension. This application does not include any signs or fascia for the shop which would require separate advertisement consent.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twenty seven (27) letters of representation have been received from Flat 2, 3, 4, 5 (x2), 7, 8 (x2) Grosvenor Mansions, 31 Albany Villas, 8 & 12 Hova Villas, 24, Ground Floor Flat 24, 25, 33, 40, 42, 45, 47, Garden Flat & Flat 1, 53 & 72 Osborne Villas, Flat 1, 2 & 3, 22 Medina Villas, 21 and 24 Medina Villas objecting to the application for the following reasons:**
- Major building works have been undertaken to this property without any planning permission which is going to have a detrimental impact on the amenity of adjacent properties.
 - The whole application seems retrospective. Businesses should not just build what they want and repeatedly apply for planning permission until they get consent.
 - The building has been in a mess for more than 2 years and has been unsightly as it is unfinished.
 - This is a quiet residential street and the proposal is unsuitable for the area. A late night restaurant is wholly inappropriate and could result in anti-social behaviour such as urinating in the street.
 - Adjoining residents will suffer from overshadowing, overlooking and loss of privacy. The roof terrace has been constructed and results in direct overlooking. There will be an increase in noise and disturbance from music, extra traffic, smokers on the street (or roof terrace), drunken revellers and excessive noise, especially after 11pm when people are trying to sleep. The terrace should not be used by the restaurant for customers or by staff.
 - UPVC windows have been fitted without planning permission and are not in keeping with the street.
 - The application shows double doors positioned on the side of the building, creating a new entrance on Osborne Villas. This is out of character with the area and will lead to smokers congregating outside this door late into the evening.
 - There are already a number of similar places like this in the area. Residents have seen a rise in the number of drunken people in the streets which has made Church Road an uncomfortable place to be late at night. Hove should not be a satellite for nightclubs and bars as has already happened in Brighton.

- The first floor has been used for residential accommodation for some time and not as offices.
- There are limited parking spaces in the area and the proposal would increase late night traffic and pressure on parking spaces.
- The restaurant ventilation has been moved closer to 22 Medina Villas and is likely to result in a noise disturbance.

5.2 **One (1)** email has been received from **Flat 1, 8 Medina Villas** in support of the application on the grounds that this part of Hove is vibrant and requires a reasonable amount of bars and restaurants to serve the community.

5.3 **Councillor Andrew Wealls** has objected to the application (letter attached).

5.4 **Sussex Police Crime Prevention Officer: Objection:** The crime prevention officer is opposed to the proposed A4 use as it allows vertical drinking.

Internal:

5.5 **Environmental Health: No Objection** subject to the following:

- 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.
- There should be no significant low frequency tones present. No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration 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.
- The use of the basement and ground floor hereby permitted shall not be open to customers except between the hours of 9am and 1am on Mondays to Saturdays and 9am and midnight on Sundays and Bank or Public Holidays
- No development shall commence until a scheme for the soundproofing of the building between the ground and first floors 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. Standards in excess of Part E of the Building Regulations would be expected
- 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
- No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 7am and 7pm on

Monday to Friday and 8am and 6pm on Saturdays and not at any time on Sundays, Bank or Public Holidays

- No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority

5.6 **Heritage:** No Objection:

- The shopfronts are generally acceptable. The shop door is not considered appropriate and should have a bottom panel or deep bottom rail in a traditional manner.
- Further details are required regarding the appearance of the first floor windows.
- The proposed horizontal rainwater pipe connection at high level looks odd and it is queried whether this can be hidden behind the parapet.

5.7 **Sustainable Transport:** No Objection subject to the following:

- Submission of a delivery & service management plan which includes types of vehicles, how deliveries will take place and the frequency of deliveries to be submitted to and approved by the Local Planning Authority in writing. The plan shall also include measures to minimise the impact of deliveries have on the transport network. All deliveries shall thereafter be carried out in accordance with the approved plan.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

6.3 The National Planning Policy Framework (NPPF) 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
- 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
- QD3 Design – efficient and effective use of sites
- QD10 Shopfronts
- QD14 Extensions and alterations
- QD25 External lighting
- QD27 Protection of Amenity
- SR5 Town and district shopping centres
- SR12 Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD02 Shop Front Design
- SPD03 Construction & Demolition Waste
- SPD08 Sustainable Building Design
- SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The determining issues in this application relate to whether the proposed change of use is acceptable in terms of local plan policies; whether the external

alterations are considered acceptable in design terms and will preserve and enhance the character and appearance of the Cliftonville Conservation Area; whether the proposed extension has a detrimental impact on neighbouring amenity and whether the proposal is acceptable in traffic terms and sustainability considerations.

Principle of use:

- 8.2 The site is within the prime frontage of the Hove Town Shopping Centre as outlined in policy SR5 of the Brighton & Hove Local Plan. The aim of the policy is to retain a high percentage of retail uses within the centre. 128 Church Road was formerly used as a bank which falls under Class A2. Therefore the proposal does not result in a loss of retail. Subject to amenity considerations, a restaurant / bar is also seen as an acceptable use for Hove Town Centre and will bring a vacant unit back into use. The scheme is therefore in accordance with the policy.
- 8.3 Policy SR12 states that new restaurants with a total resultant public floorspace in excess of 150 square metres will be permitted provided they meet certain criteria. The resultant public floorspace is less than 150 square metres. Therefore this policy does not apply.

Design:

- 8.4 Supplementary Planning Document 2 on Shop Front Design (SPD02) gives detailed policy guidance on the replacement of existing and the installation of new shop fronts throughout the city, in order to raise the standard of design quality and enhance the attractiveness and local distinctiveness of the city's shopping centres. The document states that new shop fronts should respect the form of the building above and the frontages to each side.
- 8.5 Policy QD10 (Shop Fronts) of the Brighton & Hove Local Plan also states that replacement shop fronts will be permitted provided the proposed shop front respects the style, proportions, detailing, colour and materials of the parent building and surrounding shop fronts. Policies QD1 and HE6 also states that all proposals should demonstrate a high standard of design and preserve the character and appearance of the conservation area.
- 8.6 Under a previous approval (BH2009/01865) permission was granted for a new shopfront which retained the majority of the side elevation with a residential appearance. The current scheme seeks a design which includes a new shopfront design and new larger windows and doors along the Osborne Villas frontage for the use of the unit as a proposed bar / restaurant.
- 8.7 The building is located in the Cliftonville Conservation Area and is not listed. It comprises a mid 19th stucco building with a double ridge and valley roof concealed behind parapet walls at the front and side. It was originally a dwelling house, one of a pair with No. 126. It had a front window bay and parapet cornice, but these have been lost. No. 126 still retains its first floor bay and cornice. It was converted to a shop and then a bank with an unattractive modern shop front and fascia. Wide shop windows were inserted in the side elevation, which detracted from the building's appearance.

- 8.8 The application property has an oriel window on its side elevation which is a later 19th C alteration. The first floor side windows were all timber sliding sashes. However, all of the first floor windows have recently been replaced in UPVC without planning permission. This scheme includes the replacement of the unauthorised UPVC windows with timber sliding sash windows. The Conservation Officer has commented that the replacement windows are welcomed and reintroduce traditional architectural features.
- 8.9 The current application seeks to retain a new hardwood shopfront and windows and side door which have been recently installed to the property to the side and front elevations. The shopfront includes a recessed front door. The new shopfront wraps partly around the corner. Currently the shopfront does not have a fascia or any signage. These additions are not shown on the submitted plans and would require separate advertisement consent.
- 8.10 To the side, two new double timber sliding sash windows and two timber doors have been installed. The central doorway is currently a double door. The plans indicate that this will be replaced with a single door for the new restaurant / bar.
- 8.11 The Conservation Officer has commented that the shopfronts and ground floor alterations are acceptable in principle subject to the shopfront door having a bottom panel or deep bottom rail in the traditional manner. The Conservation Officer has also requested that the shopfront should be painted and the high level horizontal drainpipes removed and placed behind the parapet. Amended plans have been submitted which indicate these alterations.
- 8.12 To the rear, a new single-storey extension has been constructed. To the rear of the extension there is an external staircase which allows access to the first floor. Previously, there was an extension of similar scale which also had an external staircase. Given that there was a previously an extension and staircase in this location, no objection is raised to the replacement extension. The extension has been fitted with balustrading around all of the flat roof of the extension. As outlined below, there is concern regarding the impact of this terrace on the amenity of adjacent properties. For this reason, the plans indicate that the balustrading is to be removed and replaced with a walkway which would only allow access to the first floor accommodation. Relocating the balustrading also improves the appearance of the rear extension.
- 8.13 Overall, the alterations to the building are appropriate and would preserve the character and appearance of the building and surrounding conservation area. The scheme is therefore considered in accordance with the above policies and guidance.

Impact on Amenity:

- 8.14 Brighton & Hove Local Plan policy QD27 requires new development to respect the existing amenity of neighbouring properties.
- 8.15 Planning permission was granted for the change of use of the basement and ground floor of the premises from estate agents (Class A2) to a restaurant

(Class A3) (ref: BH2009/01865). Permission is now sought for the use of the property as a part restaurant (Class A3) and part bar (Class A4) which again includes the use of the basement and ground floor.

- 8.16 As outlined above, the scheme includes a newly constructed rear extension. The extension is larger in height when compared to the previous extensions. However, the new extension has been reduced in length with the external staircase being moved to the rear as opposed to being in the middle. Taking the extension away from the rear boundary results in a gap between the extension and the rear garden. Given the similarities between the previous extensions and the newly constructed extension, the new extension does not result in a significant impact on adjacent properties in terms of its bulk and loss of light and outlook.
- 8.17 The new extension includes an unauthorised terrace which covers its entire roof. The previous extension included a roof terrace but this was restricted to the part of the roof fronting Osborne Villas and did not result in any overlooking of the properties to the rear or to the east. The demolished extension also included rear air conditioning units which restricted the use of the roof adjacent to the garden of 22 Medina Villas. The new extension is higher than the previous addition and the terrace and relocated staircase now allows views into the garden and windows of 22 Medina Villas and the upper floors of 126 Church Road. This results in a loss of privacy and overlooking to an unacceptable degree. The use of this large terrace would also result in a noise disturbance to adjacent properties. Given these concerns, the plans indicate that the existing stairs are to be altered so that it crosses over the centre of the roof only. This would only allow access to the first floor. A condition is proposed that the remaining areas of flat roof not used to access the first floor are not used as an amenity area or as a roof terrace. With the revised access in place, the use of the staircase would not result in a significant loss of privacy of adjoining premises.
- 8.18 Environmental Health has no objection to the scheme, subject to conditions. The conditions include limiting the hours of use of the premises and soundproofing of proposed odour control equipment and any other plant or machinery required by the use, such as air conditioning units. Details of any external lighting are also required to ensure the protection of the amenity of adjacent properties.
- 8.19 Previously planning permission was granted for the use of the basement and ground floor as a restaurant (Class A3). Concern has been raised from local residents and Sussex Police regarding the use of the premises as restaurant / bar and its potential impact on the amenity of adjacent properties.
- 8.20 To overcome these concerns, the applicant has stated that the main use of the premises would be as a restaurant. In order to avoid the noise disturbance associated with 'vertical drinking', the applicant has proposed that alcohol would only be served to customers who are seated. The applicant has also stated that the opening hours of the premises would be between 8am to 11pm. This could be secured by condition. The premises currently has a side double door. This

is to be replaced with a single door. Concern has been raised by adjacent neighbours regarding the use of this door onto Osborne Road. The applicant has stated that this door would be used during the day and would be shut at 10pm daily, thereby avoiding any potential disturbance to neighbours through its use late at night. This would also be secured by a condition. Securing this door would also discourage smokers from using Osborne Road and would direct them to Church Road for outside smoking.

- 8.21 Subject to conditions which control how and what time the premises is used, such as limiting its use to between 8am to 11pm, the proposed use for part Class A3 and part Class A4 is deemed appropriate and would not significantly affect the amenity of any adjacent properties.

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 Transport Team has commented that the proposed development will not result in trip generation to the site that will have an adverse impact on the safety or operation of the highway. The scheme has resulted in the loss of a garage on site. This is also acceptable as there is sufficient on street parking capacity to accommodate the future demand for this proposal.

- 8.25 The scheme does not include any cycle parking. Due to site constraints, it is difficult to provide on-site compliant cycle parking. The Transport Manager has acknowledged this constraint and a reason for refusal could not be warranted on the lack of cycle parking for this scheme.

Sustainability:

- 8.26 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Adequate information has been submitted with the application to demonstrate how these requirements have been met.

9 CONCLUSION

- 9.1 Subject to conditions, the scheme is deemed appropriate in terms of its design and would not result in a significant impact on the amenity of any adjacent residential properties or highway safety. The scheme improves the character and appearance of the building and surrounding conservation area and would add to vitality of Hove Town Shopping Centre.

10 EQUALITIES

- 10.1 The scheme allows suitable access for people with disabilities in accordance with SPD02.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) T
 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 th June 2013
Block Plan			28 th May 2013
Existing Plans	1228/01		28 th May 2013
Existing Elevations	1228/02		28 th May 2013
Proposed Plans	1228/03	B	21 st August 2013
Proposed Elevations	1228/04	B	2 nd September 2013
Proposed Details	1228/05		28 th May 2013

- 2) Prior to the first occupation of the development hereby approved, the shopfront shall be painted in a cream colour to match the walls of the building and thereafter retained as such.
 Reason: To preserve the appearance of the building and surrounding conservation area and in accordance with policy HE6 of the Brighton & Hove Local Plan.
- 3) Access to the remaining flat roof areas either side of the repositioned balustrading hereby approved shall only be used for maintenance or emergency purposes only and the flat roof areas shall not be used as roof gardens, terraces, patios or similar amenity areas.
 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) Within 3 months of the date of this permission, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) Within 3 months of the date of this permission, a scheme for the soundproofing of the building between the ground and first floors 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 prior to the occupation of the development and shall thereafter be retained as such. Standards in excess of Part E of the Building Regulations would be expected.

PLANNING COMMITTEE LIST – 18/09/13

- 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) Within 3 months of the date of this permission, a scheme for the fitting of odour control equipment to the building 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 prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 7) Within 3 months of the date of this permission, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8) 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: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) The use hereby permitted shall not be operational except between the hours of 08:00 and 23:00 on Mondays to Saturdays and 09:00 and 22:30 on Sundays and 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.
- 10) No intoxicating liquor shall be sold or supplied within the unit hereby approved except to persons who are seated at tables.
Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.
- 11) The side door for the restaurant / bar facing Osborne Road shall be closed and not used by staff or customers (except in emergencies) between the hours of 22.00 and 08.00 the following day.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 12) No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08.00 and 19.00 on Monday to Friday and 08.00 and 18.00 on Saturdays and not at any time 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.
- 13) The premises shall be used for the provision of a restaurant / bar only and for no other purpose (including any other purpose in Class A3 / A4 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: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 14) Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
Subject to conditions, the scheme is deemed appropriate in terms of its design and would not result in a significant impact on the amenity of any adjacent residential properties or highway safety. The scheme improves the character and appearance of the building and surrounding conservation area and would add to the vitality of Hove Town Shopping Centre.
3. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
4. The applicant should note that advertisement consent is required for any proposed signs and fascias. Details and guidance for advertisement

PLANNING COMMITTEE LIST – 18/09/13

consent can be found using the following link: <http://www.brighton-hove.gov.uk/content/planning/local-development-framework/spd07>.

Development Control
Hove Town Hall
Norton Road
Hove
BN3 3BQ

10th July 2013

Dear Sir or Madam,

**Re: Planning Application BH2013/01713
128 Church Road, Hove.**

Please register my objection to the above application.

My objection is based on the following considerations;

- The application requests permission for A3 and A4 use. With direct access to Osborne Villas, a residential area, this will result in noise and disturbance to those living nearby, especially to residents of Grosvenor Mansions, directly opposite. It is not an appropriate location for A4 use.
- The application proposes a customer door onto Osborne Villas and that this is shut at 10pm. To prevent noise and disturbance to those living nearby, especially Grosvenor Mansions, it should provide emergency exit only.
- The plans show an additional door to the rear of the property. Should this be used for the entrance or exit of customers (up to the proposed time of 10pm), or staff (which could be up to midnight, given the proposed 11pm closure time), noise will be generated to disturb those living opposite and nearby. Again, I propose that this is an emergency exit only. Noise will also be generated by those afforded the ability to smoke in Osborne Villas by the siting of the proposed doors. This will similarly generate noise and loss of amenity to those living nearby, particularly in Grosvenor Mansions.
- There are particular resident concerns about granting permission for A4 use, with associated noise, and anti-social behaviour in close proximity to a residential area. Whilst I object to A4 use, I would like to note that any conditions applied to the granting of this permission should clearly state a small limit on the proportion of the premises to be used as A4.
- I note that the roof terrace has already been built, with railings, which do overlook the adjacent rear gardens of 22 Medina Villas and the rear upper windows of 126 Church Road. I note that a walkway is proposed to prevent the use of the remainder of the terrace. The railings must be of sufficient height, without gate



**Brighton & Hove
City Council**

PLANS LIST – 18 SEPTEMBER 2013

COUNCILLOR REPRESENTATION

access to ensure that this is the case. This is to ensure that conditions address the problem of overlooking nearby properties.

- The drawings show a single door to the Osborne Villas side of the building, yet double doors have been constructed. It beggars belief that plans have been drawn up and submitted post-construction which do not reflect reality.

It remains my concern that this is not an appropriate site for any A4 use, given the likely noise and disturbance to those living nearby.

I have attached the submissions of two residents which have been sent directly to me.

Thank you in advance,

Yours faithfully,

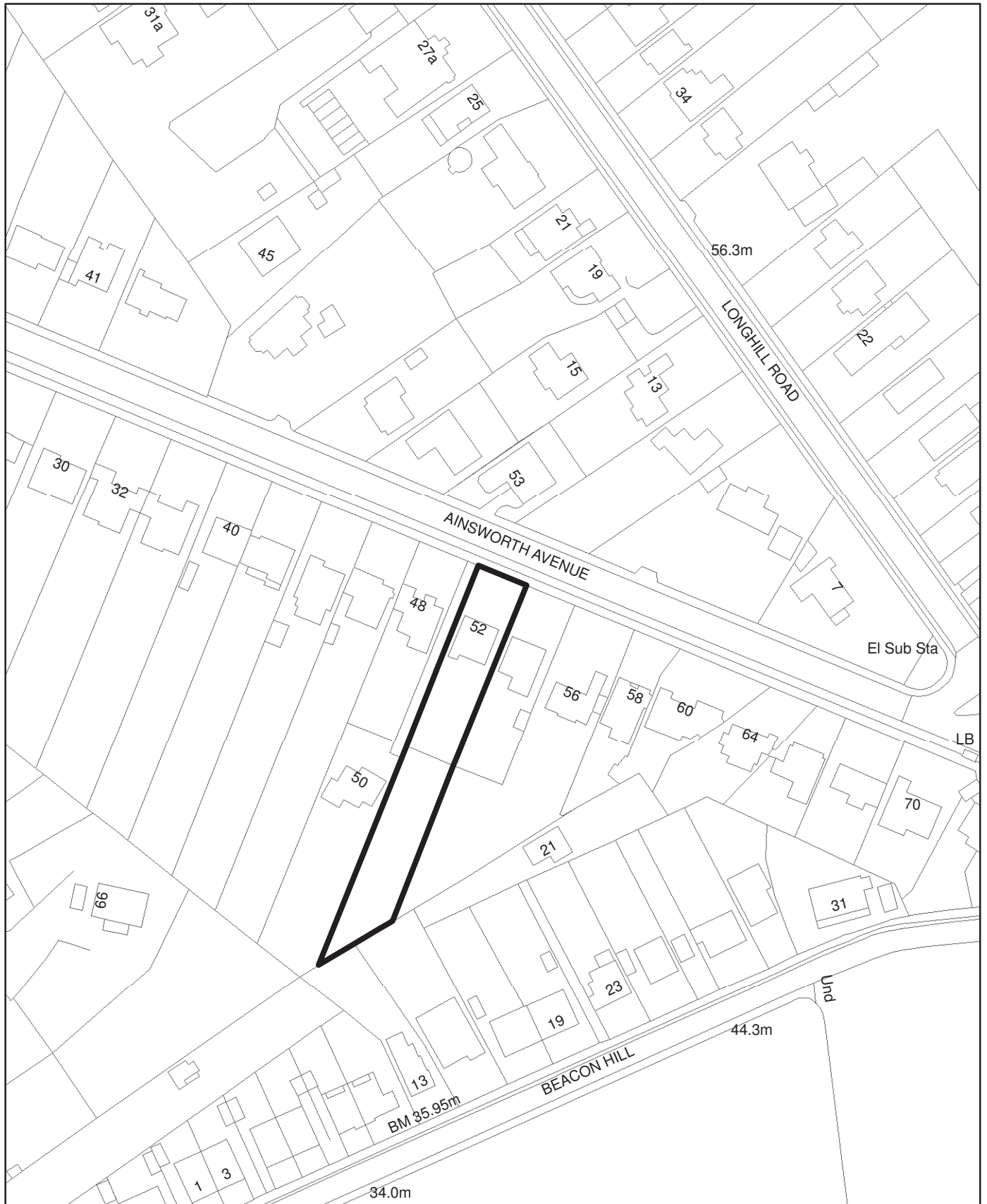
Councillor Andrew Wealls

ITEM J

52 Ainsworth Avenue Brighton

BH2013/01938
Householder Planning Consent

BH2013/01938 52 Ainsworth Avenue, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01938	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	52 Ainsworth Avenue Brighton		
<u>Proposal:</u>	Erection of extension to first floor including dormer and window to front, windows to sides and Juliet balconies to rear.		
<u>Officer:</u>	Pete Campbell Tel 292359	<u>Valid Date:</u>	17/06/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 August 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	ABIR Architects Ltd, Unit 1 Beta House St John's Road Hove BN3 2FX		
<u>Applicant:</u>	Mr N Childs, 52 Ainsworth Avenue Brighton BN2 7BG		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the southern side of Ainsworth Avenue, which is a suburban residential street occupied by dwellings of varied character and form. The application property is a modestly sized bungalow with additional accommodation in the roof space. The property stands as one of a pair along with no.54 Ainsworth Avenue, which originally would have been built to a matching design.
- 2.2 The application property features a side dormer, ground floor rear extension with a flat roof and rear decked terrace on two tiers. The building is set well back from the highway behind an open paved driveway. At the rear of the dwelling is a long and sizable garden which slopes steeply down to the south.
- 2.3 Directly to the western side of the dwelling is a private driveway which provides access to no.50 Ainsworth Avenue. This property is a back-land development, situated behind the established line of properties which front on to Ainsworth Avenue. This neighbouring property is located directly to the south of no.48 Ainsworth Avenue and to the west of the southern half of the application site.

3 RELEVANT HISTORY

BH2007/01762, 52 Ainsworth Avenue. Rear deck terrace/garden access (Resubmission of BH2007/00865). Refused, 28/06/2007.

BH2005/01873/FP, 52 Ainsworth Avenue. Rear ground floor extension. Approved, 31/08/2005.

BH2004/02872/OA, 52 Ainsworth Avenue. Outline application for a new dwelling house. (Resubmission of BH2004/02683/OA which was withdrawn 21/09/2004. Delegated refusal decision, 08/11/2004. Appeal dismissed, 07/09/2005.

BH2002/02336/FP, 52 Ainsworth Avenue. Erection of 2 storey rear extension with pitched roof and dormer over together with rear veranda. Refused, 06/12/2002.

4 THE APPLICATION

Planning permission is sought for the extension of the building at first floor level including a front dormer and new gable end projection, rear Juliet balconies and the creation of windows on both side elevations. The building would adopt a part-pitched and part-flat roof form, with hipped barn ends.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Six (6)** letters of representation have been received from **37, 41, 43, 46, 54 Ainsworth Avenue** and **9 Longhill Road** supporting the application for the following reasons:

- The proposal in providing additional accommodation helps to address the housing shortage which exists in the city.
- The proposal will have no significantly negative impact on neighbouring amenity.
- The design proposed is appropriate and in-keeping with the street scene.

5.2 **One (1)** letter of representation has been received from **55 Ainsworth Avenue** objecting to the application for the following reasons:

- The design proposed is bulky in appearance and would be detrimental to the street scene and visual amenity of Ainsworth Avenue.

Internal:

5.3 No comments.

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:

SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Documents:

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

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the host property, the street scene and the surrounding area, as well as any effect upon the residential amenity of neighbouring occupiers.

Planning Policy:

- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - d) uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Design and Appearance:

- 8.5 The application property is a modestly sized three bedroom detached bungalow which is of traditional character. The building features a hipped roof form with twin front gable projections and a side dormer to the west elevation. The property is set well back from the highway, with a landscaped front driveway and garden.
- 8.6 At the rear of the property, a flat roofed extension has been constructed at ground floor level. This existing extension spans across the full width of the building, adding an additional 3.2m to the length of the property from its original form. This addition to the property was granted in 2005 under application BH2005/01837/FP.
- 8.7 The site slopes gradually down to the south, with the far end of the garden consequently being at a considerably lower level than the rear elevation of the property. The gradient of the land has been utilised to accommodate storage space underneath the living accommodation at the rear of the property. Access to the rear garden from the dwelling is subsequently provided by a narrow section of decking and an associated stairway. A further expanse of decking at a lower level is in place directly to the rear of the property.
- 8.8 The application property stands as one of a pair along with no.54 Ainsworth Avenue, which originally would have been built to a matching design. No.54 has also been extended to the rear, with the original unity of the two neighbouring

properties no longer existing at the rear. Symmetry has been retained between the two properties in respect of the front elevations.

- 8.9 Ainsworth Avenue is a long residential street which varies considerably in character at different points along its length. The section of Ainsworth Avenue in which the application site is located is characterised by dwellings which are positioned in spacious plots, set well back from the road. Front boundary walls are generally low with landscaping and driveways behind. This provides an open and traditional character. Properties vary in style and design with shared attributes such as prominent roof pitches and generous spacing between properties providing a level of cohesion on the street.
- 8.10 The immediately adjacent properties on the south side of Ainsworth Avenue are of a bungalow style, modest in scale. There are some examples of two storey dwellings along Ainsworth Avenue, however, this particular section is predominantly bungalows. Dwellings on the south side of Ainsworth Avenue are typically built on a ground level below that of the highway, as the gradient of the land slopes across the area down to the south. This change in land levels provides a greater emphasis on the roof form and shape of the properties sited on the southern side of the street,
- 8.11 The proposal would dramatically alter the character and appearance of the property, resulting in a far more substantial and prominent building on the street scene. The loss of the shared design and form of nos.52 and 54 as a pair would not necessarily result in material harm to the street scene. However, the proposed extensions would introduce a more bulky appearance to the property which is out of scale with the pattern of surrounding development.
- 8.12 Directly to the east and west of the site are bungalow style dwellings with a hipped roof form which provide the majority of their accommodation space at ground floor level. No.52 stands within a wider group on the south side of Ainsworth Avenue occupied primarily by dwellings of this nature. It is these properties which the application property is read in direct conjunction with on the street scene.
- 8.13 The proposed increase in size to the building is confined within the existing footprint. The additional rooms provided are all at first floor level, with the roof of the property restructured to accommodate the increased bulk and mass. Consideration has been taken for the design to respect the existing ridge height, with the result being that the building would not surpass the height of the existing ridge.
- 8.14 The visual impact of the proposed changes to the building is most apparent in respect to the bulk added along the length of property. The existing hipped roof is replaced with roof pitches to each side of the building and a flat roof above. This roof form is incongruent to the street scene and particularly at odds with the neighbouring dwellings to either side. In longer views of the street scene from the east and west, the true bulk of the building would be apparent, and evidently greater than the adjacent buildings.

- 8.15 The introduction of a gable projection and dormer at the front of the property further increases the bulk and mass of the building at first floor and roof level. While these features provide visual reference to the form of the adjacent dwelling of no.54, the focus of the building is raised to first floor level, rather than ground floor level as is principally the case with the other neighbouring properties on south side of the street.
- 8.16 The design proposed continues a visually prominent front roof pitch, an attribute shared with the neighbouring properties to either side. In observing the side elevations of the dwelling, however, the continuity of the building with its setting is not maintained. The existing hipped roof shape is lost, with a flat roof shape above a short roof pitch proposed. In this respect the dwelling suffers a loss of cohesion and acquires an uncomplimentary and non-harmonious shape.
- 8.17 It is considered that a combination of the incongruous part-pitched, part-flat roof form and the significant additional bulk and mass added to the property greatly increases the prominence of the property. This is proposed in a manner which would detract from the existing character of the property and break the continuity and harmony which exists to the street scene on the south side of Ainsworth Avenue.
- 8.18 Guidelines set out in SPD12 which relates to extensions and alterations set out that poorly designed or excessively bulky additions to a roof can harm the appearance of a property and the continuity of a street. Specifically of relevance the document states;
- 'This impact can also occur in street scenes containing varied building forms where the scale and bulk of roofs remains largely consistent.'*
- 8.19 The guidance further states:
- 'Additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the street scene, including its topography.'*
- 8.21 In respect of this guidance, it is considered that the harmony and character of the street scene is not appropriately respected in the proposal. The scale, bulk and mass of the proposed building does not sit comfortably within its setting and would result in a property not in-keeping with the appearance of the direct street scene.
- 8.22 The rear is presently dominated by the existing flat roof extension, which obstructs views of the rear roof slope. This ground floor projection would remain a dominant feature at the rear, with the existing flat roof above unaffected. At first floor level two Juliet balconies set partly within the roof slope would be installed. The fenestration arrangement at ground floor level is in effect repeated at first floor level. It is considered that the Juliet balconies could be better incorporated. The balconies are overly wide for first floor level glazing, with the bi-folding door units not having a symmetrical glazing pattern.

- 8.23 Despite these details, the alterations at the rear cannot be considered to be significantly detrimental to the character of the building. The property as it stands has a disjointed appearance at the rear, dominated by the existing rear extension, which has broken the original form of the bungalow.
- 8.24 Overall, whilst it is accepted that there are some examples of larger two storey properties on Ainsworth Avenue, the proposed extensions by reason of form, detailing and bulk represent inappropriate additions to the property and wider street scene.

Impact on Amenity:

- 8.25 To the eastern side of the building additional bulk and mass would be added alongside the neighbouring property of no. 54. The existing spacing of approximately 3.5m would be retained between the application property and its neighbour to this side. Ground floor side windows and a partially glazed door are found at the neighbouring property of no. 54 which face towards the application property. A side dormer window at the equivalent of first floor level also faces towards the site. The proposed alterations would not have a significant impact upon the openings at the ground floor level at no. 54, which do not provide the principal outlook from any habitable room.
- 8.26 At first floor level, a greater impact could potentially occur to the window within the side dormer. This window serves a staircase/landing area. The main room at this level is served by a separate south facing window which is unaffected by the proposed development. Since the window serves a non habitable room, no impact on this window has been identified.
- 8.27 To the west of the site the driveway to no.50 provides a gap between the host property and no.48 and it is considered that any negative impact would be minimal given the spacing between properties and the orientation of the buildings. The secondary nature of the neighbouring properties side windows also ensures that the relationship proposed would not cause significant harm to the amenity of the neighbouring occupants.
- 8.28 At the rear, improved views would be possible to the south from the new fenestration created at first floor level. Thick vegetation around the perimeter of the rear garden would help to restrict views to neighbouring gardens. The garden space at the rear of no.54, (to the east of the site), would be in closest proximity to the first floor windows created. The form of no.54, which has a sizable flat roof extension, along with the boundary treatment in place, would obstruct views to the garden space directly at the rear of this neighbouring property. It is considered that the rear fenestration would not facilitate direct or harmful overlooking of the garden space at no.54.
- 8.29 The new proposed front and side windows cause no potential concerns for residential amenity. The two proposed side windows would be formed at a high level and obscure glazed. No harmful overlooking would be possible from these windows.

8.30 It is considered that the proposed development would not result in any significant harm being caused to the residential amenity of neighbouring occupants.

9 CONCLUSION

9.1 The proposed enlargement of the building, creating a much increased first floor level and reformed roof would dramatically change the visual appearance of the property. The additional bulk and mass as well as the uncomplimentary design proposed results in a building which would not sit comfortably within its setting. The proposed development cannot be considered in-keeping with the appearance of the direct street scene, breaking the continuity and harmony which presently exists on the south side of Ainsworth Avenue. The part-pitched, part-flat roof form is incongruous to the setting and detracts from the existing character of the property and its surroundings.

10 EQUALITIES

None

11 REASON FOR REFUSAL / INFORMATIVES

Reason for Refusal:

1. The proposed development by virtue of its uncomplimentary design, increased bulk, massing at first floor level and incongruous roof form would result in a building not in-keeping with surrounding development. The development would break the existing continuity and harmony of the setting and be detrimental to both the visual amenity of the street scene and the existing character of the host property. The application is contrary to policy QD14 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Guidance Document 12 – ‘*Design guide for extensions and alterations*’.

Informatives:

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

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

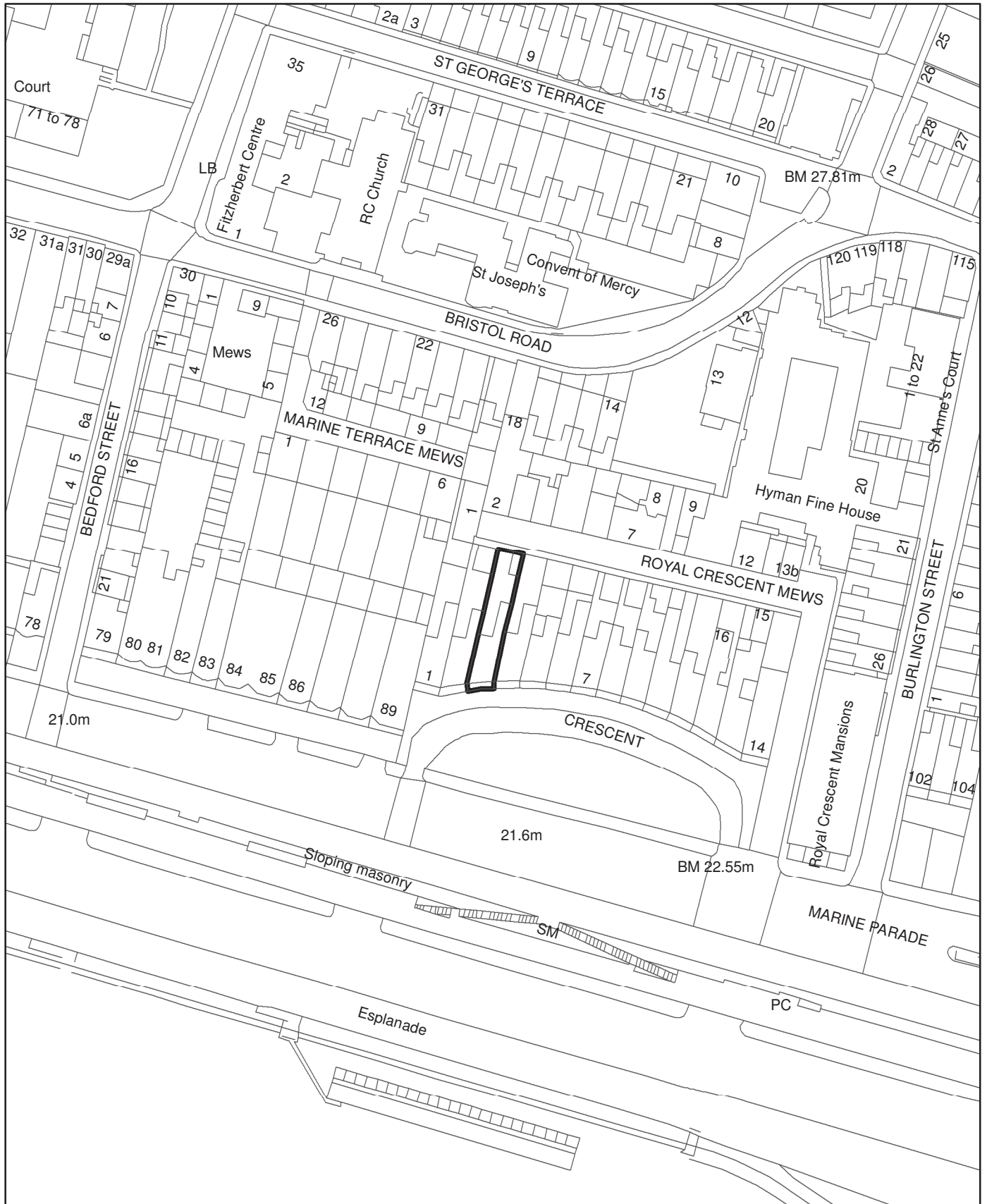
Plan Type	Reference	Version	Date Received
Existing floor, location & block plans	0240.EXG.001	B	13/06/2013
Existing section & elevations	0240.EXG.002	A	13/06/2013
Proposed floor plans	0240.PL.001	A	13/06/2013
Proposed section & elevations	0240.PL.002		13/06/2013
Design and Access Statement			

ITEM K

**3 Royal Crescent, Brighton,
BN2 1AL**

**BH2013/02139
Full Planning**

BH2013/02139 3 Royal Crescent, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02139	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	3 Royal Crescent Brighton		
<u>Proposal:</u>	Demolition of existing garage/store in rear garden and erection of garden room.		
<u>Officer:</u>	Andrew Huntley Tel 292321	<u>Valid Date:</u>	24/06/2013
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	19 August 2013
<u>Listed Building Grade:</u> Grade II*			
<u>Agent:</u>	Acronym A & D Ltd, 262 Ditchling Road Brighton BN1 6JF		
<u>Applicant:</u>	Ms Helen Smith, 3 Royal Crescent Brighton BN2 1AL		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the northern side of Marine Parade. The property on the application site is a 4 storey Regency terrace, which forms part of a crescent of 14 houses. 3 Royal Crescent is a grade II* listed building in the East Cliff Conservation Area. The rear of the property fronts Royal Crescent Mews, which has a mixed character but is undeveloped on the southern side. The rear garden boundary to 3 Royal Crescent extends to the frontage of Royal Crescent Mews and includes a garage dating from the late 1950s.

3 RELEVANT HISTORY

- BH2013/02140** - Demolition of existing garage/store in rear garden and erection of garden room. Undetermined – report also on this agenda.
- BH2006/00628** - Render repairs, joinery repairs and decoration work to rear elevation. Approved 15/05/2006.
- BH2006/00188** - Alterations and repairs to front elevation to match original (existing). Approved 21/03/2006.
- BH2006/00145** - Alterations and repairs to front elevation to match existing design. Approved 15/03/2006.
- BH2004/03028/LB** - Internal works to create a maisonette over basement flat and external works to front elevation to refurbish balcony railings, front door/portico and joinery. Approved 18/01/2005.

BH2004/03027/FP - Change of use from 4 no. self-contained flats to a maisonette over basement (retention of flat on lower ground floor). Approved 31/01/2005.

BH2003/03636/LB - Removal of corroded cast-iron fire escape ladder from rear elevation. Approved 05/02/2004.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing garage/store in rear garden and erection of a garden room.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** 8 letters of representation have been received from **1, 2, 3, 5, 6 and 7 Royal Crescent Mews** and one representation on behalf of **4 Royal Crescent Mews** objecting to the application for the following reasons:

- Loss of flint wall.
- Loss of roses and mature planting.
- Garden room does not require enlarged timber doors and a level access.
- The creation of a garage is unacceptable and would reduce parking and turning space on the mews.
- Parking in Royal Crescent Mews is reserved for residents of the Mews only and not for residents of Royal Crescent.
- The proposal would obstruct the pavement and roadway.
- Modern design not in keeping with the listed building or conservation area.
- The glazed roof lantern would be obtrusive and cause a loss of privacy.
- The glazed roof lantern would cause glare at night when the lights were on.
- Sunlight would be reflected from the lantern and through neighbour's windows.
- Concerns over noise levels.
- Lack of consultation.
- Proposal is a fire danger.
- Level access would create drainage problems.
- A condition should be attached to ensure it remains a garden room.

- 5.2 **English Heritage:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Internal

- 5.3 **Heritage:** This proposal includes improvements to the detailing of the openings in this part of the rear boundary wall, as well as traditional timber doors fronting Royal Crescent Mews, the new structure behind will not be visible from the Mews and as such the character of this frontage is preserved or improved.

The contemporary treatment of the internal elevations is considered an honest approach and will not detract from the special qualities of the listed building.

- 5.4 **Transport:** The Highway Authority has no objections to the above application. The application is for a garden room and is therefore not considered to have any increase in trip generation associated with the site or a negative highway impact.

Irrespective of this, should the application be for a private car parking space the Highway Authority would also not have any objections. Royal Crescent is a private street which the Highway Authority does not have any liability for and the provision of 1 car parking space would be in line with the maximum car parking standards in SPG04. The Highway Authority would recommend that the proposed doors to the garden room only open inwards and this could be secured via condition. The Highway Authority would look for the doors to open inwards to ensure that the doors don't pose any safety concerns to other road users using Royal Crescent.

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:

TR7	Safe development
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
QD27	Protection of Amenity
HE1	Listed Buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH13	Listed Buildings General Advice
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact on the character and appearance of the existing listed building, the wider East Cliff Conservation Area and the impact on neighbouring amenity.

Planning Policy:

- 8.2 Policy QD1 states that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.
- 8.3 Policy QD1 does not seek to restrict creative design provided that new development can still be integrated successfully into its context. It is possible to integrate modern developments whilst respecting the character of areas that are attractive and worthy of preservation
- 8.4 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
 - the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

- 8.5 Policy HE6 of the Brighton & Hove Local Plan states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
 - b) the use of building materials and finishes which are sympathetic to the area;
 - c) no harmful impact on the townscape and roofscape of the conservation area;
 - d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
 - e) where appropriate, the removal of unsightly and inappropriate features or details; and
 - f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.

Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.

- 8.6 SPD12 states that proposals for extensions and/or alterations to listed buildings will be expected to demonstrate that the significance of the building has been understood and conserved, and will be expected to show an exceptional level of design quality and detailing. In addition, previous unsympathetic alterations to a listed building will not be considered to set a precedent for further unsympathetic works.
- 8.7 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.

Design and Character:

- 8.8 The proposal is for a new garden room, which replaces an existing garage store. The demolition of the existing garage/store is considered acceptable as this is a relatively modern intervention of a poor design and is not in keeping with the parent property.
- 8.9 The proposed garden room is of a modern design apart from the elevation on Royal Crescent Mews, which is more traditional and as the new structure behind will not be visible from the Mews, the character of this frontage is considered to be preserved.
- 8.10 The rear of the crescent along Royal Crescent Mews has been considerably altered from what it would have originally been, with many properties having large garages. The rear of No. 3 does retain some of the original flint wall

between the garage and pedestrian access door where there is also a concrete patch up of the wall. While the rear wall is certainly not intact, it does contribute positively to the character and appearance of Royal Crescent Mews and the East Cliff Conservation Area. While the proposal would result in the loss of part of the flint wall, it also includes improvements to the detailing of the openings in this part of the rear boundary wall, as well as timber doors fronting Royal Crescent Mews.

- 8.11 The application does lack some detail and it is not clear how the doors will open and therefore, exactly how the doors will look. However, it is considered that this could be satisfactorily covered via a suitably worded planning condition to ensure that the timber doors onto Royal Crescent Mews have a traditional appearance and are therefore, in keeping with the character and appearance of the area. Weighing up the loss of some of the flint wall against the improvements to the detailing of the openings, it is considered that the alterations to the rear of No.3 Royal Crescent Mews would preserve the character and appearance of the conservation area and would not adversely affect the setting of the listed building.
- 8.12 It is considered that it is necessary to ensure that the new flint and brickwork matches the character and detailing of the original wall in order to preserve the character and appearance of the conservation area. In addition, a sample of the stone proposed for the lintels above the doors would be required to ensure that they had the necessary high quality finish. This detailing can be achieved by suitably worded conditions.
- 8.13 The contemporary treatment of the internal elevations is considered an honest approach and would clearly read as a modern intervention rather than some form of pastiche. It is considered that the proposal would not detract from the special interest or setting of the listed building. While the proposed garden room has a greater mass and bulk than the existing building, it is not of a scale which would be out of keeping with its surroundings or harmful to the Grade II* listed building.
- 8.14 The proposal would result in the planting over the existing building being removed, and this undoubtedly would have an impact on the appearance of the area. However, the planting over the garage could be removed at anytime and the Local Planning Authority has no control over this. While the planting on the Royal Crescent Mews side of the boundary is certainly attractive, and its loss would be disappointing, this cannot be a reason to refuse planning permission.
- 8.15 Therefore, it is considered that the proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II* listed building and would preserve the character and appearance of the East Cliff Conservation Area. As such, the proposal is in accordance with Local Plan Policies HE1 and HE6, SPD12 Design Guide for extensions and Alterations and SPGBH13 Listed Building – General Advice.

Impact on Amenity:

- 8.16 The proposal would not have an adverse impact on neighbouring amenity due to its siting, height and distance from neighbouring properties in terms of daylight/sunlight or outlook.
- 8.17 The proposed garden room does have a roof lantern and there could be views into this room from first and second floor windows from the properties within Royal Crescent Mews. However, this would impact on the privacy of the occupiers of the garden room itself and views from the garden room would not be any worse for the properties on Royal Crescent Mews than existing views from within the garden of 3 Royal Crescent. As such, it is considered that the proposal would not have a detrimental impact on the privacy of neighbours.
- 8.18 Therefore, the proposal is considered acceptable in terms of impact on residential amenity.

Other Considerations:

- 8.19 The objections received raise a number of other points that have not been covered in the body of the report, which include:
- Garden room does not require enlarged timber doors and a level access.
 - The creation of a garage is unacceptable and would reduce parking and turning space on the mews.
 - Parking in Royal Crescent Mews is reserved for residents of the Mews only and not for residents of Royal Crescent.
 - The proposal would obstruct the pavement and roadway.
 - The glazed roof lantern would cause glare at night when the lights were on.
 - Sunlight would be reflected from the lantern and through neighbour's windows.
 - Concerns over noise levels.
 - Lack of consultation.
 - Proposal is a fire danger.
 - Level access would create drainage problems.
 - A condition should be attached to ensure it remains a garden room.
- 8.20 It is not considered that any of the above points raised by neighbours either singularly or collectively warrant the refusal of planning permission for the following reasons. Whether or not the garden room requires enlarged doors or level access is not for the local planning authority to determine. The proposal has been considered on its merits and its need for larger doors or level access is not a planning consideration.
- 8.21 All the objections state that the proposal appears to be a garage and that it would reduce parking. The application proposal is for a garden room and it is on this basis alone the proposal has been considered. The Highway Authority has no objections to the proposed garden room as the proposal would not have any increase in trip generation associated with the site or a negative highway impact.

- 8.22 In addition, the Highway Authority would also not have any objections if the proposal were for a garage. Royal Crescent is a private street which the Highway Authority does not have any liability for, and the provision of 1 car parking space would be in line with the maximum car parking standards in SPG04.
- 8.23 The Highway Authority has recommended that the proposed doors to the garden room, only open inwards to ensure that the doors do not pose any safety concerns to other road users using Royal Crescent Mews. This can be secured by a suitably worded condition. Overall, it is considered that the proposal would have not impact on parking over and above the existing garage/store.
- 8.24 The application does not propose parking on Royal Crescent Mews and therefore cannot be a reason for refusal. Notwithstanding the slightly wider doors onto the Mews, the proposal would not have a detrimentally greater impact on the roadway or pavement above that of the present garage/store.
- 8.25 It is considered that any light emanating from the roof light, while potentially being visible from neighbouring properties, would be directed upwards and not toward neighbouring properties themselves. While any glazed or metalled area has the potential to cause some glare, the roof lantern is modest in size and it is not considered that these objections carry significant weight to warrant to refusal of planning permission.
- 8.26 While it is possible that the garden room would be utilised more frequently than the existing garage/store, it is not considered that this would be likely to have a detrimental impact in regard to noise disturbance. Furthermore, no evidence has been presented that this would be a fire hazard or would create drainage problems. Therefore, it is not considered that these would warrant the refusal of planning permission.
- 8.27 Finally, it has been suggested that any approval should be conditioned to ensure that the proposal could not be used as a garage in the future. The Highway Authority has raised no concerns in regard to the proposal or its potential to be used as a garage. Therefore, a condition to ensure it remains as a garden room would not be necessary.
- 8.28 Overall, the objections raised within this application do not outweigh development plan policy and therefore do not warrant the refusal of planning permission.

9 CONCLUSION

- 9.1 The proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II* listed building and would preserve the character and appearance of the East Cliff Conservation Area. Nor would the proposal have a detrimental impact on neighbouring amenity. As such, the proposal is in accordance with Local Plan Policies HE1, HE6 and QD27 and

SPD12 Design Guide for extensions and Alterations and SPGBH13 Listed Building – General Advice.

10 EQUALITIES

10.1 None identified.

11 CONDITIONS / INFORMATIVES

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

Plan Type	Reference	Version	Date Received
Location Plan	380/PA1		24.06.2013
Existing Rear Garden Plan	380/PA2		24.06.2013
Existing Sections and Elevations	380/PA3		24.06.2013
Existing and Proposed Rear Elevation	380/PA4		24.06.2013
Proposed Rear Garden Plan	380/PA5		24.06.2013
Proposed Sections and Elevations	380/PA6		24.06.2013
Proposed Details	380/PA7		24.06.2013

- 3) No works 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 works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
- 4) No works shall take place until full details of the proposed doors onto Royal Crescent Mews including 1:20 scale sample elevations and 1:1 scale joinery profiles 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 retained as such thereafter.
Reason: As insufficient information has been submitted, to ensure a satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

- 5) Notwithstanding Condition 4 above, the proposed garden room doors facing onto Royal Crescent Mews, shall only open inwards and be retained as such thereafter.

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

Informatives:

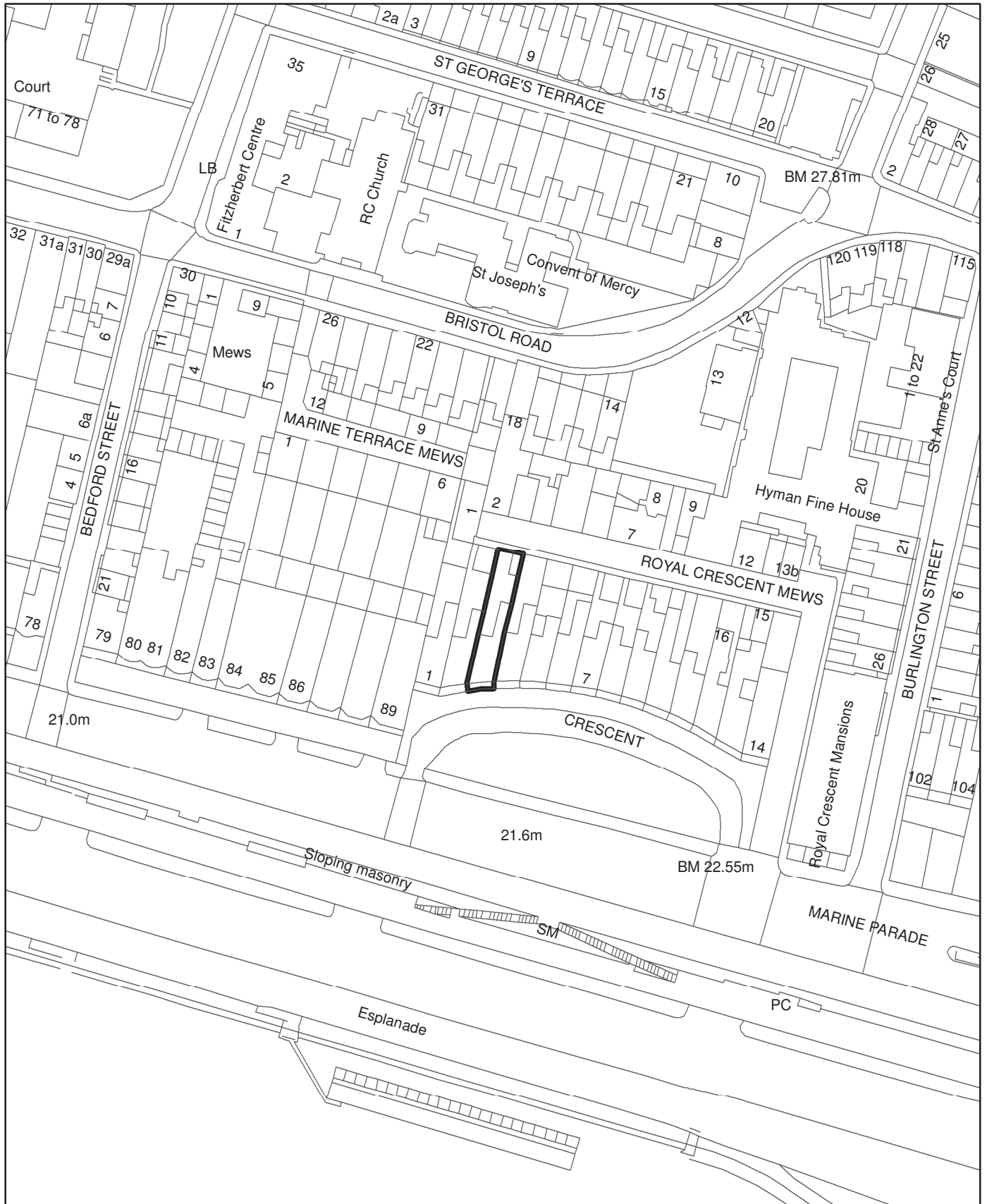
1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:- The proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II* listed building and would preserve the character and appearance of the East Cliff Conservation Area. The proposal would not have a detrimental impact on residential amenity.

ITEM L

**3 Royal Crescent, Brighton,
BN2 1AL**

**BH2013/02140
Listed Building**

BH2013/02140 3 Royal Crescent, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

PLANNING COMMITTEE LIST – 18/09/13

<u>No:</u>	BH2013/02140	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	3 Royal Crescent Brighton		
<u>Proposal:</u>	Demolition of existing garage/store in rear garden and erection of garden room.		
<u>Officer:</u>	Andrew Huntley	<u>Valid Date:</u>	24/06/2013
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	19 August 2013
<u>Listed Building Grade:</u> Grade II*			
<u>Agent:</u>	Acronym A & D Ltd, 262 Ditchling Road Brighton BN1 6JF		
<u>Applicant:</u>	Ms Helen Smith, 3 Royal Crescent Brighton BN2 1AL		

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** Listed Building Consent subject to the Conditions and Informatives set out in section 11

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the northern side of Marine Parade. The property on the application site is a 4 storey Regency terrace, which forms part of a crescent of 14 houses. 3 Royal Crescent is a grade II* listed building in the East Cliff Conservation Area. The rear of the property fronts Royal Crescent Mews, which has a mixed character but is undeveloped on the southern side. The rear garden boundary to 3 Royal Crescent extends to the frontage of Royal Crescent Mews and includes a garage dating from the late 1950s.

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- BH2013/02139** - Demolition of existing garage/store in rear garden and erection of garden room. Undetermined – Report also on this agenda.
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PLANNING COMMITTEE LIST – 18/09/13

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BH2003/03636/LB - Removal of corroded cast-iron fire escape ladder from rear elevation. Approved 05/02/2004.

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- 4.1 Listed Building Consent is sought for the demolition of existing garage/store in rear garden and erection of a garden room.

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PLANNING COMMITTEE LIST – 18/09/13

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.”
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- 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:

HE1 Listed Buildings

Supplementary Planning Guidance:

SPGBH13 Listed Buildings General Advice

Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

PLANNING COMMITTEE LIST – 18/09/13

8 CONSIDERATIONS & ASSESSMENT

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

Design and Character:

- 8.4 The proposal is for a new garden room, which replaces an existing garage store. The demolition of the existing garage/store is considered acceptable as this is a relatively modern intervention of a poor design and is not in keeping with the parent property.
- 8.5 The proposed garden room is of a modern design apart from the elevation on Royal Crescent Mews, which is more traditional and as the new structure behind will not be visible from the Mews, the character of this frontage is considered to be preserved.
- 8.6 The rear of the crescent along Royal Crescent Mews has been considerably altered from what it would have originally been, with many properties having large garages. The rear of No. 3 does retain some of the original flint wall between the garage and pedestrian access door where there is also a concrete patch up of the wall. While the rear wall is certainly not intact, it does contribute positively to the character and appearance of Royal Crescent Mews and the East Cliff Conservation Area. While the proposal would result in the loss of part of the flint wall, it also includes improvements to the detailing of the openings in this part of the rear boundary wall, as well as timber doors fronting Royal Crescent Mews.
- 8.7 The application does lack some detail and it is not clear how the doors will open and therefore, exactly how the doors will look. However, it is considered that this could be satisfactorily covered via a suitably worded planning condition to ensure that the timber doors onto Royal Crescent Mews have a traditional appearance and are therefore, in keeping with the character and appearance of the listed building. Weighing up the loss of some of the flint wall against the improvements to the detailing of the openings, it is considered that the alterations to the rear of No.3 Royal Crescent Mews would preserve the character and appearance of the listed building.
- 8.8 It is considered that it is necessary to ensure that the new flint and brickwork matches the character and detailing of the original wall in order to preserve the character and appearance of the listed building. In addition, a sample of the stone proposed for the lintels above the doors would be required to ensure that

PLANNING COMMITTEE LIST – 18/09/13

they had the necessary high quality finish. This detailing can be achieved by suitably worded conditions.

- 8.9 The contemporary treatment of the internal elevations is considered an honest approach and would clearly read as a modern intervention rather than some form of pastiche. It is considered that the proposal will not detract from the special interest or setting of the listed building. While the proposed garden room has a greater mass and bulk than the existing building, it is not of a scale which is out of keeping with its surroundings or harmful to the Grade II* listed building.
- 8.10 The proposal would result in the planting over the existing building being removed, and this undoubtedly would have an impact on the appearance of the building. However, the planting over the garage could be removed at anytime and the Local Planning Authority has no control over this. While the planting on the Royal Crescent Mews side of the boundary is certainly attractive, and its loss would be disappointing, this can not be a reason to refuse listed building consent.
- 8.11 Therefore, it is considered that the proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II* listed building. As such, the proposal is in accordance with Local Plan Policy HE1, SPD12 Design Guide for extensions and Alterations and SPGBH13 Listed Building – General Advice.
- 8.12 A number of the objections received do not relate to material considerations for listed building consent applications. The other objections are considered within full planning application BH2013/02039.

9 CONCLUSION

- 9.1 The proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II* listed building. As such, the proposal is in accordance with Local Plan Policy HE1, SPD12 Design Guide for extensions and Alterations and SPGBH13 Listed Building – General Advice.

10 EQUALITIES

- 10.1 None identified.

11 CONDITIONS / INFORMATIVES

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) No works 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 works hereby permitted have been submitted to

PLANNING COMMITTEE LIST – 18/09/13

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 HE1 of the Brighton & Hove Local Plan.

- 3) No works shall take place until full details of the proposed doors onto Royal Crescent Mews including 1:20 scale sample elevations and 1:1 scale joinery profiles 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 retained 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.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan	380/PA1		24.06.2013
Existing Rear Garden Plan	380/PA2		24.06.2013
Existing Sections and Elevations	380/PA3		24.06.2013
Existing and Proposed Rear Elevation	380/PA4		24.06.2013
Proposed Rear Garden Plan	380/PA5		24.06.2013
Proposed Sections and Elevations	380/PA6		24.06.2013
Proposed Details	380/PA7		24.06.2013
Location Plan	380/PA1		24.06.2013

2. This decision to grant Listed Building Consent has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

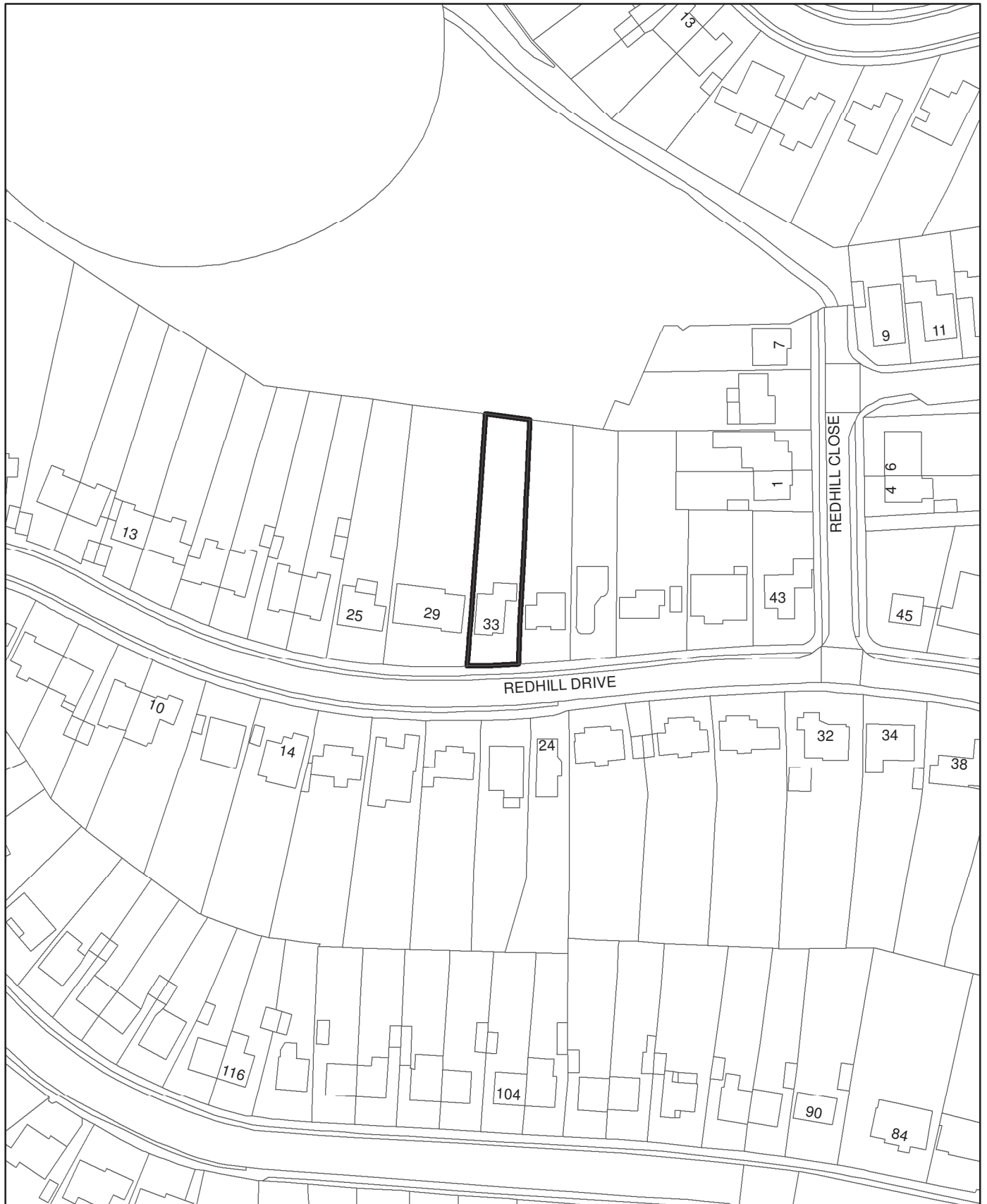
The proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II* listed building. As such, the proposal is in accordance with Local Plan Policy HE1, SPD12 Design Guide for extensions and Alterations and SPGBH13 Listed Building – General Advice.

ITEM M

33 Redhill Drive, Brighton, BN1 5FH

**BH2013/02475
Full Planning**

BH2013/02475 33 Redhill Drive, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02475	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	33 Redhill Drive Brighton		
<u>Proposal:</u>	Erection of two storey rear extension.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	24/07/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 September 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mohsin Cooper Ltd, Hove Manor Hove Street Hove BN3 2DF		
<u>Applicant:</u>	Paul Dunk, 33 Redhill Drive Brighton BN1 5FH		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a detached house located on the north side of Redhill Drive, Brighton. The site sits above street level on steeply sloping land with a large rear garden rising to the north. The property has an attached garage and workshop to the east side which has been converted into a utility room and an annex comprising three bedrooms, a bathroom, and a kitchenette.
- 2.2 The surrounding street scene is characterised by a variety of large detached and semi-detached houses, with those on the north side set above street level, and those to the south set below street level.

3 RELEVANT HISTORY

- BH2013/01578-** Erection of part one part two storey rear extension incorporating roof extension over (part retrospective). Withdrawn
- BH2007/01996-** Two storey side extension following demolition of existing garage (re-submission of BH2007/00800). Approved 17/07/2007.
- BH2007/00800-** A two storey side extension following demolition of existing garage. Refused 20/04/2007.
- 71/1825-** Extension of existing garage to provide additional garaging and home workshop. Approved 10/08/1971.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a part-single, part-two storey rear extension to enlarge the ground floor living space and add two further bedrooms at first floor level. Work has commenced on the foundations to the extension.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eight (8)** letters of representation have been received from **14, 17, 18, 20, 24 & 29 Redhill Drive; 68 Tongdean Lane; and 120 Valley Drive** objecting to the application for the following reasons:

- The garage has already been modified to incorporate three bedrooms
- The extension would be offline from the neighbouring property
- The development is not in keeping and out of proportion with other properties in the area with 8 bedrooms
- Overdevelopment of the site
- An eight bedroom property would be out of scale with the area with the potential for eleven occupants
- The owner has the intention of letting the house out as an HMO in effect making it a block of flats on a suburban residential street characterised by semi and detached family houses
- Overshadowing, loss of light and overbearing impact on neighbours
- The addition of an extra large window to the top floor would cause overlooking and loss of privacy with a total of seven windows overlooking No.29 Redhill Drive
- Increased parking requirements to serve the enlarged 8 bedroom house
- Increased waste storage requirements would be detrimental to the streetscape
- Works have begun with loud construction works at the evenings, weekends and bank holidays

- 5.2 **Councillors Ann and Ken Norman** have objected to the proposed development. Their letter is attached to this report.

Internal:

- 5.3 **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:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Document:

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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to noise disturbance from construction works are not a material planning consideration. The main considerations in the determination of this application relate to the impact of the proposed extension on the appearance of the building, the wider street scene, and the amenities of adjacent occupiers.
- 8.2 It is clear from the site visit that the house is in C4 use (small house in multiple occupation), as the number of non-related persons in the dwelling sits between 3 and 6. Under the 2010 Use Classes Order amendments planning permission

is not required to convert a C3 dwelling house to a C4 small House in Multiple Occupation, or vice versa. Consequently, based on the information to hand, the use of the site as a C4 small House in Multiple Occupation is considered lawful.

Design and Appearance:

- 8.3 The site as existing forms a detached two-storey hip roofed house. An attached pitch roofed garage sits to the east side, with a converted workshop to the rear. The garage has been converted into a utility room with the workshop behind forming an annex comprising three bedrooms, a bathroom, and a small kitchenette. The annex has its own side entrance door and links internally with the main kitchen to the house, sharing some kitchen facilities. It is understood that the annex is occupied by student lodgers; this was confirmed at the site visit. The main front entrance hall/study to the front of the house currently also forms a bedroom, with the main access into the house via a side door to the utility room. It is unclear whether the hall/study room is occupied by a member of the family or by a lodger. At the time of the site visit the foundations to the extension had been laid, although it appeared that works had ceased.
- 8.4 The application seeks to add a two storey extension to the rear of the building, extending the full width and height of the main part of the house. The ground floor section would project 5.2m to the rear and house an enlarged kitchen/diner. The first floor section would project 4.1m to the rear, housing two additional bedrooms.
- 8.5 It is considered that the proposed extension would not be sufficiently harmful to the appearance of the building or wider street scene to warrant the refusal of permission, and would be in general compliance with the design guidance set out in SPD12 'Design guide for extensions and alterations'.
- 8.6 The SPD states that two storey rear extensions should not project beyond the side walls of the building, should have a matching roof form, and materials and fenestration to match. The extension would follow the existing flank walls, eaves and ridge to the house and would have a hipped roof with materials and fenestration detailed to match, thereby ensuring a cohesive overall appearance. Although not a subordinate addition, it is not considered that extending to the rear flush with the side walls, eaves and ridge line of the existing building would be so harmful or obtrusive in the street scene to warrant the refusal of permission.
- 8.7 Objectors have highlighted that the extension would be offline with the other buildings in the street. It is noted that the rear building line to the street is largely consistent to the west of the site, however to the east it is more varied, with No.37 in particular sitting considerably rear of both No.35 Redhill Drive and the application site. Consequently it is not considered that a two storey addition to the rear would be wholly out of character with the prevailing building line to the street and a refusal on this basis would be difficult to sustain.

- 8.8 For these reasons the proposal is considered to accord with policy QD14 of the Brighton & Hove Local Plan and the design guidance set out in SPD12 'Design guide for extensions and alterations'.
- 8.9 Objectors have raised concern that the combination of the proposed extension and the existing garage, kitchen, and workshop additions represents a piecemeal overdevelopment of the site. However, the proposed extension would serve to better integrate the existing garage and workshop wings to the main body of the house. For this reason it is not considered that the proposed extension would represent the further piecemeal development of this site.

Impact on Amenity:

- 8.10 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.
- 8.11 The main concern is with regard the impact of the extension on the amenities of the adjacent occupiers at 29 & 35 Redhill Drive. There are no residential properties visible to the rear of the site, with the rear boundary set approximately 39m from the rear of the proposed extension. SPD12 states that two storey rear extensions should comply with the 45 degree rule to minimise amenity harm, and retain a minimum 7m distance to the rear of the site.
- 8.12 To the west, No.29 forms a substantial two storey house separated from the application site by a single storey garage, the rear part of which has been converted to utility and study space. Excluding the garage and its ancillary accommodation there is a separation of approximately 7.5m between the main body of the two buildings. It is acknowledged that the proposed extension would add bulk beyond the rear elevation to No.29, however it would not break a 45 degree line from the nearest habitable room within No. 29 (the actual angle approximately 25 degrees from the nearest ground floor kitchen window/door and upper floor bedroom window). Further, it is noted that the main external garden space is located to the western half of No.29, away from the application site, with the remaining garden sitting at considerably higher level to the rear. Consequently it is not considered that the scale and massing of the proposed extension would be so harmful to the amenities of No.29 as to warrant the refusal of permission.
- 8.13 It is noted that an existing obscure glazed first floor side facing secondary window is to be enlarged to form the main window to a bedroom. This window would be largely obscured from views into the garden to No.29 by existing vegetation within No.29. However, this vegetation is not substantial and there would be potential harmful views from any clear glazing to this enlarged window. To avoid any potential overlooking harm a condition is attached requiring the enlarged window to be obscurely glazed.
- 8.14 To the east, the applicants converted garage would sit between the proposed extension and the boundary with No.35, creating a separation of approximately 4.67m between the two buildings. No.35 also has a single storey extension to

the rear. The separation between the properties is such that the extension would be set well within a 45 degree line from the nearest ground and first floor windows, and would not otherwise harm outlook or light. It is noted that the existing first floor side windows are to remain, however they would still serve a stairwell and bedroom as existing. Consequently there would be no greater overlooking potential than currently exists between the properties.

- 8.15 For these reasons the proposed extension would not significantly harm the amenities of adjoining occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan and SPD12 guidance.

Other Matters

- 8.16 Objectors have raised concern at the number of bedrooms proposed for the dwelling and its impact on parking levels in the street. Concern has also been raised that it is the applicant’s intention to operate the property as an HMO in the future. The application proposes extensions to a dwelling that is currently occupied as a family home with ancillary accommodation to the rear to form a C4 small House in Multiple Occupation. There is no indication that the extension is proposed to accommodate additional lodgers, however it should be noted that in the event 7 or more non-related persons reside at the dwelling then a material change of use of the site would have occurred requiring planning permission. On the merits of the current submission there is no indication that such a use would occur. The property has a large hardstanding to the front whilst there are no on-street parking controls. As such it is not considered that the expansion of the property would result in significant parking and highway safety concerns such that the refusal of permission would be warranted.

9 CONCLUSION

- 9.1 Subject to conditions, the proposed extension would complement the appearance of the existing building without harming the appearance of the street scene or the amenities of adjacent occupiers, in accordance with development plan policies.

10 EQUALITIES

- 10.1 None identified.

11 CONDITIONS / INFORMATIVES

Regulatory Conditions:

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

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

Plan Type	Reference	Version	Date Received
Site plan, proposed block plan and existing plans and elevations	0131-SO1	A	18/07/2013

PLANNING COMMITTEE LIST – 18/09/13

Proposed plans and elevations	0131-PO1	A	18/07/2013
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- 2) 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) 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 other than those expressly authorised by this permission shall be constructed in the eastern or western elevations of the extension 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 west facing window serving bedroom 2 in the west elevation of the development hereby permitted, as detailed on drawing no. 0131-PO1 rev A received on 18 July 2013 shall be obscure glazed 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.

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:-
Subject to conditions, the proposed extension would complement the appearance of the existing building without harming the appearance of the street scene or the amenities of adjacent occupiers, in accordance with development plan policies.



**Brighton & Hove
City Council**

PLANS LIST – 18 SEPTEMBER 2013

COUNCILLOR REPRESENTATION

Adrian Smith.
Environmental Services.
Brighton and Hove City Council.
Norton Road.
HOVE BN3 3BQ
cc. Ross Keatley

Date: August 15th 2013

Dear Mr. Smith,

Application number: BH2013/02475
Address: 33, Redhill Drive, Brighton
Description: Erection of two storey rear extension incorporating extension over.
Application type: Full Planning
Extension: Residential

We are writing as Withdean Ward Councillors to oppose the application detailed above, the principle reasons for opposition are listed below.

Number 33 Redhill Drive has previously been the subject of various extensions including an extension for a kitchen, modernising a garage and adjoining accommodation into bedrooms and a utility room has been added to the side of the house. Most recently in May 2013, application BH2013/01578 was submitted for erection of part one part two storey rear extension incorporating roof extension over and this was subsequently withdrawn by the applicant.

In considering the application as detailed above, the development would substantially increase the scale, prominence, footprint and visual impact of the dwelling and would appear dominant and out of keeping with the surrounding residential area.

The proposed extension as described in application BH2013/02475 would be overbearing and a severe reduction to the amenity of the nearest neighbours living in 29 Redhill Drive which we consider to be contrary to QD1, QD2 and QD14 of the Brighton and Hove Local Plan

Should it be decided that this application be approved by powers delegated to officers, we request that the application be referred to the Planning Committee, and ask that this letter be included in full in the Agenda for the appropriate meeting of the Committee and our reasons for objection be noted.

Yours sincerely,

Councillor Ann Norman

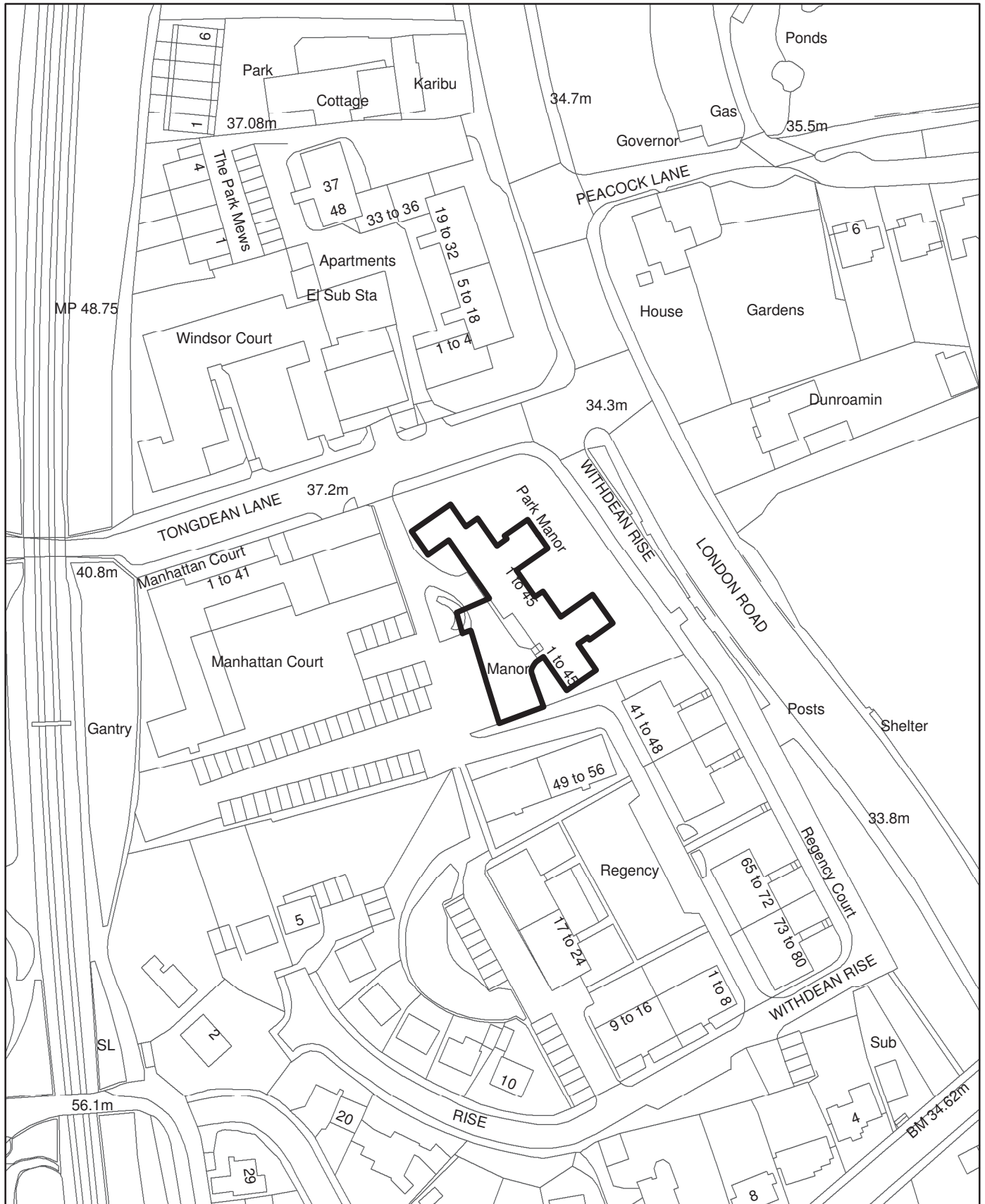
Councillor Ken Norman

ITEM N

**Park Manor, London Road,
Brighton, BN1 6YP**

**BH2013/01800
Full Planning**

BH2013/01800 Park Manor, London Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01800	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Park Manor London Road Brighton		
<u>Proposal:</u>	Roof extension to form 4no one bedroom flats and 2no two bedroom flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	24/06/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19 August 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Strutt and Parker, 31 North Street, Chichester, West Sussex, PO19 1LY		
<u>Applicant:</u>	Anstone Properties Ltd, C/O Strutt & Parker, 31 North Street, Chichester, West Sussex, PO19 1LY		

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 relates to a 7 storey block of 45 flats situated on the corner of London Road and Tongdean Lane. The building dates from the late 1960s and is constructed in light brown bricks with white windows; some of the flats have balconies which protrude from the front elevation. The roof of the building includes large additions for lift housing. The building is opposite Surrenden Field Park and is part of a row of other blocks of flats at Regency Court and The Park Apartments which front London Road.
- 2.2 It should be noted that there is an extant permission for a two-storey extension to an existing addition on the north side of the building which would allow an additional two flats within the site.

3 RELEVANT HISTORY

BH2013/02531: Application for approval of details reserved by condition 6 of application BH2012/03981. Currently under consideration.

BH2012/03981: Application for variation of condition 2 of BH2012/00382 (Erection of two storey extension to side annex to form 2no one bedroom flats and erection of cycle store), which states that the development shall be carried out in accordance with the approved drawings, to permit an increase to the approved roof height of 0.5m and remove solar panels. Approved 14th February 2013.

BH2011/01313: Erection of two storey extension to side annexe to form 1no three bedroom maisonette and erection of cycle store. Approved 29th November 2011.

BH2010/04042: Erection of two storey extension to side annexe to form 1no two bedroom maisonette and erection of cycle store. Refused 14th March 2011.

BH2010/02980: Application to extend time limit for implementation of previous approvals BH2005/01349/FP & BH2007/04485 for proposed roof extension to provide 4no three bedroom penthouse flats with private roof gardens, parking and associated works. Approved 19th November 2010.

BH2007/04485: Amendment to approval BH2005/01349/FP (proposed roof extension to provide 4 flats) by increasing height of roof by 0.5m. Approved 29th February 2008.

BH2005/06329: Proposed roof extension to provide four 2-bedroom flats with four car parking spaces, one disabled car space, new secure cycle store, new passenger lift and staircase. Refused 17th February 2006.

BH2005/01349/FP: Roof extension to provide four 3-bed penthouses flats with private roof gardens four reserved parking spaces (no's. 50-53 inclusive) as extent consent 68/2098 one disabled parking and new secure cycle store. Refused 8th June 2005. Appeal allowed 15th May 2006.

BH2005/00364/FP: Roof extension to provide four 3-bed penthouses flats with private roof gardens four reserved parking space one disabled parking and new secure cycle store. Withdrawn 30th March 2005.

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of an additional floor on the building. The extension would provide an additional 6 flats (4 x one bedroom units and 2 x two bedroom units). The proposed flats include balconies to the front and side elevations for the new flats. The scheme also includes 5 additional car parking spaces (including 1 disabled space) and cycle parking for the scheme within the site to the rear of the building. The scheme involves the removal of the existing lift housing and new lift housing is included in the scheme.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Ninety Four (94)** letters of representation have been received from Flat 1, 2 (x2), 3, 4, 5, 10, 11, 12, 12A, 16 (x2), 18, 19, 21, 23 (x2), 24, 25 (x3), 26, 28, 29 (x2), 30, 34, 35 (x4), 36, 37 (x2), 38 (x2), 40 (x2), 41 (x2), 42 & 45 Park Manor and Flat 1, 2, 4, 6, 9, 11, 12, 12A, 14, 15, 16, 18, 20, 21, 22, 23, 24, 26, 28, 29, 30, 32, 34, 36, 38, 39, 40, 43, 44, 46, 47, 48, 49, 50, 52, 57, 58, 59, 60, 64, 65, 68, 70, 71, 75, 76, 77, 78, 80 Regency Court, Dunroamin, London Road and 129 Newtown Road, Southampton (leaseholder of 67 Regency Court) objecting the application for the following reasons:
- There was a near identical failed application some 25 years ago and the structural report carried out at the time highlighted the problem of an extension with respect to the existing building.
 - The roof gardens will result in noise, overlooking and loss of privacy for Regency Court and existing residents at Park Manor.

- The additional parking spaces will only serve to exacerbate the already critical lack of parking spaces at Park Manor and Regency Court. The existing development has 42 apartments with only 10 parking bays for residents and visitors. There is no capacity for more parking.
- Park Manor is already at capacity in terms of its current level of occupation and associated traffic and parking. A further increase of 6 flats would stretch things to breaking point and cause intolerable increase in noise and extra traffic.
- During the construction phase, there will undue disturbance caused to existing residents.
- The development will reduce the market value of the existing properties causing hardship to the existing tenants.
- The appearance and size of the proposed development are not in character with the existing elevations.

5.2 **Brighton & Hove Archaeological Society:** The proposed development lies close to the location of a recorded burial dated to the Late Neolithic or Early Bronze Age period. The society would suggest that you contact the County Archaeologist for his recommendations.

5.3 **East Sussex County Council Archaeologist:** No objection

5.4 **Environment Agency:** No comment

Internal:

5.5 **Access Consultant:** No objection

5.6 **Environmental Health:** No objection

5.7 **Housing:** No comment

5.8 **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 residents 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 occupants of, and visitors to, the development 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.
- 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 £4,500 to help finance off-site highway improvement schemes. The improvements will mainly be finance dropped within the area.

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
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD27	Protection of Amenity

HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to loss of property value, the structural integrity of the existing block and disturbance during construction works are not material planning considerations. The main considerations in the determination of this application relate to the principle of the scheme, whether the proposal is appropriate in terms of design, residential amenity, sustainability and highway safety / demand for travel.

Principle of development:

- 8.2 Planning permission is sought for the erection of an additional storey on top of the existing building to form 6 flats. The planning history for this building is particularly relevant when considering the principle of an additional storey. In 2006, planning permission was granted at appeal under ref: BH2005/01349/FP for an additional storey on top of Park Manor to form four flats. Subsequently, an amendment to the scheme was allowed under BH2007/04485 in 2008. This amendment allowed an increase in height of the approved scheme. Following this, in November 2010, planning permission was allowed to extend the time limits of the two above planning applications. This permission is extant and expires on the 19th November 2013.
- 8.3 Given the appeal decision and the extant permission for an additional storey, the principle of an additional storey on top of this building has been established. It should also be noted that there are recent examples of planning permissions for similar additional storeys on apartment blocks nearby.
- 8.4 For example, in 2012 permission was granted at appeal for an additional storey at Blocks E & F Kingsmere London Road under ref: BH2011/03432. Permission has also been granted recently for an additional storey at The Excelsior, London Road under refs: BH2011/00370 & BH2007/03309. Both of these blocks are nearby on London Road.

Design:

- 8.5 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. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.6 As outlined above, this scheme follows a previous approval for an additional storey which was allowed on appeal (ref: BH2005/01349/FP) which has been extended and is an extant permission. This scheme approved an extension to the whole of the roof of Park Manor which formed an additional storey with front roof terraces.
- 8.7 In respect of the design of the 2005 application, the Inspector made the following comments:
- 'The existing lift housings which project above the roof are unsightly additions to the otherwise distinctive building. The new flats and their roof gardens would be no taller than the lift housing, and would respect the design of the lower floors. Because it would infill the space around the lift housings, the development would have a cohesive, flat-roofed appearance, in character with the rest of the block. The building would seem a little taller from street level, and it would not be dissimilar in height to other developments along the London Road, including the Park Apartments and Mandalay Court, nearby to the north, which serve to establish local distinctiveness. It would not, therefore, be overbearing, or an overdevelopment of the site. Park Manor is already taller than the 4-storey blocks at Regency Court, to the south, and because it is a sufficient distance from them, the modest increase in form that the proposal would cause would not be out of keeping.'*
- 8.8 In respect of the current scheme, the proposal is again for a full extension to the roof of Park Manor which forms an additional storey for 6 flats. The design of the current scheme differs from the extant permission in that it is more set back from the edges of the roof and introduces a more modern design. The previous permission proposed an extension which was built from the existing elevations, whereas the current proposal introduces greater set backs. This is similar to the alterations at Park Apartments, which is located to the north. The set back from the edges of the roof gives the scheme a more subordinate appearance and reduces the scheme's visual impact when compared to the extant permission. The set back from the front and side allows small areas for roof terraces.
- 8.9 To the front and side, the scheme includes large areas of full height windows and small areas of cladding. To the rear, the scheme extends two existing outriggers and includes windows within a rendered wall. The windows line up and match the design and scale of the existing windows on the building. To the roof of the building are new lift room extensions which extend above the roof of the addition by 400mm. The main extension extends the height of the building by 2.7m. Given the extant permission for a roof extension, it is felt that the

modern design and scale of the current scheme is preferable as it would form a more sympathetic and subordinate addition to the building.

- 8.10 It should also be noted that the scheme is in accordance with Supplementary Planning Guidance Note 15 on Tall Buildings. This SPG outlines the Council's approach to new tall buildings and extensions to existing tall buildings. The SPG identifies London Road as a 'corridor' for tall buildings. The SPG states that 'London Road/ Preston Road corridor provides a number of opportunities, whilst respecting the green residential character of the area, through a pattern of tall buildings and open spaces that emphasises the linear form of the corridor and provides a more unified approach to built form. Separated slightly from the city centre there are opportunities to reinforce the existing tall buildings and utilise the significant level change to the west to better integrate tall buildings within the townscape.'

Impact on Amenity:

- 8.11 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.
- 8.12 In respect of the scheme's impact on amenity, the scheme is again comparable to the extant permission for an additional storey. Park Manor is significantly larger than the adjacent neighbouring blocks of flats. The proposed extension is set back from the roof of the main building. Given the set back of the extension to the front and sides and the position and height of Park Manor in relation to its immediate neighbours, the scheme would not result in a significant impact on the amenity of any adjacent residents in respect of loss of light, overlooking or loss of outlook.
- 8.13 The scheme is also considered appropriate in respect of its impact on the amenity of the existing residents at Park Manor. The scheme does include small balconies which would allow some oblique and limited views into the existing sixth form windows. However, these windows are already partly overlooked through existing windows on the block. Additionally, the balconies are slightly set back from the front of the roof. Accordingly, it is felt that the scheme would not result in a significant loss of privacy to the existing sixth floor windows. Furthermore, in respect of noise disturbance, the proposed balconies for the six flats are not significantly large and could not host a great number of people, which could potentially result in a noise disturbance.
- 8.14 Given the previous approval and the scale and design of the current scheme, the proposal would not result in a significant impact on the amenity of any adjacent properties.

Standard of accommodation:

- 8.15 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. The scheme proposes 4 one bedroom units and 2 two bedroom units. The proposal provides a

suitable standard of accommodation with adequate light and outlook for the habitable rooms provided.

- 8.16 Policy HO5 requires suitable external amenity space to be provided for new residential development. The scheme includes balconies for each flat. Balconies are classed as outside amenity area in policy HO5 and the scheme is considered in accordance with the policy.
- 8.17 Brighton & Hove Local Plan policy HO13 requires new development to comply with Lifetime Homes standards. The applicant has outlined some Lifetime Homes measures in the submitted Planning Statement which include adequate space for wheelchair turning and circulation and appropriate dimensions for doorways and hallways. The Council's Access Officer has commented that, subject to the balconies provided having a level access, the scheme is deemed acceptable.

Sustainable Transport:

- 8.18 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.
- 8.19 To accommodate the additional 6 units, the scheme includes 5 additional parking spaces within the site, one of which is shown as a disabled space. The scheme also includes an area for additional cycle parking. The Transport Manager has assessed the scheme and commented that the scheme is acceptable in relation to its demand for travel, subject to a contribution of £4,500. This is to be secured via a Section 106 agreement.
- 8.20 The contribution will go towards footway improvements in the local area. This contribution will go towards mitigating the forecast increase in trips to and from the development and ensuring the development is in accordance with Local Plan policies TR1, TR7 and TR8 by providing safe walking routes to and from the development.
- 8.21 The applicant is proposing 5 additional on-site car parking spaces in total, 1 of which will be a disabled space. This is as per the previous permission BH2010/02980. There are currently 30 car parking spaces on-site. Supplementary Planning Guidance Note 4 on Parking Standards states that the maximum car parking standard for a residential development outside a CPZ is 1 car parking per unit and 1 space per 2 units for visitors. Therefore the proposed level of car parking is in line with SPG04 and deemed acceptable.
- 8.22 The applicant states that they intend to provide 1 disabled car parking space. However, the submitted drawings do not indicate the intended dimensions of the bay. The Transport Manager has commented that the disabled bays should be designed in line with the guidance provided in the Department for Transport (DfT) produced Traffic Advisory Leaflet 5/95. The bays should also be located as close to the main entrance as is possible to provide a convenient and safe route to the building. An informative is recommended stating that the disabled bay should meet the above standards.

- 8.23 SPG 4 states that a minimum of 1 cycle parking space per residential unit plus 1 space per 3 dwellings for visitors. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 8.24 The applicant intends to provide a cycle store which they say can accommodate 12 additional cycle parking spaces. This level of cycle parking is welcomed, however it is not apparent from the information submitted whether the proposed Bristol Bike compound allows horizontal bike parking and the user to easily secure the frame and both wheels of the bike. Therefore the Highway Authority recommend that this aspect is secured via condition.
- 8.25 Overall, subject to the provision of cycle parking and the contribution towards improving sustainable infrastructure in the area, it is felt that the scheme is appropriate in respect of demand for travel and its impact on traffic and parking in the area.

Sustainability:

- 8.26 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.
- 8.27 Under Supplementary Planning Document 8 on Sustainable Building Design, new build residential for 3-9 units is required to meet Level 3 of the Code for Sustainable Homes. As with similar extensions in the area, the extension to the roof is classed as new build and is required to meet this standard. A condition is therefore recommended requiring the submission of the relevant documents at the pre-commencement and pre-occupation stage that indicate the scheme would meet Level 3 of the Code for Sustainable Homes.

Other Considerations:

- 8.28 The previous permission for an additional floor included a condition requiring the lift housing to be enclosed in sound insulating material and mounted in such a way to minimise transmission of structure borne sound. This condition is recommended for the current scheme to protect the amenity of future residents of the flats.

9 CONCLUSION

- 9.1 Having regard to the previous permissions and extant permission for an additional floor to Park Manor, the principle of additional flats on top of this building has been established. The development would form an appropriate addition on the building and would be a sympathetic addition in the context of the street scene. The proposal also provides suitable accommodation and would not significantly detract from the amenity of adjacent residents or significantly affect highway safety and parking in the area.

10 EQUALITIES

10.1 The new flats would be required to fully comply with Part M of the Building Regulations and meet Lifetime Homes standards in accordance with policy HO13.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Section 106 agreement to secure:

- Contribution of £4,500 to finance off-site highway improvement schemes such as footway improvements in the local area.

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.

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	A1413/01	B	24 th June 2013
Existing Sixth Floor Plan	A1413/02	A	4 th June 2013
Existing East Elevation	A1413/03	A	24 th June 2013
Existing West Elevation	A1413/04		24 th June 2013
Existing S & N Elevations	A1413/05	A	24 th June 2013
Proposed Seventh Floor Plan	A1413/07		4 th June 2013
Proposed Seventh Floor Plan	A1413/08	A	4 th June 2013
Proposed East Elevation	A1413/09	B	4 th June 2013
Proposed West Elevation	A1413/10	A	4 th June 2013
Proposed S & N Elevations	A1413/11	B	4 th June 2013
Existing Roof Plan	A1413/12	A	4 th June 2013
Proposed Roof Plan	A1413/13	B	4 th June 2013
Proposed Seventh Floor Pan	A1413/14	A	4 th June 2013
Existing Parking Plan	A1413/15		24 th June 2013
Parking & Cycle Store	A1413/16		24 th June 2013
Comparison Plan			4 th June 2013
Bike Store Details			24 th June 2013

3) Access to the flat roof above the additional storey 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) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 5) 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.
- 6) 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 a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 7) No development shall take place until details of the proposed lift plant and machinery to be used on the premises have been submitted to and approved in writing by the Local Planning Authority. The details shall indicate the lift plant and machinery enclosed with sound-insulating materials and mounted in a way which will minimise transmission of structure borne sound. Development shall be carried out in accordance with the approved details.
Reason: To protect residential amenity of the occupiers of the building and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 8) Notwithstanding the details submitted, the development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 9) 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.
- 10) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 11) No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 3 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.

11.4 Pre-Occupation Conditions:

- 12) 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.

11.5 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:-

Having regard to the previous permissions and extant permission for an additional floor to Park Manor, the principle of an additional storey on top of this building has been established. The development would form an appropriate addition on the building and would be a sympathetic addition in the context of the street scene. The proposal also provides suitable accommodation and would not significantly detract from the amenity of adjacent residents or significantly affect highway safety and parking in the area.

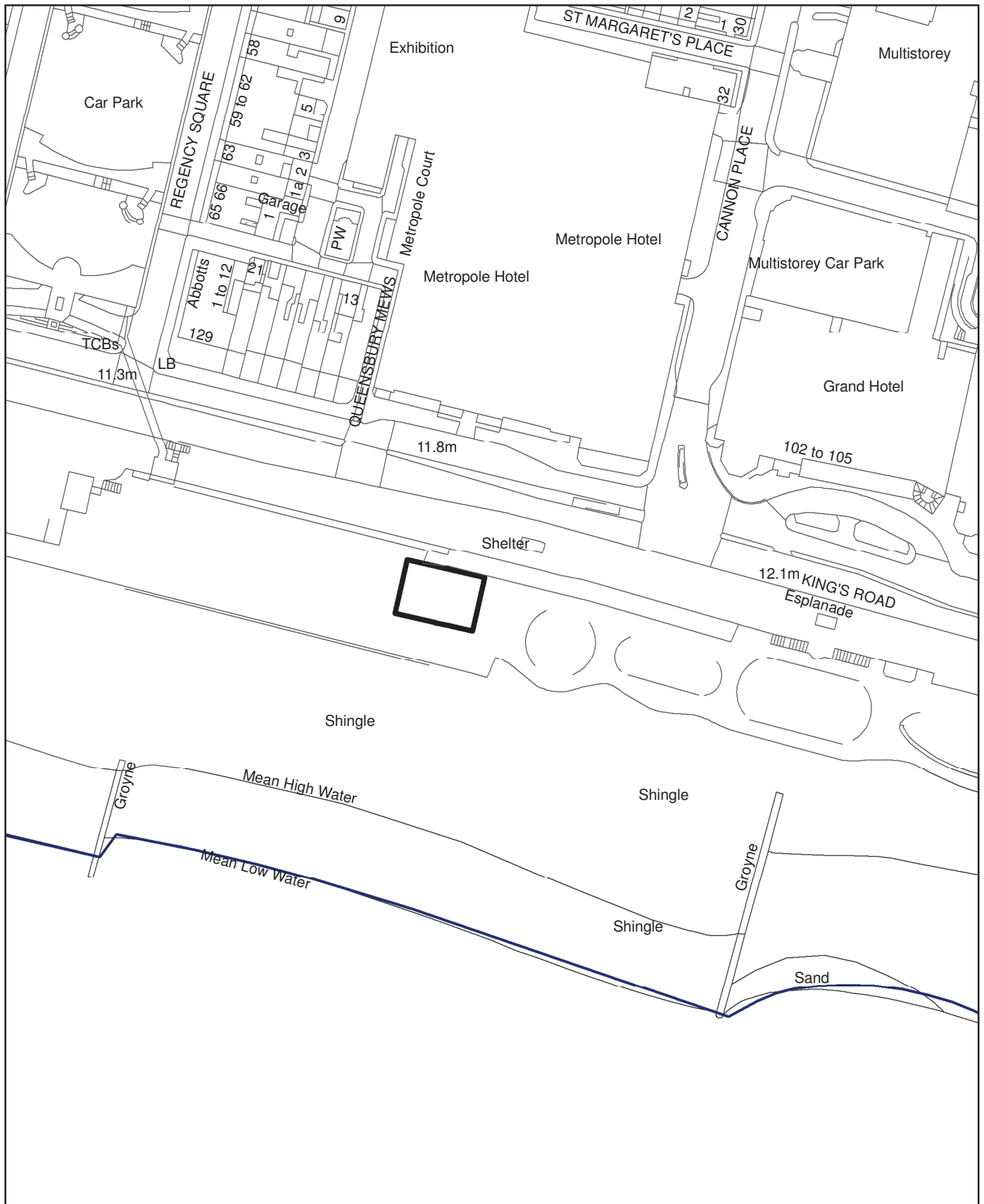
3. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 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
4. Please note that the Transport Manager has commented that the disabled bays should be designed in line with the guidance provided in the Department for Transport (DfT) produced Traffic Advisory Leaflet 5/95. The bays should also be located as close to the main entrance as is possible to provide a convenient and safe route to the building.
5. 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.

ITEM O

**Brighton Beach Market, Lower
Esplanade, Kings Road, Brighton,
BN1 2FN**

**BH2013/00647
Full Planning**

BH2013/00647 Brighton Beach Market, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/00647	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton Beach Market Lower Esplanade Kings Road Brighton		
<u>Proposal:</u>	Temporary change of use from lower seafront promenade to open air market (during constructing of i360 development).		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	29/07/2013
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	23 September 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	West Pier Traders Association, Peter Fijalkowski 74 Ashdown Road Worthing BN11 1DE		

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 an area of hard surfaced land on the lower esplanade situated behind the area of beach used by Brighton Sailing Club and situated approximately 88m east of the land end of the former West Pier. The area of land is part of a larger hard surfaced area on the lower esplanade, and measures 25m in length and 17m in width. The application site is positioned along the retaining wall to the ramp connecting the lower esplanade with the upper esplanade along King's Road.
- 2.2 The current use of the land is as part of the lower esplanade across which pedestrians can pass, and there are no structures on the site.
- 2.3 The application site is situated in the Regency Square Conservation Area and is not listed.
- 2.4 The site is located within the Central Seafront area designated under policy SA1 of the emerging City Plan Part One.
- 2.5 The application site lies outside of the area of lower esplanade to the east side of the West Pier which has been formally agreed as the construction compound area during future construction of the i360 observation tower as required by the Section 106 Agreement (reference Construction Environmental Management Plan (CEMP)) under application ref. BH2006/02369.

- 2.6 In addition, the application site would not overlap with the area designated for the temporary storage of Brighton Sailing Club boats during the construction of the i360.

3 RELEVANT HISTORY

BH2010/03320 – Application for variation of condition 1 of application BH2005/05727, (Confirmed use of area around pier on lower esplanade for street market. Amendments to previous conditions relating to days and hours of trading and number of stalls), to read: “The street market hereby approved shall only take place on that part of the beach shown on the approved drawings on Saturdays, Sundays and Bank Holidays (except for Christmas Day) between 1 March and 31 December and on weekdays (Mondays to Fridays inclusive) between 1 May and 30 September. The use shall cease on 31 December 2013 or at the start of i360 construction (whichever is sooner), after which the land shall be restored and shall return to its former use.” Approved 1 February 2011.

BH2008/03967 – Variation of condition to allow the market to continue until 31 December 2010 (or until implementation of the i360, whichever is the sooner). Approved 27 February 2009.

BH2006/02369 – Partial demolition of the existing pier structure and construction of an observation spire (approximately 183 metres in height above ordnance datum) and heritage centre (use class D2) with ancillary retail uses at lower promenade level and all works incidental to the development of the site including relocation of two lamp standards and works of alteration to arches 62-73 King’s Road. Approved subject to S106 Agreement 25 October 2006.

BH2005/05727 – Confirmed use of the area around the pier on the lower esplanade for a street market on Saturdays, Sundays and Bank Holidays (excluding Christmas Day) between 1 March and 31 December and on weekdays (Mondays to Fridays inclusive) between 1st May and 30th September, until 31 December 2008 upon which date the land should be restored and shall return to its former use. Approved 2 December 2005.

BH2004/01552/FP - Renewal of planning permission BH2001/02531/FP for a street market at West Pier, to allow operation to continue until 31st December 2005. Approved 7 July 2004.

BH2001/02531/FP – Renewal of planning permission BH2000/02026/FP (for a street market at West Pier) for two years (2001 to 2003 inclusive) and to allow markets on Saturdays, Sundays and Bank Holidays (except Christmas Day) between 1st March and 31st December and on weekdays (Monday to Friday inclusive) between 1st July and 31st August. Approved 17 January 2002.

BH2001/01905/FP – Variation of Condition 1 of planning permission BH2000/02026/FP (for a street market at West Pier) to allow operation to continue until 31st December 2001 and to allow markets on Bank Holidays except for Christmas Day. Approved 5 November 2001.

BH2000/02026/FP – Use of beach as a street market on Saturdays and Sundays between 1 April and 30 September in any year. Approved 3 April 2001.

4 THE APPLICATION

- 4.1 Planning permission is sought for the temporary relocation of the street market which currently operates in front of the land end of the former West Pier on the lower esplanade, to the area of lower esplanade some 88m to the east as described above. The site on which the market currently operates has a temporary consent which is due to expire on 31 December 2013.
- 4.2 Twenty-three market stall pitches are proposed within the site, all except three smaller pitches measuring 3m x 3m.
- 4.3 No permanent structures or storage structures are proposed.
- 4.4 The site would leave a clear width of 7.2m to the south side of the lower esplanade to allow for pedestrian traffic and for the movement of boats from the back of the beach used by Brighton Sailing Club.
- 4.5 The applicant has not specified the length of the temporary period of the relocation of the street market but does state the market would wish to remain in the new location until construction of the i360 has been completed.
- 4.6 The temporary consent for the existing market in front of the former West Pier has a duration of 3 years, or until the construction of the i360 commences, whichever is the sooner.
- 4.7 At the present time there is no clear indication of the time when the i360 will be completed.
- 4.8 The applicant has not put forward a longer term strategy as to where the market would wish to be situated following completion of the i360 development.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Six (6) letters of representation have been received from **36 Gleton Avenue; and 106-107 (Ice Café), 125 (x2), 143-144 and 199 King's Road Arches**, objecting to the application for the following reasons:-

- Untidy appearance of market.
- Poor image of Brighton for visitors.
- Loss of only remaining open area during i360 construction.
- Better used for recreation/public art/family entertainment rather than selling.
- Increased congestion from delivery traffic.
- Insufficient storage facilities.
- Market traders do not pay rates or invest in the seafront.
- Unfair to permanent seafront traders who pay rates.
- Better locations near Peace Statue near Hove Lawns, or west of Bandstand.
- Original idea for market was to fund West Pier Trust.
- Insufficient refuse storage.

- No space left to locate café commercial waste facility.
- Increased risk of flooding.
- Increase noise adjacent to café.
- Overcrowding.
- Existing market usually has only 10 market stalls, not 23 as proposed.

Sussex Police: No objection.

Conservation Advisory Group: No comment.

5.2 Internal:

Sustainable Transport: No objection.

The market will be made up of existing traders from the West Pier Market who will be displaced once work begins on the i360, and of new traders. Therefore the forecast level of trip generation is not forecast to increase from existing levels. This is because the development is primarily a like for like replacement.

The applicant is not proposing any on-site car parking. Given the central and sustainable location of the site this level of car parking is deemed acceptable and in line with SPGBH4.

The applicant is not proposing any cycle parking spaces. Given the temporary use of the site and its nature the Highway Authority would not look for any cycle parking stands to be secured as part of this application.

Proposed loading/unloading is essentially as existing. However, to ensure loading and unloading is undertaken in line with the proposed arrangements the Highway Authority would recommend that the need to produce a Delivery & Servicing Management Plan is secured via condition. The securing of such a plan is to ensure that the delivery and servicing movements from the development do not have a negative impact upon the highway network. The Delivery & Servicing Management Plan must include details of:

- The nature of vehicles being used;
- Where deliveries will take place from;
- Measures to ensure deliveries do not take place at times of the day when it is not permitted;
- Provide stall holders with appropriate access routes and details of legal loading/unloading locations; and
- Measures to consolidate or reduce the number of delivery vehicle trips.

It appears that some of the proposed stalls are to be located on the adopted highway. Therefore these stalls must be licensed under the Highways Act 1980. The applicant should contact the Seafront Office to arrange this post planning consent and an appropriate informative is recommended.

Seafront Development & Seafront Estates: No objection.

The landlord consent that will be provided will only apply for as long as the adjacent area known as the 'old paddling pool' site is used as the construction compound for the i360 development.

Major Projects & Regeneration: 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) 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
SR11	Markets and car boot sales
HE1	Listed buildings
HE3	Development affecting the setting of a Listed Building
HE5	West Pier
HE6	Development within or affecting the setting of a conservation area

QD27 Protection of Amenity

Supplementary Planning Guidance:
SPGBH4 Parking Standards

Brighton & Hove City Plan Part One (submission document)
SS1 – Presumption in Favour of Sustainable Development
SA1 – The Seafront

8 CONSIDERATIONS & ASSESSMENT

8.1 Matters of competition and payment of business rates are not material considerations. The main considerations in the determination of this application relate to the principle of the development; the impact on the historic seafront; impact on amenity; and impact on transport.

Principle:

8.2 Policy SR11 of the Local Plan: “Markets and car boot sales”, states that planning permission for new off-street or on-street markets, covered or open, will be granted where:

- a. the proposal would not have an adverse effect on residential amenity or the immediate environment in terms of noise, nuisance or visual appearance; and
- b. the proposal should not result in traffic congestion or danger, and should be readily accessible by public transport.

In addition:

- c. the proposal should not adversely affect the viability of existing shops in the vicinity and should not result in an over concentration of markets in one particular area;
- d. adequate car parking for stallholders should be provided;
- e. adequate provision must be made for servicing and storage of stalls, as well as refused storage. Provision of new litter bins may also be required;
- f. all permanent barrows or stalls should be of a satisfactory appearance and well maintained, with the area being left clean and tidy after operation.

8.3 Proposals for markets and car boot sales should be supported by a management plan indicating how they will operate including details of times, allocation of pitches and marshalling. A ‘limited period only’ permission may be given if the environmental consequences are either uncertain, especially in residential areas, or could be harmful in the longer term, in order to allow for monitoring of potential harm or nuisance.

8.4 The market has been operating successfully from the West Pier site for over ten years. In principle the use of a small area of the lower esplanade as a market is acceptable. Sufficient space for pedestrian traffic flow and for manoeuvring of boats belonging to the adjoining sailing club would be retained on the lower esplanade.

- 8.5 In respect of part c. of policy SR11, the approval of the current application would overlap the remaining time left on the consent for the market in its current location, which is due to expire on 31 December 2013. This short overlap time is considered acceptable, but in the longer term, the co-existence of areas of the lower esplanade with planning approval for street markets would not be acceptable in principle and would be contrary to policy SR11. This issue will be re-visited if or when the applicant seeks to renew the temporary planning consent for the market in its current location in front of the West Pier.
- 8.6 Policy SA1 of the emerging City Plan Part One, states Brighton & Hove seafront is considered by English Heritage to be one of the finest urban seafront townscapes in Britain. The space along the seafront, the sea, the beach and the buildings behind the main road all offer important opportunities for further improvement and enhancement. Proposals should support the year-round sport, leisure and cultural role of the seafront for residents and visitors whilst complementing its outstanding historic setting and natural landscape value.
- 8.7 The key priority for the whole of the seafront is to enhance and improve the public realm and create a seafront for all.
- 8.8 Part B of policy SA1 sets out the specific priorities for each seafront area, the application site falling in the Central Seafront (Medina Terrace to Palace Pier) area.

The priorities for the Central Seafront are to:

- Secure ongoing improvements to and maintenance of the upper and lower promenade, including Hove lawns, which respect the more tranquil areas west of the Peace Statue;
 - Develop a future vision and landscaping option for the lower promenade area either side of the West Pier site to complement the i360 observation tower proposal and maximise nature conservation opportunities;
 - Secure improvements to traffic flow, air quality and pedestrian and cycle routes and crossing opportunities related to the Brighton Centre redevelopment; and
 - The council will work with the West Pier Trust and English Heritage to ensure any future proposal for the West Pier is of high quality, complements the seafront regeneration and values its biodiversity interest.
- 8.9 The proposal to relocate the market raises potential conflicts with the second priority for the Centre Seafront area in respect of the future vision and landscaping option to complement the i360 observation tower and maximise nature conservation opportunities.
- 8.10 At the present time it is not known when the construction compound for the i360 observation tower will be created and it is not known when, or if, the i360 observation tower will be completed.

- 8.11 The rental of land on the lower esplanade is controlled by the council's Seafront Office, which will be leasing the application site to the market in the event planning approval is granted. In addition, the application site is some 88m from the West Pier and outside of the designated i360 construction compound. As such it is considered that the relocation of the market to a temporary location for the duration of i360 construction would not compromise the longer term priorities for the Central Seafront area. However, a temporary permission is recommended so that monitoring of the impact of the market can take place and also to ensure that the longer term strategies for the seafront area are not prejudiced.
- 8.12 It is recommended that consent is granted temporarily for a period of 2 years. During this time the applicant will be expected to devise a long-term strategy for the beach market and identify alternative locations which will reduce the potential to prejudice the achievement of policy SA1 priorities.

Impact on Historic Seafront:

- 8.13 Policy HE6 of the Local Plan states that, proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a. a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
 - b. the use of building materials and finishes which are sympathetic to the area;
 - c. no harmful impact on the townscape and roofscape of the conservation area;
 - d. the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
 - e. where appropriate the removal of unsightly and inappropriate features or details; and
 - f. the retention and where appropriate the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.

Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.

- 8.14 In the proposed location the beach market would be less visible in long views along the lower esplanade than it is in its current location in front of the West Pier.
- 8.15 The proposed uniformity in the design and appearance of the proposed market stalls is supported and whilst the permanent siting of market stalls may be considered harmful to the character and appearance of the historic seafront, in this instance no permanent fixtures are proposed and the market stalls would

be erected and cleared away each day, meaning outside market trading hours the land would be restored to its present condition.

- 8.16 The area of lower esplanade to the east side of the West Pier is a large and open hard-surfaced area. The proposed market would occupy a small proportion of the far corner of the lower esplanade area from the West Pier, and the temporary nature of the proposal together with the absence of permanent structures or fixtures means the historic layout and sense of openness of the lower esplanade would not be compromised by the proposal.
- 8.17 The temporary relocation of the market to the area proposed is not considered likely to have a significant or lasting impact on the requirements to preserve or enhance the conservation area and on this basis no permanent, long-term conflict with policy HE6 is foreseen.

Impact on amenity:

- 8.18 Policy QD27 of the Local Plan states 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.
- 8.19 The proposed temporary location of the market is at beach level on the lower esplanade and the application site is separated from the nearest residential properties by the upper esplanade and also the busy King's Road (A259). As such it is not considered that the market would cause undue disturbance and loss of amenity for neighbouring residents.
- 8.20 The matters raised by the letters of objection received are acknowledged. However, it is not considered that the proposed market use would generate such excessive noise and disturbance from its selling activities such as to cause unacceptable harm to the amenity of the adjoining uses. Furthermore, the market has been operating in its current location for some years with no significant adverse impact on residential amenity.

Impact on transport:

- 8.21 In order to meet the requirements of policies TR1 and TR19 of the Local Plan, the proposed development should provide for the transport demand generated in accordance with the maximum parking standards and minimum cycle parking standards set out in SPGBH4: Parking Standards.
- 8.22 It is not proposed to provide on-site car parking. Given the central and sustainable location of the site, no objection has been received from Sustainable Transport in this regard.
- 8.23 Furthermore, as the proposal is a like-for-like transfer of the existing market to a temporary location, there would not be a material increase in existing levels of trip generation and as such Sustainable Transport does not require a Section 106 contribution.

- 8.24 In order to meet the requirements of policy TR14 of the Local Plan, and the minimum cycle parking standards set out in SPGBH4, the development should provide 1no. cycle parking space which is secure, convenient to use and ideally covered.
- 8.25 Given the temporary use of the site for the street market Sustainable Transport raises no objection to the absence of cycle parking spaces in this instance and your Officers concur with this.

9 CONCLUSION

- 9.1 In principle the use of the land for the temporary relocation of the existing West Pier Beach Market is considered acceptable. If this application is approved it will result in a consent that overlaps with the final months of the temporary consent granted for the same market in its current location by the West Pier, which expires on 31 December 2013 (ref. BH2010/03320). This short period of overlap is considered acceptable and is not considered sufficient to justify refusal of the application based on policy SR11 part c. (over concentration of markets in one particular area).
- 9.2 In the location proposed the market is not considered likely to have a significant adverse impact on residential amenity or give rise to excessive noise and disturbance from its retail activities.
- 9.3 The application site is in a sustainable location in terms of transport. Subject to a condition requiring a Delivery and Servicing Management Plan the proposal is not considered likely to have a significant detrimental impact on the highway.
- 9.4 For the reasons above approval is recommended for a temporary period of 2 years. This will enable the local planning authority to monitor the impact of the development and review the consent as appropriate in respect of achieving policy SA1 priorities and the fruition of the i360 observation tower development and associated landscaping.
- 9.5 It is not considered that the temporary consent should refer to the completion of the i360 observation tower because the application site is outside of the area proposed to be used as the i360 construction compound and as the market would be able to operate during construction, the completion of the i360 observation tower would in itself have no impact on the continued operation of the beach market.

10 EQUALITIES

The lower esplanade is flat and hard surfaced and there is a ramp between the application site and the upper esplanade alongside King's Road.

11 CONDITIONS / INFORMATIVES

Regulatory Conditions:

- 1) The street market shall only take place on that part of lower esplanade indicated and in accordance with the stall layout shown on approved drawing no. 007RR (REVISED) received on 29 July 2013, on Saturdays, Sundays and Bank Holidays (except for Christmas Day) between 1st March and 31st December and on weekdays (Mondays to Fridays inclusive) between 1st May and 30th September. The use shall cease on 30th September 2015 whereby the land shall be restored and shall return to its former use as deemed appropriate. **Reason:** To enable to Local Planning Authority to continue to monitor the impact of the market use, to safeguard the amenities of the area and the character and appearance of this part of the Regency Square Conservation Area and in order not to prejudice the long-term strategy for enhancement to the central seafront area, in accordance with policies SR11 and HE6 of the Brighton & Hove Local Plan 2005 and policy SA1 of the City Plan Part One Submission Version.

- 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
General Plan/Location Map			8 May 2013
Proposal for Market Layout	007RR (REVISED)		29 Jul 2013

- 3) No stall shall be set up on trading days before 08.00 hours and all stalls shall be removed by 20.00 hours. Trading shall only take place between the hours of 09.00 hours and 19.00 hours. **Reason:** To safeguard the amenities of the area and the character and appearance of this part of the Regency Square Conservation Area and in accordance with policies SR11 and HE6 of the Brighton & Hove Local Plan 2005.

- 4) There shall be no parking of vehicles associated with the market on the Lower Esplanade at any time. In particular, there shall be no loading or unloading of goods associated with the market from vehicles parked on the Lower Esplanade at any one time. **Reason:** To safeguard the amenities of the area and the character and appearance of this part of the Regency Square Conservation Area and in accordance with policies SR11 and HE6 of the Brighton & Hove Local Plan 2005.

- 5) No amplified music shall be played on the site. **Reason:** To safeguard the amenities of the area and the character and appearance of this part of the Regency Square Conservation Area and in accordance with policies SR11 and HE6 of the Brighton & Hove Local Plan 2005.

Pre-Commencement Conditions:

- 6) The use hereby approved shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Delivery & Servicing Management Plan, which includes details of the types

of vehicles; how deliveries will take place; and the frequency of deliveries. The plan shall also include measures to minimise the impact deliveries have on the transport network. All deliveries and servicing shall be carried out in accordance with the approval plan thereafter. **Reason:** In order to ensure that the vehicles that deliver to and service the development are of a suitable size and to ensure the safe operation of the highway network, and thus the protection of the amenity of nearby residents in accordance with policies TR7 and QD27 of the Brighton & Hove Local Plan 2005.

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:-
In principle the use of the land for the temporary relocation of the existing West Pier Beach Market is considered acceptable. In the location proposed the market is not considered likely to have a significant adverse impact on residential amenity or give rise to excessive noise and disturbance from its retail activities. The application site is in a sustainable location in terms of transport. Subject to a condition requiring a Delivery and Servicing Management Plan the proposal is not considered likely to have a significant detrimental impact on the highway.
3. The applicant is advised that this planning permission does not override the need to obtain a licence for the stalls on the highway under the Highways Act 1980. The applicant must contact the Council's Seafront Office for further information and to arrange this licence. Email: seafrontoffice2@brighton-hove.gov.uk for further information.

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

Date	Address	Ward	Proposal
17 th Sept 13	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 th Aug 13	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 th July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re-development
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

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.

			provided at upper levels including 5 tower blocks ranging in height of between 10 and 25 storeys. Car parking for 800 vehicles.
9 th October 2012	<p>1. Hannington Lane</p> <p>2. Brighton Square</p>	<p>1. Regency</p> <p>2. Regency</p>	<p>1. Creation of new retail shopping lane behind the former Hanningtons Store connecting Meeting House Lane with Brighton Place, with new links to North St and Brighton Square. Accommodation comprising 9 new residential units (approx 900 sqm) and office accommodation (approx 520 sqm) over 21 new/refurbished/extended retail units (A1/A3 mix TBA) (approx 1,300 sqm). Please note that approximately half of the retail area is to be within existing building envelopes. Relocation of sub-station.</p> <p>2. Remodelling facades of Brighton Square. New 50 bedroom hotel and reception (approx 1,500sqm) fronting Brighton Place with rooftop café/restaurant (approx 75sqm) and roof terrace and 5 new residential units (approx 500 sqm), office accommodation (approx 300 sqm) over 7 new/refurbished/extended retail units (A1/A3 mix TBA) (approx 300 sqm).</p>
28 th August 2012	Infinity Foods, Norway Street	South Portslade	<p>An office block (Class B1) of 743sqm, served by 15 parking spaces accessed from Franklin Street to the north of the site.</p> <p>1 2, 3 and 4 bed dwellings including 12 affordable housing units served by 50 parking spaces access from Norway Street and Franklin Road.</p>
15 th May 2012	1. Brighton Station, Block J	1. St Peters & North Laine	<p>1. The commercial and residential blocks will be developed separately. An amended 6/8 storey mixed use</p>

	2. Woolards Field, Lewes Road	2. Moulsecomb & Bevendean	commercial building, plus basement, comprising hotel, office and retail uses, is proposed at the southern end of the site. 2. A 1-3 storey building to be used as a make ready ambulance centre including cleaning, maintenance and preparation of ambulances with office, staff facilities, training and education facilities. Associated landscaping car parking (158 spaces) and cycle parking.
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 18 September 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****BH2013/01780****3 Grange Walk Brighton**

Erection of single storey detached double garage and conversion of existing integral garage into living space. Erection of single storey rear extension to the first floor.

Applicant: Mr & Mrs J Austera

Officer: Pete Campbell 292359

Approved on 15/08/13 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 or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the foundations of the garage has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

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

3) UNI

The detached garage hereby approved shall only be used for the parking of private vehicles.

Reason: In order to appropriately protect the amenities of the occupiers of nearby properties and the character of the street scene, to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) 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 Construction Specification/Method Statement for the foundations of the garage has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

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

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
Topographical Survey, Block & Site Location Plan	1.01		03/06/2013
Existing Plans, Sections & Elevations	1.02		03/06/2013
Proposed Site Plan & Garage Plans/Elevations	2.01	A	20/06/2013
Proposed Alterations & Extension	2.02		03/06/2013

6) UNI

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the main dwelling.

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.

BH2013/01880

169 Surrenden Road Brighton

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

Applicant: Mrs Geraldine Hicks

Officer: Sonia Gillam 292265

Refused on 12/08/13 DELEGATED

1) UNI

The development is not permitted development under Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 1995, as amended, by reason that the extension would extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

BH2013/01885

28 Larkfield Way Brighton

Erection of single storey rear extension.

Applicant: Mr Douglas Mason

Officer: Chris Swain 292178

Refused on 16/08/13 DELEGATED

1) UNI

The proposed addition, by reason of scale, design, siting, bulk and depth 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 Document: Design Guide for Extensions and Alterations (SPD012)

2) UNI2

The proposed development, by reason of its height, depth and bulk, adjacent to the shared boundary would result in an unacceptably overbearing and visually dominant impact and a loss of light and overshadowing towards No.26 Larkfield Way. As such the proposal is contrary to policies QD14 and QD27 of the Brighton

BH2013/01894

16 Beechwood Close Brighton

Erection of rear conservatory extension and balcony with steps to garden.

Applicant: Mr & Mrs L Gill

Officer: Pete Campbell 292359

Approved on 16/08/13 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

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 location plan			11/06/2013
Block plan	1381/01/04		11/06/2013
Plans and elevations as existing	1381/01/01		11/06/2013
Plans and elevations as proposed	1381/01/02	B	11/06/2013
Ground floor plan and section	1381/01/03	A	11/06/2013

BH2013/01896

2 Overhill Way Brighton

Application for Approval of Details Reserved by condition 16 of application BH2012/00742.

Applicant: Michael Walker

Officer: Wayne Nee 292132

Approved on 12/08/13 DELEGATED

BH2013/01902

County Oak Medical Centre Carden Hill Brighton

Replacement of plastic grass guard parking bay surfaces to permeable block paving.

Applicant: Assura Group Ltd

Officer: Sonia Gillam 292265

Approved on 13/08/13 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

Unless otherwise agreed in writing by the Local Planning Authority, the hard surface shown on the approved plans shall be comprised of 'Aquaflow' block paving in 'Red Brindle' colour bricks with every third brick in 'Charcoal' colour as a dividing line using a 90 degree herringbone pattern, and shall be retained as such. As confirmed by the email from the agent received on the 25 July 2013.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

3) UNI

The hard surface hereby approved shall be made of porous materials and retained thereafter.

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) 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			19/06/2013
Proposed site layout	8271/104	A	07/06/2013

BH2013/02034

56 Westfield Crescent Brighton

Certificate of lawfulness for proposed hip to gable roof extension, dormer to the rear elevation to replace existing and rooflights to the front elevation.

Applicant: Mrs Mel Gillam

Officer: Chris Swain 292178

Approved on 14/08/13 DELEGATED

BH2013/02072

39 Greenfield Crescent Brighton

Erection of a two storey rear extension.

Applicant: Mr Carl Fidler

Officer: Wayne Nee 292132

Refused on 13/08/13 DELEGATED

1) UNI

The proposed rear extension, by virtue of its roof form, design and size, would result in a visually intrusive and bulky addition which relates poorly to the existing dwelling, and as a result would be detrimental to the visual amenities of the existing property and the wider area. The proposal is therefore contrary to policies contrary to Policies QD2 and QD14 of the Brighton & Hove Local Plan, and SPD12 Design Guide for Extensions and Alterations.

BH2013/02215

103 Lyminster Avenue Brighton

Erection of two storey side extension.

Applicant: Mr Chouduri
Officer: Andrew Huntley 292321
Refused on 12/08/13 DELEGATED

1) UNI

The proposed side/rear extension, by virtue of its design, size, bulk and siting up to the boundary would result in a visually bulky, intrusive and awkward addition to the property, which is unsympathetic to the design of the existing dwelling 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 policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

2) UNI2

The proposed extension, coupled with the existing extension at 105 Lyminster Avenue, would result in the loss of space and separation between the properties. This loss would be detrimental to the spacious character and appearance of the area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

BH2013/02303

61 Overhill Drive Brighton

Demolition of garage to facilitate erection of two storey side extension incorporating extension to existing loft conversion and associated external alterations.

Applicant: Mr & Mrs Bassett
Officer: Andrew Huntley 292321

Refused on 19/08/13 DELEGATED

1) UNI

The proposed side/rear extension, by virtue of visually unbalancing the pair of semi-detached properties, its contrived design, size, bulk and siting up to the boundary would result in a visually bulky, intrusive and incongruous addition to the property, which is unsympathetic to the design of the existing dwelling, and as a result would be detrimental to the visual amenities of the parent property, the street scene and the wider area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

PRESTON PARK

BH2013/01489

149 Preston Road Brighton

Installation of new condensing units on side roof at 5th floor level and new generator to rear elevation to replace existing.

Applicant: Royal Bank of Scotland
Officer: Christopher Wright 292097

Approved on 13/08/13 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
Location Plan			29 May 2013
Existing Site Plan	7278/01		13 May 2013
Proposed Site Plan	7278/02		13 May 2013
Proposed Sound Levels	7278/03		13 May 2013
Generator Compound Details	7278/05	B	18 Jun 2013

As Existing & Proposed Fifth Floor Plant Area (Part) Plan & Elevation	BCH1320-Plan -06		3 Jun 2013
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2) 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.

BH2013/01757

17A Grantham Road Brighton

Erection of single storey rear extension incorporating pitched roof and 2no rooflights.

Applicant: Steve Wood

Officer: Andrew Huntley 292321

Approved on 08/08/13 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

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

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

Plan Type	Reference	Version	Date Received
Proposed Extension	612/01		29.05.2013
Existing Layout	612/02		29.05.2013

BH2013/01784

85 Havelock Road Brighton

Loft conversion incorporating 1no rooflight to the front and 1no rooflight and 1no dormer to the rear.

Applicant: Mr Silas Stephenson

Officer: Chris Swain 292178

Approved on 12/08/13 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 rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

3) UNI

The dormer window hereby approved 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.

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	001		10 June 2013
Proposed site plan	002		10 June 2013
Existing and proposed ground floor plans	003		10 June 2013
Existing and proposed first floor plans	004		10 June 2013
Existing and proposed second floor plans	005	D	29 July 2013
Existing and proposed roof plans	006	D	29 July 2013
Existing and proposed front elevations	007	C	29 July 2013
Existing and proposed rear elevations	008	C	23 July 2013

BH2013/01943

23 Havelock Road Brighton

Alteration to flat and maisonette to form single dwelling house including demolition and replacement of ground floor extension and erection of first floor extension to rear (part retrospective).

Applicant: Copse Mill Properties Ltd

Officer: Wayne Nee 292132

Refused on 13/08/13 DELEGATED

1) UNI

The proposal would result in the loss of a residential unit. The applicant has failed to present any exceptional circumstances which would justify the loss of the residential accommodation. The proposal is therefore deemed contrary to policy HO8 of the Brighton & Hove Local Plan.

BH2013/02041

21 Edburton Avenue Brighton

Erection of side conservatory extension.

Applicant: Geoff Heath

Officer: Pete Campbell 292359

Refused on 21/08/13 DELEGATED

1) UNI

The proposed extension by virtue of its uncomplimentary design, incorporating a bulkhead form standing above a pitched roof which conceals the detailing of an attractive timber sash window, constitutes a discordant addition to the dwelling. The extension proposed would be detrimental to the visual appearance and character of; the host property, the rear of the terrace and consequently the wider Preston Park Conservation Area. The application is contrary to policies Q14 and HE6 of the Brighton and Hove Local Plan 2005.

2) UNI2

The expanse of obscure glazing to the south side of the proposed conservatory, by virtue of its close proximity to the shared boundary and side windows at no.19 Edburton Avenue would cause an increased perception of being overlooked for the occupants of the neighbouring property. This would result in material harm being caused to the residential amenity of the neighbouring occupants, contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

BH2013/02084

50 Waldegrave Road Brighton

Erection of single storey side and rear extension, and loft conversion incorporating rear dormer and rooflight to front.

(Part-Retrospective)

Applicant: Mr Ronald Gray

Officer: Robin K Hodgetts 292366

Refused on 21/08/13 DELEGATED

1) UNI

The side and rear wrap around extension is an inappropriate addition to the dwelling which fails to respect the original plan of the building and as such is contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 - Design guide for extensions and alterations.

BH2013/02119

Flat 3 41 Preston Park Avenue Brighton

Removal of two doors and side window on east elevation and replacement with new door and french doors.

Applicant: Mr Jim Proudfoot

Officer: Andrew Huntley 292321

Approved on 08/08/13 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
Block Plan and Location Plan	P/01		20.06.2013
Floor Plan as Existing	P/02	A	20.06.2013
Elevations and Sections	P/03	C	20.06.2013
Floor Plan as Proposed	P/04	C	20.06.2013
Door Details	P/05		20.06.2013

BH2013/02201

36 Preston Park Avenue Brighton

Widening of existing right hand side entrance to the same width as the left hand side entrance.

Applicant: 36 Preston Park Avenue Ltd

Officer: Liz Arnold 291709

Approved on 19/08/13 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 rebuilt pillar to the north of the right hand side entrance hereby approved shall be rebuilt to exactly match the dimensions, design, detail and finish of the retained pillar located immediately to the north of the re-positioned pillar.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location and Site Plan	AC/36PPA/01	-	27th June 2013
Existing and Proposed	AC/36PP/02	-	27th June 2013

REGENCY

BH2013/01494

Flat 1 12 Denmark Terrace Brighton

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

Applicant: Mr Mikhail Velichanskiy

Officer: Helen Hobbs 293335

Refused on 19/08/13 DELEGATED

1) UNI

The proposed timber windows by reason of their inappropriate detailing, would fail to replicate the original timber sliding sashes to the building, forming an unsympathetic alteration, adversely affecting the character and appearance of the building, the Denmark Terrace street scene and the Montpelier and Clifton Hill Conservation Area and as such are contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Architectural Features (SPD09).

BH2013/01919

14 West Street Brighton

Display of 3no internally illuminated fascia signs and 2no internally illuminated projecting signs.

Applicant: Ms Helen Springer

Officer: Jason Hawkes 292153

Refused on 27/08/13 DELEGATED

1) UNI

Given the size and depth of the proposed fascia and the number, size and positioning of the proposed illuminated fascia and projecting signs, the scheme would result in a cluttered appearance to the building and would significantly detract from its character and appearance and that of the surrounding area. The advertisements thereby result in material harm to amenity, and the scheme is also contrary to policy QD12 of the Brighton & Hove Local Plan and to advice in Supplementary Planning Document 7: Advertisements, which are material considerations.

BH2013/01939

Halifax Plc 34 - 35 Western Road, Brighton

Display of no 1 no non-illuminated fascia sign and 2 no non-illuminated ATM surround.

Applicant: Mr Mike Carroll

Officer: Mark Thomas 292336

Approved on 19/08/13 DELEGATED

1) 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.

2) 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.

3) 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.

4) 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.

5) 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.

6) 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.

BH2013/02008

Pret A Manger 35 East Street

Display of 1 no externally illuminated fascia sign and 1 no externally illuminated projecting sign.

Applicant: Pret A Manger

Officer: Clare Simpson 292454

Approved on 23/08/13 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.

BH2013/02036

33 Oriental Place Brighton

Creation of additional floor at third floor level with mansard roof.

Applicant: Baggies Backpacker Hostel

Officer: Clare Simpson 292454

Refused on 14/08/13 DELEGATED

1) UNI

The formation of a mansard roof to the property would result in the loss of the existing historic roof form and create an inappropriate addition to the Grade II* building which would harm the historic character of the building. The proposal would detract from the significance of the heritage asset by adding a prominent roof form with no historical justification. Furthermore the proposal would result in disjointed appearance to the wider terrace, harming the appreciation of the building and the character of the wider Regency Conservation Area. The proposal is contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.

BH2013/02037

33 Oriental Place Brighton

Creation of additional floor at third floor level with mansard roof incorporating internal alterations to facilitate creation of additional floor.

Applicant: Baggies Backpacker Hostel

Officer: Clare Simpson 292454

Refused on 14/08/13 DELEGATED

1) UNI

The formation of a mansard roof to the property would result in the loss of the existing historic roof form and create an inappropriate addition to the Grade II* building which would harm the historic character of the building. The proposal would detract from the significance of the heritage asset by adding a prominent roof form with no historical justification. Furthermore the proposal would result further internal partitioning and a loss of hierarchy to the original plan form of the building. The proposal is contrary to policies HE1 of the Brighton & Hove Local Plan.

BH2013/02069

Top Floor Flat, 102 Upper North Street Brighton

Erection of a single storey rear extension.

Applicant: Ms Joanne Howarth

Officer: Helen Hobbs 293335

Approved on 28/08/13 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 and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan			18th June 2013
Block plan			18th June 2013
Existing plans	7		18th June 2013
Existing and proposed floor plans	8		18th June 2013
Existing and proposed elevations	9		18th June 2013

BH2013/02099

51 East Street Brighton

Display of non-illuminated projecting sign.

Applicant: East Ltd

Officer: Helen Hobbs 293335

Approved on 15/08/13 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.

BH2013/02153

Steine House 55 Old Steine Brighton

Internal alterations to layout on floors 1-4.

Applicant: YMCA Brighton

Officer: Steven Lewis 290480

Approved on 19/08/13 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

No 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.

3) UNI

The partition to the elliptical shaped former chapel at first floor level shall be removed and maintained as such thereafter, unless agreed in writing by the local planning authority following the submission of a copy of a fire risk assessment.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

The panel mouldings to the new pair of six panel doors at second floor level must match the mouldings to the existing fixed timber panels over the opening.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

6) 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.

7) 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.

BH2013/02233

53 Meeting House Lane Brighton

Display of internally illuminated projecting sign and menu box and non-illuminated fascia signs and window vinyl.

Applicant: Sixty Four Degrees

Officer: Adrian Smith 290478

Approved on 21/08/13 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.

BH2013/02257

2 Ship Street Brighton

Application for Approval of Details Reserved by Conditions 5, 6 and 7 of application BH2013/00814.

Applicant: Mr Peter Bradford

Officer: Guy Everest 293334

Approved on 12/08/13 DELEGATED

BH2013/02260

53 Meeting House Lane Brighton

Display of internally illuminated projecting sign and menu box and non-illuminated fascia signs and window vinyl. Internal alterations to layout, installation of new front door, painting of exterior and associated works.

Applicant: Sixty Four Degrees

Officer: Adrian Smith 290478

Approved on 21/08/13 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.

ST. PETER'S & NORTH LAINE

BH2012/03737

39 London Road Brighton

Application for Approval of Details Reserved by Conditions 4, 5, 6, and 7 of application BH2012/01397.

Applicant: Ian Pennicard

Officer: Jonathan Puplett 292525

Approved on 12/08/13 DELEGATED

BH2012/03765

129 North Street Brighton

Installation of new condenser units within existing plant enclosure on roof.

Applicant: Boots The Chemist

Officer: Pete Campbell 292359

Approved on 22/08/13 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

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.

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			26/11/2012
Existing third floor/roof layout	5511/C221927 /115		07/01/2012

Proposed third floor/roof layout	5511/C221927 /112		07/01/2013
Plant elevations	MEB123-G.A.0 1		07/01/2013
Acoustic scroll compressor refrigeration pack	-		07/01/2013
Base frame for pack and condenser	DN01824		07/01/2013
Refrigeration plant data sheet	-		07/01/2013
Refrigeration performance sheet	-		07/01/2013

BH2013/00139

Land to Rear of 67-81 Princes Road Brighton

Construction of 6no. three storey, 2no bedroom terraced houses with pitched roofs & solar panels. Provision of private and communal gardens, waste & refuse facilities & cycle store with associated on street car parking. Erection of a street level lift gate house.

Applicant: Carelet Ltd

Officer: Jonathan Puplett 292525

Approved on 14/08/13 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 not be occupied until the noise mitigation measures set out in the 'Planning Noise Assessment' received on the 10th of April 2013, specifically the installation of an appropriate whole house ventilation system to each dwelling, and the installation of 'Velfac 200' Sound Reduction Windows to all window openings and in regard to those facing the railway line, the installation of windows which will achieve an acoustic performance of at least 33 Rw. These measures shall be fully operation prior to first occupation of the dwellings hereby approved and shall be retained as such thereafter.

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

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(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

4) UNI

No development shall take place until measures to protect all trees which are to be retained within the site have been erected in accordance with BS 5837 (2012). The protection measures shall be retained in situ until the completion of the development and no vehicles, plant or materials shall be driven or placed within

the areas enclosed by such protection measures.

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

5) 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.

6) UNI

Three of the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. The remaining three dwellings shall, other than the access route to the dwellings which includes ambulant stairs, be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

7) 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 policies HO7 and TR1 of the Brighton & Hove Local Plan.

8) UNI

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

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

9) UNI

The iron gate within the front wall shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

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

10) UNI

Notwithstanding the approved drawings the window proportions in the 'gatehouse' extension shall be of similar proportions to those within the existing properties in Princes Road. All new windows in the 'gatehouse' extension shall be painted softwood and shall be retained as such. No works shall take place until full details of the windows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

11) UNI

No works shall take place until full details of the door within the south east

elevation of the 'gatehouse' extension shown on the approved drawings have been submitted to and approved in writing by the Local Planning Authority. The door and surround shall be painted softwood and the scheme shall be carried out in accordance with the approved details and retained as such.

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

12) UNI

No development shall take place until protection measures for the TPO Horse Chestnut tree at the entrance to the site set out in the tree report submitted 16 January 2013 have been fully implemented. Once the measures are in place the Local Planning Authority shall be informed in writing no less than 14 days prior to development commencing on site. The development shall then be carried out in strict accordance with these protection measures.

Reason: To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.

13) UNI

No development shall take place until full details of the ambulant stairs including railings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and retained as such thereafter.

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

14) 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. The scheme shall include tree planting to mitigate the trees which have been removed from the site previously.

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

15) 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 be implemented in full prior to the occupation of the development hereby approved.

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

16) UNI

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

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

17) UNI

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

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

18) UNI

No residential development shall commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design

Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

19) UNI

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

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

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local

Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress; and

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme app

20) UNI

No development approved by this permission shall be commenced until a

scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

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

21) UNI

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

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

22) 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.

23) 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.

24) 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	101-P1		16/01/2013
Existing Elevations and Sections	102-P1		16/01/2013
Proposed Gatehouse Elevations	103-P1		16/01/2013
Proposed Lower Ground Floor Plan	104-P1		16/01/2013
Proposed Ground Floor Plan	105-P1		16/01/2013
Proposed First Floor Plan	106-P1		16/01/2013
Proposed Roof Plan	107-P1		16/01/2013
Proposed Elevations	108-P1		16/01/2013
Proposed Sections	109-P1		16/01/2013

Proposed Elevations and Sections	110-P1		16/01/2013
Proposed Elevations	111-P1		16/01/2013
Tree Report			16/01/2013
Site Investigation Report			16/01/2013
Planning Noise Assessment			10/04/2013

BH2013/00667

Site J Land East of Brighton Station New England Quarter Brighton

Application for Approval of Details Reserved by Condition 31a of application BH2012/01627.

Applicant: The Hyde Group
Officer: Maria Seale 292232
Approved on 19/08/13 DELEGATED

BH2013/00668

Site J Land East of Brighton Station New England Quarter Brighton

Application for Approval of Details Reserved by Condition 28 of permission BH2012/03999 as amended by BH2012/01627.

Applicant: The Hyde Group
Officer: Maria Seale 292232
Approved on 13/08/13 DELEGATED

BH2013/01027

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

Application for approval of details reserved by conditions 3, 4, 5, 14, 18, 22 and 28 of application BH2010/02585.

Applicant: Facilitas
Officer: Jonathan Puplett 292525
Split Decision on 12/08/13 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 4, 5, 14, 18, 22, and 28 of application BH2012/04042 subject to full compliance with the submitted details.

1) UNI

The details pursuant to condition 3 of application BH2012/04042 are NOT APPROVED.

2) UNI2

The material samples required by condition 3 have not been submitted.

BH2013/01237

15 Queen Square Brighton

Alterations to front entrance including extension of existing reception, installation of glass panels and removal of existing steps.

Applicant: Mr Graeme Vaughan
Officer: Sue Dubberley 293817
Approved on 12/08/13 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	No number		17 April 2013
Existing entrance	0100_EX01	A	17 April 2013
Proposed entrance	0100_DE01	A	17 April 2013
Proposed entrance	0100_DE02		17 April 2013

BH2013/01379

5 Roundhill Crescent Brighton

Internal alterations to layout of basement incorporating removal of shower room, new kitchen, relocation of boiler, installation of underfloor heating and associated alterations.

Applicant: Ms Katie Horvath

Officer: Louise Kent 292198

Approved on 09/08/13 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

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 work commencing.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

No cables, wires, aerials, pipework (excepting rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation fronting the highway.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

No works shall commence until details of the proposed damp treatment have been submitted to and approved in writing by the Local Planning Authority, following further investigation.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

No works shall take place until full details of the proposed new fireplace in the dining room have been submitted to 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.

6) UNI

No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the new doors 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.

7) UNI

No works shall take place until full details of the proposed architraves including 1:20 scale sample elevations and 1:1 scale profiles of the architraves 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.

8) UNI

The wall should be made good following the removal of the boiler flue to exactly match the remainder of the wall.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

9) 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.

10) UNI

The replacement floor covering hereby approved should match the existing timber floorboards and shall be of the same width.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2013/01382

19 Crescent Road Brighton

Erection of single storey outbuilding to rear garden.

Applicant: Mr Tony Gammidge

Officer: Louise Kent 292198

Approved on 15/08/13 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
Location plan	1301 E01		2 May 2013
Block plan	1301 PL01		2 May 2013
Existing floor plans & elevation	1301 E02		2 May 2013
Existing sections	1301 E03		2 May 2013
Proposed garden room	1301 PL02		2 May 2013
Proposed second floor plan, front elevation & section	1301 PL03	Rev. A	12 June 2013
Roofing material details			12 June 2013

BH2013/01669

44 Orange Row Brighton

External alterations and alterations to layout of maisonette including extension to rear at second floor level, roof extensions to facilitate creation of mansard roof,

loft conversion incorporating dormers to front and rear and other associated works.

Applicant: Mr Michael Rix-Martin
Officer: Jonathan Puplett 292525
Refused on 21/08/13 DELEGATED

1) UNI

The proposed extensions and mansard roof form would result in an inappropriate appearance, out of keeping with the adjoining terraced properties. The resulting appearance would be excessively large and bulky, overly prominent and incongruous. The proposed development would fail to preserve or enhance the character of the conservation area and the setting of the listed buildings in the vicinity of the application site. The proposed development is therefore contrary to policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan, and to the guidance set out in SPD12 'Design Guide for Extensions and Alterations'.

2) UNI2

The proposed rear extensions and roof extensions would have an overbearing and enclosing impact upon the occupiers of the adjoining properties to either side of the application property, and would result in these windows receiving reduced light levels. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/01758

1-2 Marshalls Row Brighton

Installation of new shopfront.

Applicant: Specky Wren Opticians
Officer: Chris Swain 292178

Approved on 08/08/13 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			13 June 2013
Existing shop elevations			13 June 2013
Proposed shop elevations			13 June 2013
Existing and proposed cross section plan			13 June 2013
Proposed shop front section			13 June 2013

BH2013/01759

23B Baker Street Brighton

Demolition of existing retail unit (A1) and erection of retail (A1) at ground floor and residential flat at first floor.

Applicant: Mr Geoffrey Knowles
Officer: Chris Swain 292178

Refused on 21/08/13 DELEGATED

1) UNI

The proposed development, by reason of its height, bulk and close proximity to the adjoining property, No.83 Ditchling Road would result in an unneighbourly

form of development which would have an unacceptably dominant and overbearing impact, leading to an increased sense of enclosure and causing an adverse loss of daylight and sunlight to existing occupiers of this building. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

BH2013/01772

31-33 Bath Street Brighton

Application for Approval of Details reserved by conditions 14, 18, 19, 21 and 28 of application BH2012/02147.

Applicant: Mr Ed Deedman

Officer: Wayne Nee 292132

Split Decision on 23/08/13 DELEGATED

1) UNI

The details pursuant to conditions 14, 21 and 28 of application BH2012/02147 and subject to full compliance with the submitted details.

1) UNI

The details in relation to condition 18 have not been approved as there is a lack of information regarding the propping of the retaining walls.

2) UNI2

The details in relation to condition 19 have not been approved as insufficient detail has been provided regarding the treatment of the retaining walls.

BH2013/01813

2 Foundry Street Brighton

Removal of pitched roof to existing single storey rear extension to enable the enlargement of the single storey extension with flat roof and formation of a Juliet balcony at the rear from the ground floor landing.

Applicant: Mrs Julia Wilde

Officer: Pete Campbell 292359

Approved on 19/08/13 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

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 new windows to the extension 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.

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
As existing ground, first and roof plans	179FS2/01		04/06/2013
As existing rear & side elevations, section and block and location plans	179FS2/02		04/06/2013
Proposed ground, first and roof plans	179FS2/03		04/06/2013
Proposed rear & side elevations, section, details and block and location plans	179FS2/04		04/06/2013

BH2013/01858

20 Vine Street Brighton

Creation of Juliette balcony to front elevation and roof terrace to the rear at the first floor level. Insertion of window to side and skylights to the rear at ground floor level.

Applicant: Mr J M Cairns

Officer: Andrew Huntley 292321

Refused on 21/08/13 DELEGATED

1) UNI

The new front window and projecting railings are poorly designed, contrary to the original design concept of the terrace and would have a visually incongruous appearance within the street scene. The proposals would erode the continuity of fenestration, which is a key design element, and would harm the character and appearance of the host property and that of the North Laine Conservation Area. The fact that the proposals would be publicly visible from Vine Street and Gloucester Road exacerbates the harm caused. Therefore, the proposal is contrary to Policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

2) UNI2

The extension to the wooden panelling between 20 Vine Street and 19b Gloucester Road on the northern side of the proposed roof terrace is poor in design terms and wrapping above and along the existing parapet wall would appear as a visually incongruous feature. In addition, the squat, square window on the northern elevation does not reflect the other windows on the property or the surrounding area by not creating a vertical emphasis. The design of the window is at odds with the period style of the property. Therefore, this aspect of the balcony and the side window would harm the character and appearance of the host property and the North Laine Conservation Area. The fact that this would be publicly visible from Gloucester Road exacerbates the harm caused. Therefore, the proposal is contrary to Policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

3) UNI3

The roof terrace at first floor level 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.

BH2013/01908

Unit 3 Brighton Station Queens Road Brighton

Internal alterations to create retail unit to unit 3 of east wing, with installation of external signage (Retrospective)

Applicant: WH Smith

Officer: Liz Arnold 291709

Refused on 16/08/13 DELEGATED

1) UNI

The application has failed to demonstrate that the works undertaken within Unit 3 have not had a detrimental impact on the character, architectural setting and significance of the Grade II* Listed Station, by virtue of the insufficient information submitted and the lack of justification provide for the departure from the scheme approved under application BH2013/02454. As such the Local Planning Authority is unable to fully assess the impacts that the works have had on the architectural and historic character and appearance of the Grade II Listed Building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2013/01916

Buckingham Lodge Buckingham Place Brighton

Rendering of existing brick panels on front and side elevations.

Applicant: Natterjack Construction Co Ltd

Officer: Chris Swain 292178

Approved on 23/08/13 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 brown brick pillars and downpipes to the front elevation and the raised brick and render panel to the side elevation shall be retained as existing and shall not be rendered.

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

3) UNI

Notwithstanding the submitted render sample, no development shall take place until a sample of the render to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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 elevations	D.01		11 June 2013
Proposed elevations	0958-PA-012		11 June 2013

BH2013/01958

55 Lewes Road Brighton

Conversion of building to provide commercial unit (A1, A2 or A3) and studio flat with separate entrance on ground floor, extension of first floor and formation of

second floor to facilitate creation of two student accommodation blocks incorporating bicycle storage.

Applicant: M&G Properties (Sussex) Ltd

Officer: Sue Dubberley 293817

Refused on 09/08/13 DELEGATED

1) UNI

The proposed purpose built student accommodation is not fully supported by either of the City's two Universities or any other existing educational establishment within Brighton & Hove. In the absence of such support it is considered that the proposal would have an unacceptable impact upon residential amenity in the surrounding area, especially with regards to increased noise and disturbance, due to the failure to submit a site specific management plan. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan and policy CP21 of the Brighton & Hove City Plan Part One.

2) UNI2

The applicant has failed to demonstrate that the ground floor studio would receive adequate levels of daylight/sunlight. The unit would also suffer from a poor outlook which would be further hampered by the proposed cycle parking area in front of the sole window to this unit resulting in a sense of enclosure. As such it is considered that the unit would provide a poor standard of accommodation harmful to the amenity of future occupiers. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed layout of the accommodation, with the communal living areas including opening windows located at close proximity to the rear windows of number 2 Caledonian Road would have an adverse impact on neighbouring amenity by way of adverse noise disturbance contrary to policy QD27 of the Brighton & Hove Local Plan.

4) UNI4

The proposed grey panels to the front and side elevations are considered to relate poorly to the more traditional design of the scheme. This element is considered harmful in relation to the design context of the street scene of both Lewes Road and Caledonian Road. The development therefore fails to achieve an acceptable standard of design causing harm to the character of the street scene contrary to policy QD1 and QD2 of the Brighton & Hove Local Plan.

5) UNI5

The applicant has failed to demonstrate that the proposed refuse and recycling store is of adequate size to serve the development. Its location on the boundary with No.2 Caledonian Road is considered to be unneighbourly and would have a harmful visual impact on the character of the street scene. As such the proposal is contrary to policies SU2, QD27, QD1 and QD2 of the Brighton & Hove Local Plan and PAN 05 on Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

6) UNI6

A noise assessment has not been carried out, as is required to demonstrate the likely impact of traffic noise upon future occupiers of the proposed student accommodation. The applicant has therefore failed to demonstrate that future occupiers would enjoy an acceptable standard of accommodation. The proposed development is therefore contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

7) UNI7

The applicant has failed to demonstrate that the required ventilation scheme necessary to address the air quality issues raised in the submitted Air Quality Assessment dated April 2013 would not result in visual harm to the appearance of the proposed building and the surrounding street scene. Therefore the scheme

does not demonstrate that it would accord with policies QD1 and QD2 of the Brighton & Hove Local Plan.

BH2013/01971

116 London Road Brighton

Change of use from retail (A1) to mixed use retail (A1) and laundrette (SG08).

Applicant: Salah Gobrial

Officer: Andrew Huntley 292321

Approved on 21/08/13 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
Location plan			13.06.2013
Existing Ground Floor Plan	116LR/01		03.07.2013
Proposed Ground Floor Plan	116LR/02		03.07.2013

BH2013/01992

The Royal Pavilion 4 - 5 Pavilion Buildings Brighton

Temporary maze on Royal Pavilion Eastern lawns from 4th July to 3rd September 2013, with adjoining ticket office and props within maze (retrospective).

Applicant: Laine Ltd

Officer: Sonia Gillam 292265

Refused on 21/08/13 DELEGATED

1) UNI

The maze is an unduly obstructive feature which fails to enhance the views of the Royal Pavilion and is considered to significantly harm the character and setting of the listed building and gardens, and the wider Valley Gardens conservation area. As such the development is contrary to policies HE1, HE3, HE6 and HE11 of the Brighton & Hove Local Plan.

BH2013/02087

Clifton Court Clifton Street Brighton

Conversion of ground floor car park to form 2no one bedroom residential units, with alterations to front and rear including new front entrance gate and landscaping.

Applicant: Mr Richard Burrows

Officer: Anthony Foster 294495

Approved on 22/08/13 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 and to comply

with policy HE6 of the Brighton & Hove Local Plan.

3) 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 a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

4) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an EST Home Energy Report for both units 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.

5) UNI

The development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 24 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.

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

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.

8) UNI

Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossover back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

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

9) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plans	01		24/06/2013
Existing Floor Plans and Elevations	02		24/06/2013
Proposed Floor Plans and Elevations	03		24/06/2013
Existing Photos	04		24/06/2013
Existing Photos	05		24/06/2013

10) 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.

BH2013/02136

89-90 London Road Brighton

Application to extend time limit for implementation of previous approval BH2010/01649 for conversion of first and second storeys from ancillary storage for retail (A1) to 2no two bedroom flats with installation of new windows to rear.

Applicant: Johns Camping Int

Officer: Anthony Foster 294495

Approved on 19/08/13 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 approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

3) UNI

Unless otherwise agreed in writing by the Local Planning Authority, 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 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.

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
Site, Block and Location Plans	100		28/05/2010
Existing Floor Plans	101		28/05/2010
Proposed Floor Plans	102		28/05/2010
Existing and Proposed Elevations and Sections	103		28/05/2010

6) UNI

No development shall commence until a scheme for the soundproofing of 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 policies SU10 and QD27 of the Brighton & Hove Local Plan.

BH2013/02182

7 Fenchurch Walk Brighton

Erection of single storey framed smoking shelter

Applicant: Sarah Danhard

Officer: Chris Swain 292178

Refused on 23/08/13 DELEGATED

1) UNI

The proposed structure by reason of its height, design, scale and materials would result in an overly dominant addition that relates poorly to the existing building. The unsympathetic design would be out of character with the coherent form of the building and would have a significantly detrimental impact upon the appearance and character of the building and the wider area, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

BH2013/02290

15 Shaftesbury Road Brighton

Erection of single storey rear extension.

Applicant: Mr James Evans

Officer: Pete Campbell 292359

Refused on 28/08/13 DELEGATED

1) UNI

The proposed extension by virtue of its uncomplimentary design and form would be an overly dominant addition, detrimental to the visual appearance and character of the property and the terrace as a whole. The application is thereby contrary to policy QD14 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document 12 - 'Design guide for extensions and alterations'.

WITHDEAN

BH2013/00491

Westview Cornwall Gardens Brighton

Extensions and alterations to existing chalet bungalow to form a two storey house.

Applicant: Mr & Mrs Anderson

Officer: Robert McNicol 292322

Approved on 14/08/13 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

No development shall commence until an Arboricultural Method Statement, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the, has been submitted to and approved by the Local Planning Authority. The statement shall be in accordance with BS 5837 (2005) 'Trees in Relation Design, Demolition & 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.

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, existing block plan, street scene elevation and site plans	CGWRPO/01		14 February 2013
Existing ground and first floor plans	CGWRPO/02		14 February 2013
Existing front and rear elevations	CGWRPO/03		14 February 2013
Existing side elevations	CGWRPO/04		14 February 2013
Location plan, proposed block plan, street scene elevation and site plans	CGWRPO/05	A	20 June 2013
Proposed ground and first floor plans	CGWRPO/06	A	20 June 2013
Proposed front and rear elevations	CGWRPO/07	A	20 June 2013
Proposed side elevations	CGWRPO/08	A	20 June 2013

BH2013/00626

Land West of Redhill Close Brighton

Reserved Matters application pursuant to outline permission BH2010/00692 for 31 dwellings (0.62ha) with public open space (2.11ha) and approval of reserved matters for layout, access and landscaping.

Applicant: Bellway Homes (South East) Ltd

Officer: Guy Everest 293334

Approved on 12/08/13 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
Location Plan	L01	PL2	23/05/2013
Topographical Survey	L02	PL1	22/05/2013
Proposed Site Layout & Public Open Space	S01	PL4	14/06/2013
Proposed Site Layout	S02	PL7	14/06/2013
Roof Plan	S03	PL3	06/06/2013
Site Plan Overlay with Outline Application	S04	PL4	14/06/2013
Street Scenes	S05	PL4	23/05/2013
Boundary Details (plan)	BD01	PL3	06/06/2013
Boundary Details (elevations)	BD02	PL1	22/02/2013
Flat Block 1 - North & South Elevations	FE_101	PL5	23/05/2013
Flat Block 1 - East & West Elevations & Sections	FE_102	PL5	23/05/2013
Flat Block 2 - North & South Elevations	FE_201	PL6	23/05/2013
Flat Block 2 - North & South Elevations	FE_202	PL6	23/05/2013
Flat Block 1 (floorplans)	FP01-A	PL4	23/05/2013
Flat Block 1 (roofplan)	FP01-B	PL4	23/05/2013
Flat Block 2 (floorplans)	FP02-A	PL5	23/05/2013
Flat Block 1 (roofplan)	FP02-B	PL5	23/05/2013
House Type 1A & 1D Elevations	HE01-A	PL5	23/05/2013
House Type 1B	HE01-B	PL5	23/05/2013
House Type 1C & 1A Elevations	HE01-C	PL5	23/05/2013
House Type 2 Elevations & Section	HE02	PL5	23/05/2013
House Type 3 Front & Rear Elevations	HE03-A	PL5	23/05/2013
House Type 3 Side Elevations & Sections	HE03-B	PL5	23/05/2013
House Type 4 Elevations & Section	HE_04	PL5	23/05/2013
House Type 1A (floorplans)	HP01-A	PL3	23/05/2013
House Type 1B (floorplans)	HP01-B	PL3	23/05/2013
House Type 1C (floorplans)	HP01-C	PL3	23/05/2013
House Type 1D (floorplans)	HP01-D	PL3	23/05/2013
House Types 1A-1D Sections	HS01	PL1	22/02/2013
House Type 2 (floorplans)	HP02	PL3	23/05/2013
House Type 3A (floorplans)	HP03-A	PL2	23/05/2013
House Type 3B (floorplans)	HP03-B	PL2	23/05/2013
House Type 3C (floorplans)	HP03-C	PL2	23/05/2013
House Type 4A (floorplans)	HP04-A	PL2	23/05/2013
House Type 4B (floorplans)	HP04-B	PL2	23/05

BH2013/01520

Land West Of Redhill Close Westdene Brighton

Non material amendment to BH2010/00692 to replace the approved tree survey report and plan ref 09/105 rev:10 with the tree survey report and arboricultural impact assessment plan ref SJA A1A 12103-04

Report from: 08/08/13 to 28/08/13

Applicant: Bellway Homes (South East) Ltd

Officer: Guy Everest 293334

Approved on 13/08/13 DELEGATED

BH2013/01783

63 Surrenden Road Brighton

External alterations and refurbishment incorporating two storey rear extension with raised terrace and steps to garden level, replacement windows and doors, erection of a detached garage at rear of garden, landscaping and other associated works. (Part Retrospective)

Applicant: Mr Sean McGovern

Officer: Adrian Smith 290478

Approved on 08/08/13 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 and block plan	0747-PA-001		03/06/2013
Existing floor plans	0747-PA-002		03/06/2013
	0747-PA-003		03/06/2013
Existing elevations and section	0747-PA-005		03/06/2013
	0747-PA-006		03/06/2013
	0747-PA-007		03/06/2013
Proposed site plan, floor plans and roof plan	0747-PA-020	A	13/06/2013
	0747-PA-0100		03/06/2013
	0747-PA-11		03/06/2013
	0747-PA-12		03/06/2013
Proposed elevations and section	0747-PA-15		03/06/2013
	0747-PA-16		03/06/2013
	0747-PA-18		03/06/2013
Proposed materials	0747-PA-I20		29/07/2013

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 windows or doors other than those expressly authorised by this permission shall be constructed in the extensions hereby permitted without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI

All trees to be retained as part of the development shall be protected with fences in accordance with BS5837 (2012) for the duration of the approved works 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.

4) UNI

All new and replacement windows within the existing building (with the exception of the glass block windows proposed in the southern side elevation) shall be painted timber and shall be retained as such.

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

5) UNI

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.

BH2013/01833

9 The Beeches Brighton

Application for Approval of Details Reserved by Conditions 3, 4, 6, and 7 of application BH2012/03681.

Applicant: Mr Santino Sarri

Officer: Helen Hobbs 293335

Split Decision on 20/08/13 DELEGATED

1) UNI

The details pursuant to conditions 3, 4, and 7 and subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 6 for the reason(s) set out below.

1. Insufficient information has been submitted to demonstrate compliance with condition 6 and as such the requirements of condition 6 have not been met, contrary to policies QD1 and QD16 of the Brighton & Hove Local Plan.

BH2013/01891

254A Dyke Road Brighton

Loft conversion to first floor flat incorporating front, side and rear rooflights.

Applicant: Ms Helene Smith

Officer: Robert McNicol 292322

Approved on 12/08/13 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 plans, block plan and site location plan	124/(20)001	A	21 June 2013
Proposed plans, block plan and site location plan	124/(21)001	A	24 July 2013
Existing elevations	124/(30)001		10 June 2013
Proposed elevations	124/(31)001	B	5 August 2013

BH2013/02019

254 Dyke Road Brighton

Demolition of existing conservatory and erection of single storey rear extensions with associated works.

Applicant: Mrs Janet Wright

Officer: Mark Thomas 292336

Approved on 16/08/13 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

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	-	-	19 June 2013
Existing plans, elevations and section	1079/01	-	19 June 2013
Proposed plans, elevations and section	1079/02	-	19 June 2013

BH2013/02033

8 Withdean Crescent Brighton

Erection of single storey front extension, porch, greenhouse and insertion of 2no rooflights.

Applicant: Mr Andrew Higginson

Officer: Helen Hobbs 293335

Approved on 09/08/13 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 and block plan	374/P1	A	8th August 2013
Existing ground floor plan	374/P2		14th June 2013
Existing floor plan	374/P3		14th June 2013
Existing roof plan	374/P4		14th June 2013
Existing elevation	374/P5		14th June 2013
Proposed ground floor plan	374/P6	A	8th August 2013

Report from: 08/08/13 to 28/08/13

Proposed first floor plan	374/P7	A	8th August 2013
Proposed roof plan	374/P8	A	8th August 2013
Proposed elevations	374/P9	A	8th August 2013
Proposed elevations	374/P10	A	8th August 2013

BH2013/02073

3 Shepherds Croft Brighton

Demolition of existing rear extension and erection of part two storey part three storey (including basement) extension at rear.

Applicant: Mr Richard Way

Officer: Christopher Wright 292097

Refused on 13/08/13 DELEGATED

1) UNI

The proposed extensions would, by reason of the siting, scale, form and design, have an unduly dominant, unsympathetic and discordant appearance in relation to the property to be extended, to the detriment of visual amenity, character and layout of the original dwellinghouse giving the property an overextended appearance whilst causing harm to the character of the street scene. As such the proposal is contrary to the requirements of policies QD1 and QD14 of the Brighton & Hove Local Plan 2005 and SPD12: Design Guide for Extensions and Alterations.

2) UNI2

The raised veranda platform across the rear of the extension would, by reason of the height and the siting, lead to the overlooking of neighbouring properties and a consequent loss of privacy, to the detriment of residential amenity. As such the proposed development is contrary to the requirements of policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The first floor level extension proposed would, by reason of the height, scale, bulk, massing and siting, have an unduly dominant and overbearing impact upon occupiers of number 5 Shepherds Croft, to the detriment of residential amenity. The proposal thereby conflicts with policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.

BH2013/02088

57 Friar Road Brighton

Certificate of lawfulness proposed for loft conversion incorporating rooflights at front, side and rear and the erection of a ground floor rear extension.

Applicant: Mr & Mrs Gardner

Officer: Helen Hobbs 293335

Refused on 22/08/13 DELEGATED

1) UNI

Due to the proposed extension being projecting from an original side wall and having a width greater than the half the width of the original dwellinghouse and as the extension would project further than 3 metres from the original rear elevation, the development is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

2) UNI2

Due to the side rooflight would not being obscure glazed the development is not permitted under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 1995.

BH2013/02120

First & Second Floors 205A Preston Road Brighton

Prior approval for change of use from offices (B1) to residential (C3) to form 1no two bed flat and 1no one bed flat.

Applicant: Sussex Heritage Properties Limited

Officer: Christopher Wright 292097

Prior approval not required on 19/08/13 DELEGATED

BH2013/02161

120 Eldred Avenue Brighton

Erection of garden store incorporating roof terrace and balustrade above and the formation of steps and flanking wall between the terrace and rear garden (Part retrospective).

Applicant: Mr Nigel Collins

Officer: Mark Thomas 292336

Refused on 22/08/13 DELEGATED

1) UNI

The balcony/terrace provides for a large area of sitting/standing out space which has potential to result in significant noise and disturbance to nearby properties, and in particular no. 118 Eldred Avenue, the neighbouring property to the south. As such the development is considered to be contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed extension in combination with the attached staircase and associated wall and balustrade, by virtue of its overall protrusion, height of the wall, provision of a glazed balustrade and the rendered finish of the staircase represents a bulky and incongruous addition, which relates poorly to the recipient property and results in a cluttered and overextended rear elevation. As such the development is of significant detriment to the character and appearance of the recipient property and the locality contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/02169

38A Millers Road Brighton

Prior approval for change of use from office (B1) to residential (C3) to form a three bed maisonette.

Applicant: Ms Lena Johansson

Officer: Christopher Wright 292097

Prior approval not required on 22/08/13 DELEGATED

BH2013/02170

2 Compton Road Brighton

Prior approval for change of use from office (B1) to residential (C3) to form a one bed maisonette.

Applicant: Ms Lena Johansson

Officer: Christopher Wright 292097

Prior approval not required on 22/08/13 DELEGATED

BH2013/02173

Ash House 26 Tongdean Lane Brighton

Prior approval for change of use from office (B1) to residential (C3).

Applicant: Mr Barry Hills

Officer: Christopher Wright 292097

Prior approval not required on 22/08/13 DELEGATED

BH2013/02246

52 Windmill Drive Brighton

Alterations and remodelling of existing dwelling including raising of the ridge height, roof extensions and creation of car port to create 2 storey house with other associated works.

Applicant: Mr P Mullen

Officer: Steven Lewis 290480

Approved on 23/08/13 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 details of screening to serve both side perimeters of the balcony (North East and South West facing) shall be submitted and approved in writing by the local planning authority. The screening shall be obscure glazed/ or solid and shall be implemented in accordance with the approved details prior to the balcony being first brought into use and thereafter retained.

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

3) 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: As insufficient information has been submitted to ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 & QD14 of the Brighton & Hove Local Plan.

4) UNI

No development shall take place until detailed sections of the hereby approved development have been submitted to and approved in writing by the Local Planning Authority. The sections shall include details of windows and doors and their cills, eaves, thresholds and steps. Development shall be carried out in accordance with the approved details.

Reason: As insufficient information has been submitted to ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 & QD14 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
Site Plan	-	-	01/07/2013
Block Plan	-	-	01/07/2013
Existing Plans	13/829/01	-	01/07/2013
Proposed Plans	13/829/02	C	29/07/2013

6) UNI

The first floor level windows to the east and western elevation of the development hereby permitted shall be obscure glazed and, 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, non-opening. The windows shall thereafter be

permanently retained as such.

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

BH2013/02337

39 Westdene Drive Brighton

Certificate of lawfulness for proposed loft conversion incorporating full width rear dormer and rooflights to front and side elevations.

Applicant: Mr Louie Rix-Martin

Officer: Robert McNicol 292322

Approved on 12/08/13 DELEGATED

EAST BRIGHTON

BH2013/01521

Yellowave Beach Sports Venue 299 Madeira Drive Brighton

Erection of single storey pavilion to South of site incorporating pergola connecting to existing South East building.

Applicant: Yellowave Beach Sports Venue

Officer: Anthony Foster 294495

Approved on 16/08/13 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 roof of the proposed development shall match that of the roof of the existing clubhouse and retained as such thereafter.

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 use hereby permitted shall not be open to customers except between the hours of 10:00 and 22:00 on Mondays to Sundays, including 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

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 & Block Plan	A.01		05/07/2013
Existing Plan	A.02		22/05/2013
Existing Elevations	A.03		22/05/2013
Site Images	A.03		12/05/2013
Proposed Plan	D.01		14/05/2013
Proposed Plan	D.02		14/05/2013
Proposed Elevations	D.03		14/05/2013
Proposed Elevations	D.04		14/05/2013
Visual as Seen From Site Entrance	D.10		14/05/2013
Visuals	D.11		14/05/2013
Proposed Block Plan	D.12		14/05/2013

Report from: 08/08/13 to 28/08/13

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 policies QD1 and QD14 of the Brighton & Hove Local Plan.

BH2013/01613

Land North East of Pavilion East Brighton park Wilson Avenue Brighton

Application for Approval of Details Reserved by conditions 6 and 8 of application BH2011/01495.

Applicant: Brighton College

Officer: Sue Dubberley 293817

Approved on 19/08/13 DELEGATED

BH2013/01793

Total Convenience Stores 236 Eastern Road Brighton

Display of internally illuminated ATM surround.

Applicant: Bank Machine Ltd

Officer: Wayne Nee 292132

Approved on 09/08/13 DELEGATED

1) UNI

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) UNI

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) UNI

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) UNI

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.

5) UNI

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) UNI

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) UNI

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.

BH2013/01794

Total Convenience Stores 236 Eastern Road Brighton

Installation of ATM, receipt bin and 2no security bollards to front elevation.

Applicant: Bank Machine Ltd

Officer: Wayne Nee 292132

Approved on 09/08/13 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
Plans and elevations	E009164/2	02	03 June 2013
Frontage details	NW0295		03 June 2013
External security wall construction	n/a		03 June 2013
Receipt bin	NW0187/00	01	03 June 2013
Standard bollard	NW0089/00	01	03 June 2013
Site plan	n/a		03 June 2013
Block plan	n/a		03 June 2013

BH2013/01976

2 Chichester Place Brighton

Replacement of wooden shed in garden.

Applicant: Ms Juliette Wright

Officer: Wayne Nee 292132

Approved on 22/08/13 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 ground floor	12838/010	A	26 June 2013
Proposed ground floor	12838/010	A	17 June 2013
Visual of shed	01	A	17 June 2013
Elevations	02	A	17 June 2013
Plan	03	A	17 June 2013
Details	04	A	17 June 2013
Site plan	12843/001		17 June 2013
Design access and heritage statement	12843/2.1		27 June 2013

BH2013/02028

Sussex Square Service Station 236 Eastern Road Brighton

Display of internally illuminated site identification sign (retrospective).

Applicant: Rontec Service Stations IA Ltd

Officer: Wayne Nee 292132

Refused on 20/08/13 DELEGATED

1) UNI

The proposed illuminated site identification sign, in combination with previously approved scheme for a site identification sign and the existing advertisements on the site, would result in a proliferation of signage and would have a cluttered appearance that would be detrimental to the visual amenities of the locality. The proposal would therefore be contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07: Advertisements.

BH2013/02285

Brighton & Sussex University Hospitals NHS Trust St. Marys Hall Eastern Road Brighton

Application for approval of details reserved by condition 2 of application BH2013/00569.

Applicant: Brighton & Sussex University Hospitals NHS Trust

Officer: Mick Anson 292354

Approved on 27/08/13 DELEGATED

BH2013/02376

51 Upper Abbey Road Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.55m, for which the maximum height would be 2.85m, and for which the height of the eaves would be 2.70m.

Applicant: Mr Nathan Eames

Officer: Chris Swain 292178

Prior approval not required on 19/08/13 DELEGATED

HANOVER & ELM GROVE

BH2013/00097

243 Hartington Road Brighton

Application for Approval of Details Reserved by conditions 6, 7, 8, 9, 10 and 11 of application BH2012/00173.

Applicant: Mr M Knight

Officer: Jonathan Puplett 292525

Split Decision on 12/08/13 DELEGATED

1) UNI

APPROVE the details pursuant to condition 6 of application BH2012/00173 subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 7, 8, 9, 10 and 11 of application BH2012/00173 are NOT APPROVED for the reason(s) set out in section 10.

2) UNI2

1.The details required by conditions 7, 8, 9, 10 and 11 of application ref. BH2012/00173 have not been submitted.

BH2013/01775

46 Lynton Street Brighton

Erection of single storey side and rear extension.

Applicant: Miss L Golding

Officer: Andrew Huntley 292321

Refused on 12/08/13 DELEGATED

1) UNI

The proposed side/rear extension, by virtue of its design, size and roof form would result in a visually intrusive and awkward addition to the property, which is unsympathetic to the design of the existing dwelling and as a result would be of detriment to the visual amenities of the parent property an the wider area. The proposal is therefore contrary to policy QD14 of the Brighton and Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

2) UNI2

The proposed extension, by reason of its height, depth and proximity to the boundary, would have a detrimental impact on the residential amenity of number 44 Lynton Street by way of daylight/sunlight and outlook. The proposal is therefore contrary to Policy QD27 of the Brighton & Hove Local Plan.

BH2013/01828

Top Floor Flat 11 Gladstone Terrace Brighton

Loft conversion incorporating 1no rooflight to the front and 2no rooflights to the rear.

Applicant: Mr Jeremy Washington

Officer: Andrew Huntley 292321

Approved on 15/08/13 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 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 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			03.06.2013
Block Plan			03.06.2013
Existing and Proposed Elevations	10A		03.06.2013

Existing and Proposed 2nd and 3rd Floor Plans	9A		03.06.2013
Existing Basement, Ground and First Floor Plans	8		03.06.2013

BH2013/01946

126 Lewes Road Brighton

Application for variation of condition 9 of application BH2011/02115 (conversion of basement storage area to form 1no one bedroom flat) to allow minor material amendments.

Applicant: James Summers

Officer: Louise Kent 292198

Approved on 19/08/13 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
Location & block plans			15 July 2011
Railing detail			12 June 2013
Entrance to flat layout plan	R.B.1		26 June 2013
Proposed south elevation railings	R.B.2		26 June 2013
Proposed front elevation railings	R.B.3		26 June 2013
Proposed north elevation railings	R.B.4		26 June 2013
Plans & elevations			12 June 2013
Existing floor plans and elevations	320-11 PL 1	Rev 1	22 July 2011
Proposed floor plans and elevations	320/11 PL 2	Rev 2	20 November 2012

2) UNI

The development shall be carried out in strict accordance with the approved sustainability details approved under application BH2012/00476 on 11/04/2012.

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.

3) 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.

4) UNI

Notwithstanding the details shown on the approved plan (320-11 PL 2 revision 2 received 20 November 2012 under planning application BH2012/02771) the front railings to enclose the front stairwell hereby permitted shall be carried out in accordance with 'Railing detail' plan received 12 June 2013 and drawing numbers R.B.1, R.B.2, R.B.3 and R.B.4 received 26 June 2013 and shall be painted black

within 2 weeks of their erection and shall be retained as such.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

5) UNI

The development shall be carried out in strict accordance with the approved soundproofing details approved under application BH2012/03265 on 29/11/2012 and 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.

6) UNI

The development shall be carried out in strict accordance with the approved sustainability details approved under application BH2012/00476 on 11/04/2012.

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.

7) 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.

BH2013/02045

38 Lynton Street Brighton

Change of use from dwelling (C3) to either dwelling (C3) or House in Multiple Occupation (C4).

Applicant: Mr Ian Teasdale

Officer: Andrew Huntley 292321

Approved on 28/08/13 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

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, or erection of outbuildings, 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 in conjunction with a C4 use, further development, which may be permitted development if the property were in C3 use, could cause detriment to the amenities of the occupiers of nearby 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.

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 Survey Drawing	0212.01		17.06.2013
Site and Location Plan	0212.02		17.06.2013

BH2013/02347

30 De Montfort Road Brighton

Certificate of Lawfulness for proposed increase in height of existing rear dormer on east elevation at 2nd floor level.

Applicant: Ed Collinson

Officer: Liz Arnold 291709

Approved on 19/08/13 DELEGATED

HOLLINGDEAN & STANMER

BH2012/03615

Varley Park Coldean Lane Brighton

Application for Approval of Details Reserved by Conditions 28, 30, 31, 32, 33, 35 and 36 of application BH2010/00235.

Applicant: Mr Neil Humphreys

Officer: Anthony Foster 294495

Approved on 09/08/13 DELEGATED

BH2012/03672

Varley Hall of Residence Coldean Lane Brighton

Application for Approval of Details Reserved by Conditions 37 and 38 of application BH2010/00235.

Applicant: Mr Neil Humphreys

Officer: Anthony Foster 294495

Approved on 09/08/13 DELEGATED

BH2013/00091

Former Esso Petrol Station Hollingdean Road Brighton

Application for approval of details reserved by condition 25 of application BH2011/03515.

Applicant: Mr Richard Hill

Officer: Jonathan Puplett 292525

Refused on 12/08/13 DELEGATED

BH2013/00948

Former Esso Petrol Station Hollingdean Road Brighton

Application for approval of details reserved by conditions 14, 17 and 26 of application BH2011/03515.

Applicant: Southern Primary Housing Limited

Officer: Jonathan Puplett 292525

Refused on 12/08/13 DELEGATED

BH2013/01420

Former Esso petrol filling station Hollingdean Road Brighton

Application for Approval of Details Reserved by Condition 7 of application BH2011/03515.

Applicant: Mr Richard Hill

Officer: Jonathan Puplett 292525

Approved on 12/08/13 DELEGATED

BH2013/01589**University of Brighton Watts Building Lewes Road Brighton**

Installation of window to south elevation at first floor level.

Applicant: University of Brighton**Officer:** Louise Kent 292198**Approved on 08/08/13 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 first floor plan	W2013_0001		16 May 2013
Proposed first floor plan	W2013_0002	Amendment	4 July 2013
Site location plan	W2013_0003		16 May 2013
Existing south elevation	W2013_0004		16 May 2013
Proposed south elevation	W2013_0005	Amendment	4 July 2013
CGI photos and floor plans		Amendment	11 June 2013
Existing façade of Watts Bld	Photograph		4 July 2013

BH2013/01729**108 Brentwood Road Brighton**

Installation of handrails to exterior of building and to path to side and rear elevations (Retrospective).

Applicant: Affinity Sutton**Officer:** Chris Swain 292178**Approved on 09/08/13 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 location plan			14 June 2013
Block plan	FSF/13/135		14 June 2013
Annotated site photographs as existing (3 sheets)			28 May 2013
Annotated site photographs as installed (10 sheets)			28 May 2013
Annotated site photographs as installed with hand rails marked (3 sheets)			28 May 2013

BH2013/02219**Veolia Environmental Services South Down Ltd Hollingdean Lane Brighton**

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.

Applicant: Veolia ES (South Downs) Ltd

Officer: Anthony Foster 294495

Approved on 16/08/13 COMMITTEE

1) UNI

The materials recovery facility and waste transfer station hereby permitted shall not exceed a combined recyclable materials and waste throughput capacity of more than 160,000 tonnes per annum and annual monitoring evidence shall be submitted to demonstrate this, and to demonstrate that the associated vehicular trips do not exceed the total stated in the Transport Assessment as approved by the Local Planning Authority under Planning reference BH2006/00900 dated 19/06/2006.

Reason: The Environmental Statement submitted with the application is based on this throughput and the Local Planning Authority would wish to maintain control over future operation of the site in the interests of amenity and traffic management, to comply with policies QD27 and TR1 of the Brighton & Hove Local Plan and WMP18, WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals 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 Location Plan	LP1		20/03/2006
Red Line Plan	RL1		20/03/2006
Site Plan	51115_Holl_M RFWTS (01)	3	20/03/2006
MRF Elevations & Sections	051115_Holl_ MRFWTS (02-01)	0	20/03/2006
WTS Elevations & Sections	1115_Holl_MR FWTS (02-02)	0	20/03/2006
Office/Education Centre Building Floor plans Facades	051115_Hol_O ffices (03)	4	02/06/2006
Gatehouse	051115_Holl_ MRFWTS (04)	3	20/03/2006
Construction Typical Details	051115_Detail s(05)	3	20/03/2006
MRF Drive Through	051115_MRF (06)	3	20/03/2006
WTS HGV Circulation Path	051122_Holl_ Circulation (07)	0	20/03/2006
MRF HGV Circulation Path	051122_Holl_ Circulation (08)	0	20/03/2006
Sections through western embankment	51123_elev_la nd (11)	0	20/03/2006
Sections through Hollingdean lane cottage	051126_Holl_c ottage (12)	0	20/03/2006
Schematic Drainage Layout	11650_ENV_0		20/03/2006

	01 Rev C		
Tree Removal Plan	157812M/LA/S K/003 Rev B		20/03/2006
Planting Plan	157812M/LA/S K/004 Rev C		20/03/2006
ACM Dragonfly Section detail	LD1		19/10/2011
Red Line Plan	RL1		05/07/2013

3) UNI

The processing of recyclable materials within the Materials Recovery Facility building shall only occur between the hours of 0700 to 2200 Monday to Sunday including Bank Holidays. No operations shall take place on Christmas or Boxing Day unless first agreed in writing by the Local Planning Authority. Internal start-up and shut-down operations within the Materials Recovery Facility building shall not extend beyond 30 minutes either side of these hours

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 and SU10 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

4) UNI

Operations or activities authorised by the permission and associated with the operation of the waste transfer station shall only carried out between the hours of 0700 - 2200 Monday to Sunday including Bank Holidays. The only operations that will take place on Christmas Day and Boxing Day are the tipping of waste from street cleansing and litter collection. No other operations shall take place on Christmas Day or Boxing Day unless first agreed in writing by the Local Planning Authority.

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 and SU10 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

5) UNI

Unless first agreed by the Local Planning Authority all HGV movements for the importation or export of waste and recyclable materials shall only be carried out between the following hours: 0630 - 2200 Monday to Sunday including Bank Holidays. The following further restrictions shall apply:

- (i) Street cleansing waste and litter will only be tipped between the hours of 2200 and 0630 where required to meet operational needs for major events and festivals, and only with prior written consent from the Local Planning Authority.
- (ii) Between the hours of 1900 - 2200 Monday to Sunday only a maximum of 8 HGVs per day shall visit the site
- (iii) There shall be no HGV movements for the importation or export of waste and recyclable materials on Christmas Day and Boxing Day (with the exception of waste from street cleansing and litter collection).

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 and SU10 of the Brighton & Hove Local Plan and WMP18, WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

6) UNI

Noise associated with fixed plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the

guidance provided in BS 4142:1997.

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

7) UNI

No vehicles or machinery required for the operation of facilities in control of the operator of the development shall be used on site unless fitted with silencers maintained in accordance with the manufacturers' recommendations and specification.

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 and SU10 of the Brighton & Hove Local Plan and WLP1 and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

8) UNI

All vehicle access doors to the Waste Transfer Station and Materials Recovery Facility shall remain closed except to enable the ingress and egress of vehicles.

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 & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

9) UNI

No materials shall be burnt on site.

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 and SU9 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

10) UNI

All loading, unloading, sorting and bulking activities shall occur within the Waste Transfer Station and Materials Recovery Facility buildings and no waste material shall be stored or tipped on to the ground for storage purposes, sorting or loading onto skips outside the buildings.

Reason: To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, including visual amenity, to comply with policies QD27, SU9, SU10 and QD1 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

11) UNI

Unless otherwise agreed in writing, the scheme for the suppression of dust and odour from the operations shall be carried out in accordance with the details approved by Local Planning Authority by letter dated 18 February 2008 and retained as such thereafter.

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 and SU9 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

12) UNI

Any trees, shrubs or hedges planted in accordance with the details approved by Local Planning Authority by letter dated 6 May 2008 which are removed, die, become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure there is satisfactory landscaping and highway provision to serve the development in the interests of visual amenity and to prevent

pedestrian/vehicular conflict and enhance ecology, to comply with policies QD1, QD15, QD16, QD17 TR1, TR7 and TR8 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

13) UNI

No trees, shrubs or hedges within the site, in accordance with the details as approved by the Local Planning Authority under Application reference BH2006/00900 dated 19 June 2006, which are shown as being retained, shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure there is satisfactory landscaping to serve the development in the interests of visual amenity and to enhance ecology, to comply with policies QD1, QD15, QD16 and QD17 of the Brighton & Hove Local Plan and WMP23a, WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

14) UNI

Any plants planted in relation to the "green roof", in accordance with the details approved by Local Planning Authority by letter dated 5 March 2007, that die or become severely damaged or seriously diseased within 5 years of planting shall be replaced with those of a similar species.

Reason: To enhance and integrate nature conservation features within the site, in accordance with policy QD17 of the Brighton & Hove Local Plan and WMP23a, WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

15) UNI

Any plants planted in relation to the "green wall" in accordance with the details approved by Local Planning Authority by letter dated 6 May 2008, that die that die or become severely damaged or seriously diseased within 5 years of planting shall be replaced with a similar species.

Reason: To enhance and integrate nature conservation features within the site, and to give visual interest and soften the appearance of the development, in accordance with policies QD1, QD5 and QD17 of the Brighton & Hove Local Plan and WMP23a, WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

16) UNI

The public art display shall be permanently retained as such thereafter.

Reason: To give visual interest and soften the appearance of the development and to partly meet the demand for public art within the scheme, in accordance with policies QD1, QD5 and QD6 of the Brighton & Hove Local Plan and WLP1, WLP35, WLP39 and WLP40 of the East Sussex and Brighton & Hove Waste Local Plan.

17) UNI

All areas where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to a foul sewer or sealed tank.

Reason: To prevent pollution of the water environment to comply with policy SU3 of the Brighton & Hove Local Plan and WMP23a, WMP25 and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

18) UNI

Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage shall be passed through an oil bypass interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and reduce flood risk to comply with policy SU3 of the Brighton & Hove Local Plan and WMP23a, WMP25 and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

19) UNI

No soakaway shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater to comply with policy SU3 of the Brighton & Hove Local Plan and WMP23a, WMP25 and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

20) UNI

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 & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan."

21) UNI

Upon first arrival at the waste transfer station building, residual waste stored within the building shall not be stored for a period of longer than 72 hours unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity, to comply with policy QD27 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

MOULSECOOMB & BEVENDEAN

BH2013/01974

Brighton Aldridge Community Academy Lewes Road Brighton

Installation of 8 x 15m high floodlights to existing all weather sports pitch.

Applicant: Mr Richard Lines

Officer: Sue Dubberley 293817

Approved on 09/08/13 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 floodlighting hereby approved shall only be in use between the hours of 14:00 and 23:00 daily.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

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 context	HED-1038-P-001		14 June 2013
Site location plan	HED-1038-P-002		14 June 2013
Site plan and elevation	HED-1038-P-003		14 June 2013
Elevations	HED-1038-P-003		14 June 2013

QUEEN'S PARK

BH2013/00251

9-11 Lower Promenade Madeira Drive Brighton

Change of use of retail and café (A1/A3) to two restaurants (A3) with shared kitchen, installation of new shop front, canopy, external seating areas and associated works.

Applicant: Mr Max Mazurenko

Officer: Sue Dubberley 293817

Approved on 19/08/13 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 use hereby permitted shall be open to customers between the hours of 08:00am and 11:00pm only, on a daily basis.

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

3) UNI

No intoxicating liquor shall be sold or supplied within the A3 units hereby approved except to persons who are taking meals on the premises and who are seated at tables. 'Meals' means food that has been cooked or prepared and purchased within the premises. Any bar area shall be ancillary to the approved A3 restaurant use.

Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 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	301	A	1 Feb 2013
Site block plan	302	A	1 Feb 2013
Proposed ductwork	301		7 Feb 2013
Existing and demolition plan	101		28 Jan 2013
Proposed plan	102	B	15 July 2013
Proposed detail sections and elevations	401	B	15 July 2013
Proposed plan	1102	B	15 July 2013
Existing and proposed elevations	1105	E	15 July 2013

Existing and demolition plan	1101	A	1 Feb 2013
Existing and proposed elevations	105	E	15 July 2013

BH2013/00320

25-28 St James's Street Brighton

Application for approval of details reserved by condition 10 of application BH2010/02012.

Applicant: Mr Gil Jackson

Officer: Jonathan Puplett 292525

Approved on 12/08/13 DELEGATED

BH2013/00321

25-28 St James's Street Brighton

Application for approval of details reserved by condition 11 of application BH2010/02012.

Applicant: Denne

Officer: Jonathan Puplett 292525

Approved on 12/08/13 DELEGATED

BH2013/00322

25-28 St James's Street Brighton

Application for approval of details reserved by condition 2 of application BH2010/02012.

Applicant: Mr Gil Jackson

Officer: Jonathan Puplett 292525

Approved on 12/08/13 DELEGATED

BH2013/00927

25-28 St James Street Brighton

Non Material Amendment to BH2010/02012 to front entrance lobby including single 13 person lift, front entrance on Dorset Gardens, omission of communal rooms and relocation of 2 no wheelchair units, repositioning of external wall to north-east corner of building at third floor level, amendment to parapet height, minor alterations to balconies windows and doors, replacement fire door, and alterations to photovoltaic panel arrangement at roof level.

Applicant: Denne Construction

Officer: Jonathan Puplett 292525

Approved on 12/08/13 DELEGATED

BH2013/01447

Essex Place Montague Street Brighton

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.

Applicant: Mears Group Plc

Officer: Chris Swain 292178

Approved on 15/08/13 COMMITEE

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
Location and Site Plan	01		8 May 2013
Existing North Elevations & Returns	10		8 May 2013
Existing East & West Elevations	11		8 May 2013
Existing South Elevation	12		8 May 2013
Existing Roof Plan	13		8 May 2013
Proposed North Elevation & Returns	20	C	8 May 2013
Proposed East & West Elevations	21	B	8 May 2013
Proposed South Elevation	22	B	17 May 2013
Proposed Roof Plan	23		8 May 2013
Existing example floor plans	24	A	23 July 2013
Proposed example floor plans	25		23 July 2013
Window system	12-91 866W-O	C	17 May 2013
Window system	12-91 866W-Ox2	A	17 May 2013

3) UNI

No development shall take place until samples of the materials (including the joints between the render panels, the colour of render, paintwork and colourwash) to be used in external surfaces of the development and the proposed rainwater goods 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 & QD14 of the Brighton & Hove Local Plan.

4) UNI

A timetable for the enclosure of all the balconies hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in strict accordance with the approved timetable.

Reason: To ensure the satisfactory appearance of the building and to comply with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

5) UNI

No cables, wires, aerials, pipework, meter boxes or flues, except those as existing, shall be fixed to the elevations of the building.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, HE6 and QD27 of the Brighton & Hove Local Plan.

6) UNI

The proposed replacement windows to the north and eastern elevations shall have the same method of opening as the existing windows. The windows to the eastern elevation shall be side hung and open outwards. The windows to the northern elevation shall be bottom hung and open inwards.

Reason: To safeguard the appearance of the building and the visual amenities of

the locality and to comply with policies QD1, HE6 and QD27 of the Brighton & Hove Local Plan.

7) UNI

The hereby permitted external gas pipes will be painted to match the external cladding and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 & QD14 of the Brighton & Hove Local Plan.

BH2013/01703

7 Rock Place Brighton

Relocation of air conditioning units to flat roof.

Applicant: Brighton Institute of Modern Music

Officer: Sue Dubberley 293817

Approved on 13/08/13 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

Noise associated with air conditioning units hereby approved 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.

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	No number		22 May 2013
Location plan	No number		22 May 2013
Proposed roof plan	No number		22 May 2013
Proposed front elevation	No number		22 May 2013

BH2013/01830

12A Richmond Parade Brighton

Application to extend time limit for the implementation of previous approval BH2010/00156 for the demolition of existing two storey B1/B8 building. Construction of 4 storey building comprising workshop/studio in basement accessed from ground floor and 3 self contained flats on upper floors.

Applicant: Mr Ed Derby

Officer: Anthony Foster 294495

Approved on 08/08/13 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

Notwithstanding the details of the materials indicated on the submitted plans and

application form, a schedule of alternative materials, including samples, to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority before development commences. Revised elevations indicating a contrasting band of material to break up the expanse of blank cladding on the east and west elevations shall be submitted for approval. The information submitted should include details of the proposed green roof. Development shall be carried out in accordance with the approved details.

Reason: The materials to be used require further consideration to ensure a satisfactory appearance to the development as the materials indicated are considered inappropriate and incongruous to the character and appearance of the locality and to comply with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any amendment thereto the studio workspace hereby approved shall be used only for uses within Class B1 and for no other use.

Reason: To ensure the amenity of residential properties in the building are protected and to ensure a business use is retained on the site, in accordance with policies QD27 and EM6 of the Brighton & Hove Local Plan.

4) UNI

No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority indicating measures to be taken to insulate the development against the transmission of noise from the studio workspace (such measures shall include the sound insulation of all units within the development from noise transmitted between them). No flats hereby permitted shall be occupied until the approved sound insulation scheme has been fully implemented.

Reason: To ensure the amenity of residential properties in the building are protected in accordance with policy QD27 of the Brighton and Hove Local Plan.

5) UNI

No development shall take place until a scheme for the suitable treatment of all plant and machinery associated with the studio workspace against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. No flats hereby permitted shall be occupied until the approved scheme has been fully implemented.

Reason: To ensure the amenity of residential properties in the building are protected in accordance with policy QD27 of the Brighton and 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 a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

7) UNI

The studio workspace hereby approved shall not be open or in use except between the hours of 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturdays and not at any time on Sundays or Bank Holidays.

Reason: To ensure the amenity of residential properties in the building are protected in accordance with policy QD27 of the Brighton & Hove Local Plan.

8) UNI

Unless otherwise agreed in writing by the Local Planning Authority, 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.

9) 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.

10) 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.

11) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code Level 3 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.

12) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code Level 3 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.

13) 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
North elevation	301		03/11/2004
South elevation plans & existing building	302		03/11/2004
East Elevation	303		03/11/2004
West Elevation	304		03/11/2004
Planning	305		03/11/2004
Existing store plans			19/01/2005
Proposed Plan Extract First &	320		26/08/2010

Second Floor			
Proposed Contextual Elevation	321		26/08/2010

14) UNI

Notwithstanding the details on the approved plans, prior to commencement of the development, details relating to 1.8 metre high screens to be installed on the proposed balconies and roof terrace along the eastern boundary of the development are to be submitted to and approved in writing by the Local Planning Authority. The approved screens shall be implemented in full before the balconies hereby approved are brought into use.

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.

BH2013/01832

Flat 1 144 Queens Park Road Brighton

Installation of replacement UPVC windows.

Applicant: Mr Farhad Movahedi

Officer: Sonia Gillam 292265

Approved on 23/08/13 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			18/06/2013
Product survey sheet			18/06/2013

BH2013/01883

24 Park Street Brighton

Erection of single storey extension to rear.

Applicant: Mrs Tara O'Neil

Officer: Andrew Huntley 292321

Approved on 12/08/13 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

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 Ground and First Floor Plan and Block and Location Plans	200PS24/01		21.06.2013
Existing Side Elevations and Section B-B	200PS24/02		10.06.2013
Proposed Ground and First Floor Plans	200PS24/03		10.06.2013
Proposed Side Elevations and Section B-B	200PS24/04		10.06.2013
Existing and proposed Rear Elevation and Section A-A	200PS24/05		10.06.2013

BH2013/02146

175 Freshfield Road Brighton

Certificate of lawfulness for proposed erection of single storey rear extension, single storey side extension, creation of dormer to rear and installation of 3no rooflights to front.

Applicant: Mrs M Brierley
Officer: Sonia Gillam 292265

Refused on 12/08/13 DELEGATED

1) UNI

The development is not permitted development under Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 1995, as amended, by reason that the proposed rear and side infill extension would extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

BH2013/02195

6 Rock Place Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2013/01232.

Applicant: Enterprise Inns PLC
Officer: Robin K Hodgetts 292366

Approved on 28/08/13 DELEGATED

BH2013/02202

10 St Georges Road Brighton

Display of internally illuminated hanging signs, ATM headers, lettering and non-illuminated internal and external vinyl overlays.

Applicant: Lloyds Banking Group
Officer: Sonia Gillam 292265

Approved on 22/08/13 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.

BH2013/02262

Flat 4 84 - 85 Marine Parade Brighton

Replacement of existing glazed timber windows and doors with double glazed timber windows and doors

Applicant: Mr Chris Tillbrook

Officer: Chris Swain 292178

Approved on 27/08/13 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

All new joinery sections to windows and doors shall match existing exactly.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2013/02408

69 Richmond Street Brighton

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

extend beyond the rear wall of the original house by 3.65m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.5m.

Applicant: Ms Jan O'Hare

Officer: Jonathan Puplett 292525

Prior Approval is required and is approved on 28/08/13 DELEGATED

ROTTINGDEAN COASTAL

BH2012/03676

Rear of 23 Falmer Road Rottingdean Brighton

Application for variation of condition 2 of previously approved application BH2010/03462 (Erection of single storey 2no bedroom detached dwelling house with associated parking and landscaping) to allow for minor material amendments.

Applicant: Mr Stuart Macrorie

Officer: Jonathan Puplett 292525

Approved on 13/08/13 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed Elevations	Fr23pro/07		24/06/2013
Proposed Elevations	Fr23pro/08		24/06/2013
Proposed Site Plan	Fr23pro/10		24/06/2013
Proposed Ground Floor Plan	Fr23pro/04	C	07/08/2013
Proposed First Floor Plan	Fr23pro/05	C	07/08/2013

2) UNI

Within three months of the date of the permission hereby approved, the ramp and raised deck along the northern side and the rear of the dwelling shown in the approved plans shall be installed and the development shall comply with Lifetime Homes Standards 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.

3) UNI

Within three months of the date of the permission hereby approved, a Final/Post Construction Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code level 4 shall be 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.

4) UNI

The roof level windows to the east and west facing gables of the dwelling hereby approved shall be obscure glazed and fixed shut and shall be retained as such thereafter.

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

5) UNI

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.

6) UNI

The refuse and recycling storage facilities indicated on the approved plans shall be 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.

7) 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.

8) 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.

9) UNI

The rooflights to the southern roofslope hereby approved shall be glazed using the 'SmartGlass' system detailed in the specification submitted on the 12th of January 2011, shall be installed and operational prior to occupation of the dwelling and shall be retained as such thereafter.

Reason: To reduce light pollution which could cause harm to bats, and to comply with policy QD18 of the Brighton & Hove Local Plan.

10) UNI

The cycle parking facilities approved under application ref. BH2011/02712 shall be fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

11) UNI

No external lighting shall be installed other than the lighting approved under application ref. BH2011/02712, unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To control light pollution which could cause harm to bats, to safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD18 QD25 and QD27 of the Brighton & Hove Local Plan.

12) UNI

The bat roosts approved under application ref. BH2011/02712 shall be installed

and retained as such thereafter.

Reason: To ensure that the proposed bat voids are carried out, and to comply with policy QD18 of the Brighton & Hove Local Plan.

13) UNI

All planting, seeding or turfing comprised in the scheme of landscaping approved under application ref. BH2011/02712 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

BH2013/00066

Flat 4 30 Sussex Square Brighton

Internal alterations to layout of flat.

Applicant: Mr Marcus Morris

Officer: Anthony Foster 294495

Approved on 27/08/13 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

Any internal or external drainage pipes and/or ventilation equipment associated with the existing kitchen in flat 8 shall be removed and surrounding areas made good to match the existing finish.

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 platform structure 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.

4) UNI

No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the replacement doors, baluster and spindles 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.

BH2013/01460

Flat 4 17 Sussex Square Brighton

Erection of single storey rear extension.

Applicant: Paul Hutson
Officer: Andrew Huntley 292321

Refused on 16/08/13 DELEGATED

1) UNI

The proposal is of a poor design, which is out of keeping with the existing building. The proposal will have an adverse impact upon the architectural and historic character and appearance of the Regency terraced townhouse, which is a Grade I Listed Building and the wider Kemp Town Conservation Area. Therefore, the proposal is contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan, the Council's Supplementary Planning Guidance Notes SPGBH13: Listed Buildings - General Advice and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

BH2013/01461

Flat 4 17 Sussex Square Brighton

Erection of single storey rear extension.

Applicant: Paul Hutson
Officer: Andrew Huntley 292321

Refused on 16/08/13 DELEGATED

1) UNI

The proposal is of a poor design, which is out of keeping with the existing building. The proposal will have an adverse impact upon the architectural and historic character and appearance of the Regency terraced townhouse, which is a Grade I Listed Building and the wider Kemp Town Conservation Area. Therefore, the proposal is contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan, the Council's Supplementary Planning Guidance Notes SPGBH13: Listed Buildings - General Advice and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

BH2013/01537

22 Roedean Crescent Brighton

Application to extend time limit for implementation of previous approval BH2010/01861 for the erection of single storey rear extension, creation of lower ground floor room with terrace above, new garage to the front, insertion of rooflights and associated works.

Applicant: Estate Master Limited
Officer: Pete Campbell 292359

Approved on 21/08/13 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 extension, enlargement, alteration or provision within the curtilage 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: 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) UNI

The development hereby permitted shall be carried out in accordance with the details submitted and approved under application BH2013/01245 relating to measures to prevent overlooking from the western side of the proposed first floor balcony. The approved measures shall thereafter be permanently retained as such.

Reason: To ensure the scheme does not unduly overlook neighbouring properties and to comply with policy QD27 of the Brighton and Hove Local Plan.

4) UNI

The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under application BH2013/01245.

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

5) UNI

The development hereby permitted shall be carried out in accordance with the details submitted and approved under application BH2013/01245 relating to the external surfaces of the development including window and door frames, colour of render, timber cladding and zinc roof covering.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton and Hove Local Plan.

6) UNI

The development hereby permitted shall be carried out in accordance with the details submitted and approved under application BH2013/01245 relating to sustainability measures, detailing how the development will be efficient in the use of energy, water and materials.

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.

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 plans	A.01		18/06/2010
Aerial photos	A.02		18/06/2010
As existing drawings	A.05		18/06/2010
Proposed ground floor plan	D.01	E	18/06/2010
Proposed first floor plan	D.02		18/06/2010
Proposed second floor plan	D.03		18/06/2010
Proposed roof plan	D.04		18/06/2010
Proposed north elevation	D.05		18/06/2010
Proposed south elevation	D.06		18/06/2010
Proposed west elevation	D.07		18/06/2010
Proposed east elevation	D.08		18/06/2010
Rear elevation sketch	D.09		18/06/2010
Waste and minimisation statement			18/06/2010

8) UNI

The side facing (east and west) windows at ground, first and second (attic) floor levels shall not be glazed otherwise than with obscure glass and thereafter permanently retained as such.

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

BH2013/01655

15 Lenham Avenue Saltdean Brighton

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.

Applicant: Mrs Kathryn O'Connell

Officer: Sue Dubberley 293817

Refused on 15/08/13 COMMITTEE

1) UNI

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.

BH2013/01779

26 Bishopstone Drive Saltdean Brighton

Alterations to dwelling including creation of additional floor incorporating external terrace with glass balustrade, installation of external staircase to side elevation, alterations to fenestration and associated works.

Applicant: Mr Peter Davenport

Officer: Wayne Nee 292132

Refused on 08/08/13 DELEGATED

1) UNI

The proposal, by virtue of its form, bulk, massing and inappropriate design, would result in an incongruous and unsympathetic appearance that would be in stark contrast to the context of the street scene which is largely comprised of houses of traditional design with pitched roofs. The proposed flat roof, extensive glazing and timber cladding fail to respect the character and appearance of surrounding area. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

By reason of its bulk, height and design in close proximity to no. 1 Tumulus Road, the proposed extension would have an overbearing impact that would represent an un-neighbourly form of development. The proposal would be detrimental to neighbouring amenity and would therefore be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/01827

The Elms Cottage The Green Rottingdean

Application for Approval of Details Reserved by condition 16 of application BH2011/00035.

Applicant: Mr Frank Wenstrom

Officer: Sue Dubberley 293817

Approved on 14/08/13 DELEGATED

BH2013/01831

19 Roedean Crescent Brighton

Erection of two storey rear extension and single storey front extension incorporating glass balustrading above to provide terrace to the first floor. Erection of single storey sunken double garage to the front garden and other alterations including revised fenestration, removal of existing tile cladding with render and associated works.

Applicant: Dr G Simpson
Officer: Pete Campbell 292359

Refused on 19/08/13 DELEGATED

1) UNI

The quality, detail and accuracy of the plans and drawings provided are inadequate to make a comprehensive assessment of the application and the resultant visual impact to the host property. The application consequently cannot be fully considered in accordance with policies QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

Notwithstanding reason for refusal no.1, the alterations and extensions proposed at the front of the property are of an uncomplimentary design, contradictory to the traditional characteristics of the host building. The front extension relates poorly to the host property, being excessive in width, and would result in a significantly detrimental impact being caused to the character and visual appearance of the property. The application is contrary to policy QD14 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

3) UNI3

Notwithstanding reason for refusal no.1, the proposed rear extension by virtue of the additional bulk and mass added to the existing form of the building, along with it failing to successfully integrate with the main body of the property at roof level constitutes an uncomplimentary addition, which would detract from the visual appearance and character of the host property. The application is contrary to policy QD14 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2013/01841

Saltdean Primary School Chilington Way Brighton

Erection of single storey modular building containing classroom, group room, toilets and store with covered link to existing building and landscaping. (Retrospective)

Applicant: Brighton & Hove City Council
Officer: Sue Dubberley 293817

Approved on 14/08/13 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 location plan, block plan, existing plan and elevations	277/101	P1	19 June 2013
Proposed plan and elevations	277/102	P1	6 June 2013

2) UNI

The temporary classroom hereby approved shall be permanently removed on or before 14 August 2016 and the land restored to its former condition immediately

prior to the development authorised by this permission.

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, QD20 & SR20 of the Brighton & Hove Local Plan.

3) UNI

The permission hereby granted shall be for a temporary period only, expiring on or before 14 August 2016.

Reason: The structure hereby approved is not considered suitable as a permanent form of development and to comply with policies QD1, QD20, SR20 of the Brighton & Hove Local Plan.

BH2013/01852

46 Ainsworth Avenue Brighton

Application for Approval of Details Reserved by Conditions 10, 11, 12, 13 and 14 of application BH2012/03634.

Applicant: Mr & Mrs J Davies

Officer: Jonathan Puplett 292525

Approved on 12/08/13 DELEGATED

BH2013/01869

53 Falmer Road Rottingdean Brighton

Erection of pitched roof detached garage to replace existing. (Retrospective).

Applicant: Mr Alan Wood

Officer: Jonathan Puplett 292525

Approved on 23/08/13 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
Location Plan			05/06/2013
Block Plan			28/06/2013
Pre-Existing East Elevation			28/06/2013
Pre-Existing North Elevation			28/06/2013
Pre-Existing West Elevation			28/06/2013
Pre-Existing And Existing South Elevation			28/06/2013
Pre-Existing Floor Plan			28/06/2013
Existing East Elevation			05/06/2013
Existing North Elevation			05/06/2013
Existing West Elevation			05/06/2013
Existing South Elevation			05/06/2013
Existing Floor Plan			05/06/2013

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 window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed to the outbuilding 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.

3) UNI

The outbuilding hereby approved shall only be used as ancillary in connection with the use of the main property as a single dwelling house and shall at no time be converted to or sold as a self-contained unit.

Reason: In order to protect the amenities of neighbouring properties and in accordance with policies QD27 of the Brighton & Hove Local Plan.

BH2013/01949

12 The Cliff Brighton

Demolition of existing two storey dwelling and garage and erection of part two, part three storey dwelling with garage.

Applicant: Mr Mike Wilson

Officer: Anthony Foster 294495

Refused on 21/08/13 DELEGATED

1) UNI

The proposed dwelling by reason of its design, scale, and massing would appear as a discordant and incongruous feature within the street scene, which fails to respect the positive characteristics of the area. As such the proposal would be of detriment to the character and appearance of the area and is contrary to policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan.

BH2013/01950

14 Cranleigh Avenue Rottingdean Brighton

Erection of single storey rear extension with creation of terrace above and other external alterations.

Applicant: Mrs Chris Deans

Officer: Andrew Huntley 292321

Refused on 28/08/13 DELEGATED

1) UNI

The roof terrace at first floor level would cause significant harm to neighbouring amenity by reason of overlooking and loss of privacy to neighbouring properties, especially properties 12 and 16 Cranleigh Avenue. Therefore, the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/01963

34 Lustrells Vale Saltdean Brighton

Erection of part two storey part single storey rear extension.

Applicant: Mr I Still

Officer: Liz Arnold 291709

Refused on 23/08/13 DELEGATED

1) UNI

The proposed two storey rear extension, by virtue of its design, height size and massing would result in a visually intrusive and bulky addition to the rear of the dwelling. The proposed extension would represent an unsympathetic extension which is not subservient to the existing dwelling and as a result would be of detriment to the design and character of the existing modest bungalow. As such the proposal is contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

BH2013/01964

Land Adjacent to 10 Ainsworth Avenue Brighton

Application for removal of condition 3 of application BH2009/01058 (Erection of

new family dwelling) which states that the dormer windows to the family bathroom and en-suite bathroom at first floor level in the south-western elevation of the building shall not be glazed otherwise than with obscured glass and top hung and thereafter permanently retained as such. Variation of condition 16 as approved on non-material amendment application BH2013/01391 to substitute drawings 0387/003 and 0387/004 with drawings KS/003A and KS004A.

Applicant: Mrs Elaine Tyler
Officer: Andrew Huntley 292321

Approved on 09/08/13 DELEGATED

1) UNI

The development hereby permitted shall be commenced before 12 August 2013.
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 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
Tree Survey	0387/001		10.11.2009
New Dwelling House Proposed Tree Layout	0387/002		10.11.2009
Floor and Roof Plan Layout	KS 003A		09.08.2013
Proposed Elevations	KS 004B		09.08.2013
Dwelling House Existing	0387/006		10.11.2009
Site Plan	0387/007		10.11.2009
Site Plan	0387/008		10.11.2009

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 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.

5) UNI

The external finishes of the development hereby permitted shall be those submitted on the 14th June 2013 and detailed below: Walls - Sand cement lime render (painted white). Roof - Marley Eternit antique mix of red and weathered tiles.

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.

6) UNI

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.

7) 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.

8) UNI

The development shall be implemented in accordance with the Waste Minimisation Statement, in accordance with the details submitted on the 26th June 2013 and included within application BH2013/01980

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

9) 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.

10) 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.

11) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the plan BR1A submitted on the 14th June 2013 and included within application BH2013/01980 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.

12) UNI

Prior to the first occupation of the development 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, shall be submitted to and approved in writing by the Local Planning Authority.

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

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) UNI

Unless otherwise agreed in writing by the Local Planning Authority, 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.

BH2013/01966

Maddalena Bazehill Road Rottingdean Brighton

Demolition of existing chalet bungalow and erection of 1no single dwelling.

Applicant: Mr Susan Chapman

Officer: Wayne Nee 292132

Refused on 28/08/13 DELEGATED

1) UNI

The proposed replacement dwelling, by virtue of its excessive height, scale, massing, and bulky roof form, would result in an overly dominant development that would detract from its surroundings and detrimentally impact on the spatial quality of the locality. As such the development would cause harm to the character and appearance of the locality and thus be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The proposed replacement dwelling, by virtue of its overall scale, and its proximity to the rear site boundary, would result in an un-neighbourly form of development that could create perceived and actual overlooking and potentially also have an overbearing impact on the residents no. 11 Royles Close to the detriment of residential amenity. The scheme is therefore contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

BH2013/01980

Land Adjoining 10 Ainsworth Avenue Brighton

Application for Approval of Details Reserved by Conditions 5, 7, 9, 12, 13 and 15 of application BH2009/01058.

Applicant: Elaine Tyler

Officer: Andrew Huntley 292321

Approved on 09/08/13 DELEGATED

BH2013/01987

Asda Stores Ltd Brighton Marina Village Brighton Marina Brighton

Display of externally illuminated fascia signs and non-illuminated hoarding sign to proposed customer grocery collection canopy and associated non-illuminated road and direction signs.

Applicant: Asda

Officer: Andrew Huntley 292321

Approved on 27/08/13 DELEGATED

1) UNI

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) UNI

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) UNI

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) UNI

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.

5) UNI

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) UNI

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) UNI

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.

BH2013/01988

Asda Stores Ltd Brighton Marina Village Brighton Marina Brighton

Erection of single storey canopy in existing carpark to provide customer grocery collection facility and construction of drive in bay to East of site incorporating installation of external condenser units, bollards, barriers and associated works.

Applicant: Asda

Officer: Andrew Huntley 292321

Approved on 27/08/13 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	0302.4916 (00)002	A	03.07.2013
Existing Layout	0849.4916 (0)001	A	17.06.2013
Existing Elevations	0849.4916 (0)003		17.06.2013
Proposed Layout	0849.4916 (0)010	F	26.06.2013
Proposed Elevations	0849.4916 (0)011	B	03.07.2013
Proposed Layout Plan	0302.4916 (0)013	A	03.07.2013
Proposed Canopy Elevations and Plan Option Three	0302.4916 (0)014		17.06.2013

BH2013/01997

West View Steyning Road Brighton

Erection of single storey conservatory to replace existing conservatory and other associated works.

Applicant: Mr & Mrs Andrew Laurillard

Officer: Robert McNicol 292322

Approved on 12/08/13 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 windows and doors hereby approved shall have white painted timber frames.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the

Report from: 08/08/13 to 28/08/13

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	01	A	27 June 2013
Block plan	02	A	17 June 2013
Existing ground floor plan	03		17 June 2013
Existing elevations	04		17 June 2013
Proposed elevations	05	C	17 June 2013
Proposed ground floor plan	06	B	17 June 2013

BH2013/02086

31 Chichester Drive East Brighton

Demolition of existing extension at rear of garage and replacement with single storey side and rear extension including rooflights, enlargement of western roof dormer and new rooflight to rear roofslope and associated ground works.

Applicant: Mr & Mrs W Dunn

Officer: Andrew Huntley 292321

Approved on 12/08/13 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

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	1325.LP01.A		24.06.2013
Existing Ground Floor and Site Plan	1325.S01		24.06.2013
Existing First Floor and Loft Plans	1325.S02		24.06.2013
Existing Roof Plan	1325.S03		24.06.2013
Existing Front and Rear Elevations	1325.S04		24.06.2013
Existing Side Elevation	1325.S05		24.06.2013
Proposed Ground Floor and Site Plan	1325.PL01		24.06.2013
Proposed First Floor and Loft Plans	1325.PL02		24.06.2013
Proposed Roof Plan	1325.PL03		24.06.2013
Proposed Front and Rear Elevations	1325.PL04		24.06.2013
Proposed Side Elevation	1325.PL05		24.06.2013

BH2013/02121

Bush Mews Arundel Road Brighton

Prior approval for change of use from offices (B1) to residential (C3).

Applicant: Liam Russell Architects

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 19/08/13 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 it has not been demonstrated that the proposal would not result in a material increase or a material change in the character of traffic in the vicinity of the site. As such the proposal is contrary to policies TR1, TR7, TR14 and TR19 of the Brighton & Hove Local Plan 2005.

2) UNI2

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.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Existing Location and Block Plan	0889-PA-000		4 Jul 2013
Existing Solar on Site	0889-PA-003		24 Jun 2013
Proposed Solar on Site	0889-PA-012		24 Jun 2013

BH2013/02261

Pizza Express Unit 4 The Boardwalk Waterfront Brighton Marina

Display of 1no internally illuminated fascia sign and 2no internally illuminated roundel signs (part-retrospective).

Applicant: Mr Benn Handly

Officer: Sonia Gillam 292265

Refused on 27/08/13 DELEGATED

1) UNI

Given the number of advertisements and the excessive and unnecessary illumination of the signage, the proposal would be unduly visually prominent and would therefore detract from the character and appearance of the building and its environs and adversely affect the visual amenity of the wider area. As such, the proposal is contrary to the requirements of policy QD12 of the Brighton & Hove Local Plan and SPD07: Advertisements.

BH2013/02328

Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land

Application for approval of details reserved by condition 2 of application BH2012/04048.

Applicant: Brunswick Developments Group Plc

Officer: Maria Seale 292232

Approved on 22/08/13 DELEGATED

WOODINGDEAN

BH2013/00539

Southern Aurora Drum And Bugle Corp & Woodingdean Library Warren Road Brighton

Application for approval of details reserved by conditions 3, 5, 7, 8, and 14 of application BH2012/01503.

Applicant: Medcentres

Officer: Anthony Foster 294495

Split Decision on 13/08/13 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 3, 5, 7, and 8 subject to full compliance with the submitted details.

1) UNI

Insufficient information in relation to the number and location of the disabled parking spaces has been provided in order for the details pursuant to condition 14 of the consent to be approved.

2) UNI2

The details pursuant to conditions 14 are NOT APPROVED for the reason(s) set out in section 10.

BH2013/01103

Land adjacent 49a Channel View Road Brighton

Erection of two storey 2no bedroom detached house.

Applicant: Mr & Mrs Terry Schan

Officer: Anthony Foster 294495

Approved on 08/08/13 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 extension, enlargement, alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B, C, and D) 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) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the eastern and western elevation of the 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) 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 in the interests of the visual amenities of the area and to comply with planning policies QD1 and QD2 of the Brighton & Hove Local Plan

5) UNI

No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

6) UNI

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 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.

7) 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.

8) 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.

9) 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.

10) 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.

11) 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.

12) 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.

13) UNI

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

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

14) 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

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
Site location & block plan	01	A	30/07/2013
Proposed Site Plan	02	B	30/07/2013
Proposed floor plans	03	B	30/07/2013
Proposed elevations	04	B	30/07/2013
Proposed elevations	05	B	30/07/2013
Proposed elevation & section	06	B	30/07/2013

BH2013/02025

Woodingdean Business Park Sea View Way Brighton

Application for Approval of Details Reserved by Condition 12, 13, 14 and 15 of application BH2012/03050.

Applicant: Mr Nick Kay

Officer: Liz Arnold 291709

Approved on 15/08/13 DELEGATED

BRUNSWICK AND ADELAIDE

BH2013/01857

5 Brunswick Street West Hove

Roof extension incorporating creation of roof terrace with balustrading.

Applicant: Mr James Watts

Officer: Adrian Smith 290478

Refused on 19/08/13 DELEGATED

1) UNI

Insufficient information has been submitted with the application to fully establish and evaluate the impact of the proposal on the side and rear elevations of the Grade I listed building. On the basis of the information submitted the proposed extension, by virtue of its additional height and bulk, material finish, and poor visual relationship with the original form and roofscape of the terrace, represents an incongruous addition that would result in significant harm to the character and appearance of the Grade I listed buildings and their setting, contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2013/01935

6 - 10 St Johns Road Hove

Certificate of Lawfulness for proposed inclusion of MOT Vehicle Testing Facility on the site.

Applicant: Mr Howard Coulson

Officer: Christopher Wright 292097

Approved on 08/08/13 DELEGATED

BH2013/01962

Leonardo Restaurant 55-57 Church Road Hove, East Sussex

Erection of rear extensions at lower ground floor, ground floor, first floor and second floor levels. Installation of extract units to flat roof and associated works. (Part Retrospective)

Applicant: Mr Cleto Capetta

Officer: Christopher Wright 292097

Refused on 09/08/13 DELEGATED

1) UNI

The proposed development is not appropriately designed and detailed in relation to the building to be extended and altered, adjoining buildings or the site context, and the extension and alterations would, by reason of their height, form, scale and bulk, have an unsympathetic visual relationship with the recipient building and appear unduly dominant, incongruous and out of scale, thereby having a detrimental impact on visual amenity, the character of the recipient building and the appearance of the wider conservation area. For these reasons the proposal is contrary to the requirements of SPD12: Design Guide for Extensions and Alterations, and policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan 2005.

BH2013/01978

2C Holland Road Hove

Erection of an extension over part of existing garage roof and installation of a pitched roof over existing flat roof incorporating rooflights.

Applicant: Mr Dennis O Reilly

Officer: Steven Lewis 290480

Approved on 21/08/13 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 external finishes of the works hereby permitted shall match in material, colour, style, bonding 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.

BH2013/02027

18 Farm Road Hove

Erection of side extension within existing under-croft and alterations to fenestration.

Applicant: Mr & Mrs Warner

Officer: Mark Thomas 292336

Approved on 14/08/13 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 works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the proposed timber screen and door to the front of the under croft, and details of the finish which shall be painted, 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 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 floor plans, site location and block plans	0246.EXG.001	-	19 June 2013
Existing sections and elevations	0246.EXG.002	-	19 June 2013
Proposed plans, sections and elevations	0246.PL.001	Rev. A	19 June 2013

BH2013/02217

5 Brunswick Street West Hove

Roof extension incorporating creation of roof terrace with balustrading.

Applicant: Mr James Watts

Officer: Adrian Smith 290478

Refused on 21/08/13 DELEGATED

1) UNI

Insufficient information has been submitted with the application to fully establish and evaluate the impact of the proposal on the side and rear elevations of the Grade I listed building. On the basis of the information submitted the proposed extension, by virtue of its additional height and bulk, material finish, and poor visual relationship with the original form and roofscape of the terrace, represents an incongruous addition that would result in significant harm to the character and appearance of the Grade I listed buildings, their setting, and that of the wider Brunswick Town Conservation Area, contrary to policies QD14, HE1 & HE6 of the Brighton & Hove Local Plan.

2) UNI2

The proposed roof terrace, by virtue of its high level position in close proximity to a number of residential windows, would result in significant amenity harm to neighbouring residents by way of noise disturbance, contrary to policies QD14, QD27, HE1 & HE6 of the Brighton & Hove Local Plan.

3) UNI3

Insufficient information has been submitted with the application to be able to reasonably evaluate the degree of impact on the amenities of adjacent occupiers. The applicants have therefore failed to demonstrate that the additional height and bulk of the building would not have a significantly adverse impact on the amenities of surrounding properties by way of loss of light and outlook, contrary to policy QD27 of the Brighton & Hove Local Plan.

CENTRAL HOVE

BH2012/04054

21 Blatchington Road Hove

Application for approval of details reserved by conditions 6, 7, 8 and 9 of BH2011/03117.

Applicant: Mr Maurice Kifford

Officer: Jason Hawkes 292153

Split Decision on 21/08/13 DELEGATED

1) UNI

The details pursuant to conditions 7, 8 & 9 of BH2011/03117 and subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 6 of BH2011/03117 for the reason set out below.

1. The scheme indicates an amended area to the front lightwell area which shows a Sheffield stand for cycle storage on a raised concrete area. This area is contrary to the approved plans which show a cycle store to the rear of the property. The front area would not offer secure cycle storage and would also, along the refuse store, result in a cluttered appearance to the front of the property. The store is therefore contrary to policies TR14 and QD2 of the Brighton & Hove Local Plan.

BH2013/01574

Flat C 52 Norton Road Hove

Conversion of existing 2no bedsits to 1no one bedroom self-contained flat.

Applicant: Brighton & Hove City Council

Officer: Adrian Smith 290478

Approved on 13/08/13 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 not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 17 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.

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, existing front elevation, and existing and proposed floor plans	52-NR-01-FLT C	-	17/05/2013
Existing elevations	52-NR-02-FLT C	-	17/05/2013

BH2013/01650

62 - 63 George Street Hove

Alterations to shopfront to facilitate installation of fire escape door.

Applicant: British Heart Foundation

Officer: Jason Hawkes 292153

Approved on 09/08/13 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
Location Plan			21st May 2013
Existing Floor Plans and Elevations	HOV-C-CB-01	A	30th May 2013
Proposed Floor Plans and Elevations	HOV-C-CB-02	B	30th May 2013

BH2013/01707

31 Osborne Villas Hove

Installation of railings and gate to the front of the property.

Report from: 08/08/13 to 28/08/13

Applicant: Natasha Knowler
Officer: Mark Thomas 292336
Approved on 19/08/13 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

Notwithstanding the submitted drawings the proposed railings and gate shall be detailed to replicate the style, spacing, fixing, moulded profile and pattern of those at no. 33 Osborne Road.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan	-	-	24 June 2013
Block plan	-	-	24 June 2013
Existing elevation	DWG 01	-	24 June 2013
Proposed elevation and details	DWG 02	-	24 June 2013
Proposed floor plan	DWG 03	-	24 June 2013

BH2013/01749

4 Hove Manor Hove Street Hove

Change of use from retail (A1) to mixed use (sui generis) including retail, café, take-away, art exhibition and community use including music performance, theatre and pop up cinema. (Retrospective).

Applicant: Sunshine Books Art & Coffee

Officer: Helen Hobbs 293335

Refused on 09/08/13 DELEGATED

1) UNI

The proposed loss of A1 use would result in the proportion of non-retail units in the Hove Manor parade exceeding 50%. Furthermore insufficient evidence has been supplied to demonstrate that the premises are economically unviable, or that the proposed uses would not have a detrimental impact on the amenities of adjacent residents. The proposal is therefore contrary to policy SR7 of the Brighton & Hove Local Plan.

2) UNI2

Insufficient information has been submitted relating to the proposed extraction in association with the A3 and A5 uses. As such it is not possible to undertake a full assessment of the potential noise impact on the nearest noise sensitive premises. In this regard the proposal is contrary to the objectives of policies SU10 and QD27 of the Local Plan.

3) UNI3

The proposed application, by virtue of the late night opening combined with the variety of noise including amplified music would have a detrimental impact upon the amenities of adjacent residents. The proposal is therefore contrary to policy SR7 of the Brighton & Hove Local Plan.

BH2013/01875**12 & 13 Medina Villas Hove**

Painting of front and side elevations of 12 Medina Villas and front, side and rear elevations of 13 Medina Villas.

Applicant: 12 Medina Villas (Hove) Ltd & Residents Association of 13 Medina Villas

Officer: Mark Thomas 292336

Approved on 28/08/13 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 painting of the exterior rendered walls shall be with magnolia (BS4800 08B15) smooth matt masonry paint, with quoin blocks and dressing being painted white.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan	-	-	6 June 2013
Photos	-	-	6 June 2013

BH2013/02157**8 Kings Gardens Hove**

Installation of a metal gate and additional railings to rear.

Applicant: Mr Timothy Clegg

Officer: Robert McNicol 292322

Approved on 15/08/13 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 railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

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, block plan, existing plans and elevations	RFA 12/228/01		25 June 2013
Proposed elevations and plans	RFA 12/228/01		25 June 2013

BH2013/02158

8 Kings Gardens Hove

Installation of a metal gate and additional railings to rear.

Applicant: Mr Timothy Clegg

Officer: Robert McNicol 292322

Approved on 15/08/13 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 railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2013/02167

6 Blatchington Road Hove

Prior approval for change of use from office (B1) to residential (C3) to form 2no self contained flats.

Applicant: T & L Holdings Ltd

Officer: Christopher Wright 292097

Prior approval not required on 22/08/13 DELEGATED

BH2013/02168

First Floor 101 Church Road Hove

Prior approval for change of use from offices (B1) to residential (C3) to create 1no two bed accommodation.

Applicant: Mr Harvey Clarke

Officer: Christopher Wright 292097

Prior approval not required on 19/08/13 DELEGATED

BH2013/02386

23 & 36 Bath Court Kings Esplanade Hove

Certificate of lawfulness for the proposed conversion of 2no flats into 1no flat.

Applicant: Mr Robert Zimble

Officer: Steven Lewis 290480

Approved on 22/08/13 DELEGATED

1) UNI

The works necessary to facilitate the conversion affect only the interior and do not materially affect the external appearance of the building. The conversion of 2 no. flats into a single residential dwelling and the reduction of the total number of flats from 46 units to 45 units does not constitute a material change of use. The proposal does not constitute development as outlined by Section 55 of the Town and Country Planning Act 1990 and as amended by Section 49 of the Planning and Compulsory Purchase Act 2004.

GOLDSMID

BH2012/04091

121 - 123 Davigdor Road Hove

Application for approval of details reserved by conditions 6 and 8 of BH2012/01054.

Applicant: Smile 2 Live

Officer: Guy Everest 293334
Split Decision on 15/08/13 DELEGATED

BH2013/01994

2 Highdown Road Hove

Conversion of existing garage to front into reception room with installation of bay window. Erection of front garden wall.

Applicant: Ms Shirley Waldron
Officer: Helen Hobbs 293335

Approved on 23/08/13 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 full details of the new window(s) and their reveals and cills, to be positioned within the reinstated bay, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

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
Existing ground floor plan	13-262/EX/001	A	28th June 2013
Existing front elevation	13-262/EX/002	A	28th June 2013
Existing long section	13-262/EX/003	A	28th June 2013
Proposed ground floor plan	13-262/LO/001	A	28th June 2013
Proposed long section 1	13-262/LO/003	A	28th June 2013
Proposed front elevation	13-262/LO/005	A	28th June 2013
Site plan			17th June 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.

BH2013/02018

89 Holland Road Hove

Loft conversion incorporating side dormer and 4no rooflights.

Applicant: Mr Lloyd-Evans
Officer: Adrian Smith 290478
Refused on 15/08/13 DELEGATED

1) UNI

The proposed dormer window would harm the appearance of the building and wider street by virtue of its inappropriate scale and design on a prominent side roof slope, whilst the front rooflight would appear excessively cramped within the limited roof space, contrary to policy QD14 and the design guidance set out in SPD12.

BH2013/02051

Spitfire House 141 Davigdor Road Hove

Installation of 2no satellite dishes to the east elevation.

Applicant: Mr Alistair Dalglish
Officer: Christopher Wright 292097

Refused on 27/08/13 DELEGATED

1) UNI

The proposed satellite dishes, by reason of their height, design and readily visible siting, would have a discordant and incongruous appearance that would detract from the character of the recipient building and have a detrimental impact on visual amenity, contrary to the requirements of policy QD22 of the Brighton & Hove Local Plan 2005.

BH2013/02052

Spitfire House 141 Davigdor Road Hove

Installation of 2no satellite dishes to the north elevation.

Applicant: Mr Alistair Dalglish
Officer: Christopher Wright 292097

Approved on 27/08/13 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 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
Elevations	3408.EXG.04		2 Jul 2013
Proposed Option B Satellite Dishes	3437.PL.03		20 Jun 2013
Proposed Option B Satellite Dishes Location and Site Plan	3437.PL.04		20 Jun 2013

3) UNI

The two satellite dishes and their supporting structures hereby permitted shall be removed from the building and the building exterior restored to its condition immediately prior to the development authorised by this permission commencing on or before 27 August 2023, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the character and appearance of the area in the long term and to comply with policy QD22 of the Brighton & Hove Local Plan 2005.

BH2013/02057**Gill House Conway Street Hove**

Prior approval for the change of use of the first floor from offices (B1) to residential (C3) to form 2no two bed flats and 2no one bed flats.

Applicant: Harket Property LLP

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 13/08/13 DELEGATED

1) UNI

1. 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. This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Floor Plans & Elevations	1184/13/P/01		20 Jun 2013
Floor Plans & Elevations	1184/13/P/02		20 Jun 2013
Location Plan & Block Plan	1184/13/P/03		20 Jun 2013

BH2013/02064**108 Goldstone Road Hove**

Conversion of existing rear garage/storage building to form 1no two bedroom dwelling incorporating formation of courtyard and loft conversion with rooflights.

Applicant: Mr T Kozdon

Officer: Adrian Smith 290478

Approved on 21/08/13 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 and to comply with policy QD1 & QD2 of the Brighton & Hove Local Plan.

3) UNI

The second floor window in the flank (east) 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.

4) 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: The Local Planning Authority considers that further development could

cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD1, QD2 & QD27 of the Brighton & Hove Local Plan.

5) UNI

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.

6) 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.

7) 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.

8) 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 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.

9) UNI

The development hereby permitted shall not be occupied until the sustainability measures detailed within the submitted sustainability checklist received on 21 June 2013 have been fully implemented.

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.

10) 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 and block plan	GSG317	-	21/06/2013
Existing plans	GSG301	-	21/06/2013
Existing elevations	GSG302	-	21/06/2013
Existing sections	GSG303	-	21/06/2013
Proposed plans	GSG312	-	21/06/2013
Proposed elevations	GSG314	-	21/06/2013
Proposed sections	GSG316	-	21/06/2013

11) UNI

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

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

BH2013/02141

121-123 Davigdor Road Hove

Installation of canvas canopy. (Part-retrospective)

Applicant: Mr F Gjona

Officer: Mark Thomas 292336

Refused on 16/08/13 DELEGATED

1) UNI

The canopy, by reason of the siting, scale, materials and finishes, has an unduly dominant and incongruous appearance which is detrimental to visual amenity and the prevailing townscape and character of the locality. As such the development is contrary to the requirements of policies QD2 and QD14 of the Brighton & Hove Local Plan.

BH2013/02212

101 Goldstone Road Hove

Application for Approval of Details Reserved by Conditions 2, 3 and 4 of application BH2012/02573.

Applicant: Mrs Annique Tate-Doe

Officer: Steven Lewis 290480

Approved on 12/08/13 DELEGATED

HANGLETON & KNOLL

BH2013/02091

89A Boundary Road Hove

Prior approval for the change of use of the first floor office (B1) to residential (C3) to form a one bedroom self contained flat.

Applicant: Downsview Development Ltd

Officer: Christopher Wright 292097

Prior approval not required on 13/08/13 DELEGATED

BH2013/02189

3 Knoll Close Hove

Erection of single storey rear extension, front porch extension and loft conversion incorporating front rooflights, rear dormer and side window.

Applicant: Mr Syed Hosain
Officer: Helen Hobbs 293335

Refused on 23/08/13 DELEGATED

1) UNI

The proposed porch, due to its size, height and design would form an unsympathetic addition that would relate to poorly to the existing characteristics of the property and would be out of keeping with the street scene and surrounding area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide for Extensions and Alterations (SPD12)

2) UNI2

The proposed rear dormer, by virtue of its excessive size and design, would be detrimental to the character and appearance of the property. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide for Extensions and Alterations (SPD12)

3) UNI3

The proposed hip to gable extension and front rooflights would unbalance the pair of semi detached properties and would be out of keeping within the street scene. Furthermore the front rooflights, due to their excessive number would appear overly cluttered, which would further exacerbate the unbalanced appearance. 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).

4) UNI4

The proposed rear extension, due to its size, siting and design would form an unsympathetic addition that would poorly relate to the existing property and would harm the character and appearance of the surrounding area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide for Extensions and Alterations (SPD12)

5) UNI5

The proposed side window to be inserted in the gable end would result in an unacceptable level of overlooking and loss of privacy, particularly to the side windows of No. 2 Knoll Close and would adversely impact on the residential amenity currently enjoyed by this adjoining property. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

6) UNI6

The proposed rear extension by reason, length, siting and height would cause loss of outlook, and have an overbearing impact, adversely affecting the residential amenity currently enjoyed by the adjoining property No. 4 Knoll Close, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/02196

32 Lark Hill Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.7m, and for which the height of the eaves would be 2.5m.

Applicant: Mr Claude Deaud
Officer: Jonathan Puplett 292525

Prior Approval is required and is refused on 13/08/13 DELEGATED

1) UNI

The proposed rear extension, by reason of its height, design and depth would result in an overbearing impact, an increased sense of enclosure, and a loss of light to the adjoining property, No. 30 Lark Hill. This decision is based on the

information listed below:

Plan Type	Reference	Version	Date Received
Application Form			03/07/2013
Location Plan			03/07/2013
Existing Floorplans And Elevations	01		03/07/2013
Proposed Floorplans And Elevations	02(2)		03/07/2013

BH2013/02390

2 Isabel Crescent Hove

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and 3no rooflights to the front elevation.

Applicant: Mr Toby Eagle

Officer: Steven Lewis 290480

Approved on 16/08/13 DELEGATED

SOUTH PORTSLADE

BH2013/01282

St Peters Community Infant School St Peters Road and Ottima Wellington Road Portslade

Application for approval of details reserved by condition 11 of application BH2012/02546.

Applicant: Brighton & Hove City Council

Officer: Guy Everest 293334

Refused on 21/08/13 DELEGATED

BH2013/01667

15-19 Rear of 15-19 & 15A Norway Street Portslade

Application for variation of condition 4 of application BH2012/03940 (Demolition of two storey building to front and erection of 6no three bedroom dwellings with parking to rear. Partial demolition and revised access to retained rear building) to allow boiler flue outlets, flush recessed meter boxes and extract terminals to be fixed to Norway Street elevation.

Applicant: Spear Development Ltd

Officer: Jason Hawkes 292153

Approved on 15/08/13 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
Existing Details	32881/1		7th December 2012
Site Plan	32881/11		21st May 2013
Location Plan	32881/4	A	21st May 2013
Existing Details of First Floor Front	32881/5		7th December 2012
Proposed redevelopment	3288/6	C	21st May 2013
Construction Details	32881//7	D	22nd July 2013
Flue details			2nd July 2013

2) UNI

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.

3) UNI

The proposed meter boxes, flues and ducts to the front elevation shall be painted to match the front walls of the new houses. No additional cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway.

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

4) UNI

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

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

5) UNI

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.

6) UNI

No extension, enlargement or other alteration of the dwellinghouses 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 for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

7) UNI

The retained boundary walls, to the south west corner of the site, shall be constructed in accordance with drawing 32881/6C and shall be retained and maintained as such thereafter.

Reason: To preserve the amenity of the adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

8) UNI

The cycle parking details (received on the 15th May 2013 and approved under BH2013/01557) shall be fully implemented and made available for use prior to the occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and

to comply with policy TR14 of the Brighton & Hove Local Plan.

9) UNI

The development shall be carried out in accordance with the Construction Environmental Management Plan (received on the 13th March 2013, approved under BH2013/00812), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate environmental protection is in place to safeguard neighbouring amenity in compliance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

10) UNI

The development shall be carried out in accordance with the Code for Sustainable Homes certificates and details (received on the 15th May, approved under BH2013/01557), unless otherwise 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) UNI

The landscaping scheme (received on the 13th March 2013 and approved under BH2013/00812) shall be fully implemented and made available for use prior to the occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. The landscaping shall thereafter be retained for use at all times.

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

The development shall be implemented in accordance with Ground Investigation Reports and details relating to land contamination submitted on the 15th May 2013, approved under BH2013/01557. The development shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person as agreed by the Local Planning Authority that the provisions approved under BH2012/01557 have been fully implemented (unless varied with the written agreement of the Local Planning Authority). 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.

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

13) UNI

The development shall be carried out in accordance with the Waste Minimisation Statement received on the 13th March 2013, approved under BH2013/00812.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

14) UNI

The development shall be carried out in accordance with the Scheme of Management of the Vehicle Parking received on the 15th May 2013, approved

under BH2013/01557. The above plan must be implemented prior to the occupation of the building and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR14 and TR19 of the Brighton & Hove Local Plan.

15) 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.

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

The development shall be implemented using the materials (received on the 15th May 2013 and approved under BH2013/01557), unless otherwise agreed in writing by the Local Planning Authority and thereafter be retained as such.

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

BH2013/01851

Chandlers Garage Victoria Road Portslade

Remodelling of showroom including revised windows and doors, new ramp to front elevation and alterations to colour finish of existing retail area metal faced cladding panels, roof overhang fascia and soffits.

Applicant: Barons & Chandlers

Officer: Mark Thomas 292336

Approved on 16/08/13 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	-	-	7 June 2013
Existing floor plan	JWJNX36 001	Rev. A	21 June 2013
Proposed floor plan	JWJNX36 002	Rev. Ma	21 June 2013
Proposed elevations	JWJNX36 004	Rev. C	21 June 2013

Existing elevations	JWJNX36 005	Rev. A	21 June 2013
Existing and proposed rear elevation	JWJNX36 007	-	21 June 2013
Existing block and site layout plan	JWJNX36 010	-	21 June 2013
Proposed block and site layout plan	JWJNX36 011	-	21 June 2013

BH2013/02138

45 Applesham Way Portslade

Loft conversion incorporating hip to gable roof extension with front rooflight and rear dormer.

Applicant: Mr Gary Angel
Officer: Mark Thomas 292336

Refused on 28/08/13 DELEGATED

1) UNI

The proposed dormer would be unduly bulky and would dominate the rear roof slope, causing significant harm to the character and appearance of the recipient property and the wider street scene. Furthermore, the dormer would be poorly detailed, featuring excessive tile hung cladding, and relating poorly to the size, proportions and positioning of fenestration to the elevation below. As such, the proposed dormer would be contrary to policy QD14 of the Brighton & Hove Local Plan, and SPD 12: Design guide for extensions and alterations.

HOVE PARK

BH2012/02346

Lancing College Preparatory School The Drove Way Hove

Application of Approval of Details Reserved by Conditions 3, 4, and 5 of application BH2012/01219

Applicant: Lancing College Preparatory School
Officer: Steven Lewis 290480

Approved on 21/08/13 DELEGATED

BH2013/00370

17 Hill Drive Hove

Demolition of existing dwelling and erection of a new 3 bed house. (Amended plans)

Applicant: Mr Jonathan Paxton
Officer: Guy Everest 293334

Refused on 15/08/13 COMMITTEE

1) UNI

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.

BH2013/01659

12 Bennett Drive Hove

Erection of single storey side and rear extension incorporating enlargement of terrace. Loft conversion including front and rear dormers, side rooflights and associated roof alterations.

Applicant: Mr Graham Rowe

Officer: Guy Everest 293334

Approved on 21/08/13 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

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, other than those expressly authorised by this permission, shall be constructed in the eastern elevation of the extension hereby permitted without first obtaining planning permission 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 extension to the roof 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 character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

5) UNI

No development shall take place until details of a 1.8 metre high privacy screen to the western boundary of the raised terrace have been submitted to and approved in writing by the Local Planning Authority. The screen shall be erected in accordance with the approved details prior to the terrace first being brought into use and shall be retained as such thereafter.

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.

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 Plans & Elevations	1310-01		23/05/2013
Proposed Plans & Elevations	1310-02	E	12/08/2013

7) UNI

The window to the eastern elevation of the hereby permitted development shall not be glazed otherwise than with obscured glass and shall 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.

BH2013/01671

18 Cranmer Avenue Hove

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and 2no rooflights to the front roof slope. Single storey rear extension.

Applicant: Mr Phil Jones

Officer: Robert McNicol 292322

Approved on 12/08/13 DELEGATED

BH2013/01743

37 Shirley Drive Hove

Erection of two storey front and side extension, single storey rear extension and associated roof alterations.

Applicant: Mr James Grant

Officer: Robert McNicol 292322

Refused on 09/08/13 DELEGATED

1) UNI

The proposed front and side extension would result in the property having an asymmetrical design that would have a jarring and overly bulky appearance, detracting from the recipient property and the wider street scene. The proposed central porch and landing extension would have a large area of flat roof that would be unsympathetic to the form of the recipient property and would conceal the hipped roof appearance of the building. The proposed development would therefore detract from the character and appearance of the dwelling and the wider area, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12, design guide for extensions and alterations.

2) UNI2

By virtue of its proximity to the boundary, combined with the additional bulk and forward projection of the building, the proposed side and front extension would result in significant loss of the important visual gap between the application property and the adjacent neighbour to the south. This would be detrimental to the open character of the street scene, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12, design guide for extensions and alterations.

BH2013/01748

32 Hill Brow Hove

Application for Approval of Details Reserved by conditions 3, 6 and 7 of application BH2012/03610.

Applicant: Simon Maggs

Officer: Jason Hawkes 292153

Split Decision on 22/08/13 DELEGATED

BH2013/01750

39 Woodland Avenue Hove

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

Applicant: George Corbie

Officer: Adrian Smith 290478

Approved on 12/08/13 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	-	-	10/06/2013
Existing floor plan and elevations (3no. drawings)	-	-	10/06/2013
Proposed floor plan and elevation (2no. drawings)	-	-	29/05/2013

BH2013/01805

89 Hove Park Road Hove

Erection of tree house in rear garden. (Retrospective).

Applicant: Miss Kate Birss

Officer: Steven Lewis 290480

Refused on 23/08/13 DELEGATED

1) UNI

The structure and its use has an un-neighbourly impact and results in an undue presence, overlooking, loss of privacy and outlook, harming the residential amenities of adjacent occupiers. This is contract to policies QD14 and QD27 of the Brighton and Hove Local Plan.

BH2013/01820

6 Hove Park Road Hove

Erection of raised timber decking with steps to rear garden, timber fence and timber and glass balustrading.

Applicant: Mr Timothy Taylor

Officer: Helen Hobbs 293335

Approved on 27/08/13 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 raised terrace hereby approved shall not be brought into use until the timber screening on both sides of the decking shown on the approved plans has been fully implemented. The screening shall thereafter be retained as such thereafter.

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

3) 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
Existing site location plan	/	/	28th June 2013
Existing layout	1	B	28th June 2013
Existing rear elevation	2	B	28th June 2013
Existing side elevation	3	B	28th June 2013
Proposed layout	1		28th June 2013

Report from: 08/08/13 to 28/08/13

Proposed rear elevation	2		28th June 2013
Proposed side elevation	3		28th June 2013
Proposed side elevation	4		28th June 2013

BH2013/02095

7 Queen Caroline Close Hove

Erection of two storey rear extension and porch to front entrance.

Applicant: Mr Ramish Patel

Officer: Helen Hobbs 293335

Refused on 28/08/13 DELEGATED

1) UNI

Inaccurate plans have been submitted with the application, however notwithstanding this the Local Planning Authority has been able to consider and determine the application.

2) UNI2

The proposed extension, due to its excessive size, height and design, would form an overly dominant and incongruous feature that would fail to respect the original character of the property. The proposal would therefore significantly harm the character and appearance of the existing property and the surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

3) UNI3

The porch, due to its size, design and siting, forms an incongruous addition that poorly relates to the existing property. The porch would disrupt the continuity of the Queen Caroline Close street scene and would therefore significantly harm the character and appearance of the existing property, street scene and the surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide on Extensions and Alterations

4) UNI4

The proposed rear extension by reasons of its height, depth and design would have an overbearing and un-neighbourly impact, adversely affecting the residential amenity currently enjoyed by the adjoining properties in Queen Caroline Close. The proposal would also result in overshadowing to No. 6 Queen Caroline Close. The proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/02101

7 Charles Close Hove

Certificate of lawfulness for proposed roof conversion incorporating rear dormer and hip to gable extensions on both sides of the roof.

Applicant: Mr M Prior & Mrs J A Rogers

Officer: Clare Simpson 292454

Refused on 12/08/13 DELEGATED

BH2013/02243

170A Old Shoreham Road Hove

Replacement of existing wooden framed sash windows with new UPVC windows.

Applicant: Colin Hughes

Officer: Adrian Smith 290478

Approved on 16/08/13 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	-	-	05/07/2013
Block plan	-	-	05/07/2013
Window specification	-	-	15/08/2013
Window brochure	-	-	05/07/2013

BH2013/02435

222 Old Shoreham Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.3m, for which the maximum height would be 2.85m, and for which the height of the eaves would be 2.7m.

Applicant: Mr John Sparks

Officer: Chris Swain 292178

Prior approval not required on 27/08/13 DELEGATED

BH2013/02588

117 Shirley Drive Hove

Non material amendment to BH2012/03801 to maintain the two vehicle accesses from Shirley Drive.

Applicant: Mr Edward Hamilton

Officer: Helen Hobbs 293335

Refused on 23/08/13 DELEGATED

1) UNI

The proposed revisions to the scheme approved under application BH2012/03801 are considered to be material and would require the submission of a further application to remove this condition.

WESTBOURNE

BH2013/01326

Walsingham House 70 Walsingham Road Hove

Conversion of existing office space to create additional bedroom to second floor flat, with erection of dormer within roof valley. Creation of new access to first and second floors.

Applicant: Grace Eyre

Officer: Jason Hawkes 292153

Refused on 15/08/13 DELEGATED

1) UNI

Having regard to its design and positioning, the proposed roof extension would be visible from the street and would relate poorly to and detract from the character and appearance of the host property and surrounding conservation area. The scheme is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

BH2013/01768

18 Aymer Road Hove

Replacement of existing UPVC ground floor windows with timber sash windows.

Applicant: Mrs Susie Strachan & Mr Stuart Strachan

Officer: Mark Thomas 292336

Approved on 19/08/13 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	-	-	31 May 2013
Window elevations by 'Parsons Joinery'	-	-	9 August 2013
Sectional drawing	-	-	31 May 2013
Sectional drawing	-	-	9 August 2013
Photographs	-	-	31 May 2013

BH2013/01887

Priory Hospital 14-18 New Church Road Hove

Demolition of conservatory and installation of decking enclosed with brick wall and glass balustrading and erection of smoking shelter.

Applicant: The Priory Group

Officer: Helen Hobbs 293335

Approved on 19/08/13 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 extended brick wall hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

3) UNI

No development shall take place until full details of all development including the glazed balustrade and smoking shelter including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details 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.

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 block, site and location plans	01	A	24th June 2013
Existing ground and first floor	02		10th June 2013

plans			
Existing second floor plan and elevations	03	B	26th July 2013
Proposed first floor plan and elevations	04	B	26th July 2013

BH2013/01993

147 Westbourne Street Hove

Installation of 2no rooflights to the front and dormer to the rear.

Applicant: Mr & Mrs David Toscano

Officer: Mark Thomas 292336

Refused on 13/08/13 DELEGATED

1) UNI

The proposed dormer would be unduly bulky and would dominate the rear roof slope, causing significant harm to the character and appearance of the recipient property and the wider street scene. Furthermore, the dormer would be poorly detailed, featuring excessive tile hung cladding to the dormer face, and the dormer structure and the Juliet balcony doors situated within, relating poorly to the size, proportions and positioning of fenestration to the elevation below. As such, the proposed dormer would be contrary to policy QD14 of the Brighton & Hove Local Plan, and SPD 12: Design guide for extensions and alterations.

BH2013/02053

30 Aymer Road Hove

Erection of new 1.83m high boundary fence (Retrospective).

Applicant: Mr Jeremy Hoyer

Officer: Mark Thomas 292336

Refused on 23/08/13 DELEGATED

1) UNI

The fence and entrance gate by virtue of their heavy and bulky appearance, its excessive height and its considerable extent has resulted in significant harm to the character and appearance of the recipient property, and the character, appearance and setting of the conservation area. As such, the development is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2013/02130

Co-op 67 Portland Road Hove

Display of externally illuminated fascia signs and internally illuminated projecting sign.

Applicant: Co-operative Food Group

Officer: Helen Hobbs 293335

Refused on 23/08/13 DELEGATED

1) UNI

Cumulatively, the proposed fascia signs and projecting sign, due to their excessive depth, bulk, overly large lettering and visual clutter caused by the external lighting, would detract from the character and appearance of the building. The proposal is therefore contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 on Advertisements

BH2013/02166

25 Arthur Street Hove

Prior approval for change of use from office (B1) to residential (C3) to form 2no self contained flats.

Applicant: Mr D C Ajmi

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 22/08/13 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.

BH2013/02176

82A Westbourne Street Hove

Erection of single storey rear extension and replacement of windows and doors with UPVC double glazed units.

Applicant: Barrie Golds

Officer: Robert McNicol 292322

Approved on 19/08/13 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 replacement windows hereby approved shall not be installed until full details of all new windows including elevation and section drawings have been submitted to and approved in writing by the Local Planning Authority.

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 plans and elevations			20 June 2013

BH2013/02346

56 Westbourne Gardens Hove

Erection of single storey rear extension.

Applicant: Mrs Michelle Woodman

Officer: Robert McNicol 292322

Approved on 13/08/13 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

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

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

Plan Type	Reference	Version	Date Received
Proposed site plan and block plan	CH555/001		3 July 2013
Existing plans	CH555/002		3 July 2013
Existing elevations and sections	CH555/003		3 July 2013
Proposed plans	CH555/004		3 July 2013
Proposed elevations	CH555/005		3 July 2013

WISH

BH2013/01590

5 Mornington Crescent Hove

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

Applicant: Mr L Foster

Officer: Robert McNicol 292322

Refused on 12/08/13 DELEGATED

1) UNI

The proposed side extension would result in the loss of a visual gap between the application property and no. 7 Mornington Crescent at first floor level. This visual gap is characteristic of the built form of the street scene, and the loss of this would result in giving the street a crowded, terraced effect that would be detrimental to the appearance and feel of the area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12, design guide for extensions and alterations.

2) UNI2

By virtue of not being stepped back from the front of the application property, the proposed side extension would not appear properly subservient to the recipient property. The roof form of this extension, along with the addition of two hipped roof half-dormer windows, would give the front of the property an overly complex and disruptive appearance that would detract from the form of the recipient property and the wider street scene. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12, design guide for extensions and alterations.

3) UNI3

By virtue of stepping in from the side and having a part flat and part pitched roof that would be significantly lower than the ridge height of the house, the proposed side extension would cause the rear of the property to have a disjointed appearance and an overly complex form that would not complement the design of the recipient property. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12, design guide for extensions and alterations.

BH2013/01873

18 Mansfield Road Hove

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

Applicant: Michael Shalabi

Officer: Helen Hobbs 293335

Refused on 12/08/13 DELEGATED

1) UNI

The development is not permitted development under Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 1995, as amended, by reason that the extension would extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

BH2013/01995

18 Middleton Avenue Hove

Creation of dormer to front elevation.

Applicant: Mr Andrew Page

Officer: Mark Thomas 292336

Refused on 12/08/13 DELEGATED

1) UNI

The proposed dormer would be unduly bulky and would dominate the front roof slope, causing significant harm to the character and appearance of the recipient property and the wider street scene. As such, the proposed dormer would be contrary to policy QD14 of the Brighton & Hove Local Plan, and SPD 12: Design guide for extensions and alterations.

BH2013/02085

25a Marine Avenue Hove

Erection of single storey rear extension, revised fenestration to rear at ground floor level and installation of new entrance door and landscaping works to rear.

Applicant: Mr & Mrs T Lewis

Officer: Mark Thomas 292336

Approved on 19/08/13 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

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 ground floor, roof, location and block plans	199MA25/01	-	24 June 2013
Existing elevations	199MA25/02	-	24 June 2013
Proposed floor and roof plans	199MA25/03	-	24 June 2013
Proposed elevations	199MA25/04	-	24 June 2013

BH2013/02126

12 Marmion Road Hove

Erection of single storey rear side extension.

Applicant: Mr Rob Beer

Officer: Mark Thomas 292336

Approved on 23/08/13 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 ground floor, roof, site location and block plans	196MR12/01	-	25 June 2013
Existing elevations	196MR12/02	-	25 June 2013
Proposed floor and roof plans	196MR12/03	-	25 June 2013
Proposed elevations	196MR12/04	-	25 June 2013

BH2013/02127

12 Marmion Road Hove

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

Applicant: Mr Ben Joseph

Officer: Mark Thomas 292336

Approved on 23/08/13 DELEGATED

BH2013/02214

11 Amesbury Crescent Hove

Erection of a single storey rear extension. Installation of additional rooflight to rear roof slope.

Applicant: Mr & Mrs McConway

Officer: Clare Simpson 292454

Approved on 23/08/13 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

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
Survey ground first floor and roof space plans and location plan	276.13.01		28th June 2013
Survey block plan, elevation and cross section	276.13.02		28th June 2013
Proposed ground, first, second	276.13.03		28th June 2013

floor plans and block plan			
Proposed block plan, elevations & cross sections	276.13.04		28th June 2013

BH2013/02345

80 Stoneham Road Hove

Application for approval of details reserved by conditions 10 and 11 of application BH2012/03165.

Applicant: Mr Matthew Newbury

Officer: Adrian Smith 290478

Approved on 19/08/13 DELEGATED

BH2013/02421

102 New Church Road Hove

Certificate of lawfulness for proposed change of use from 2no flats (C305) to single dwelling (C3).

Applicant: Ms Angela Konrad

Officer: Adrian Smith 290478

Approved on 13/08/13 DELEGATED

Withdrawn Applications

BH2013/02109

29 Glebe Villas Hove

Erection of single storey rear and side extension.

Applicant: Mr & Mrs Parkinson

Officer: Helen Hobbs 293335

WITHDRAWN ON 21/08/13

PLANS LIST 18 September 2013

BRIGHTON AND HOVE CITY COUNCIL

LIST OF APPLICATIONS DETERMINED BY THE HEAD OF CITY INFRASTRUCTURE UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION

PATCHAM

Application No: BH2013/02733
Patcham Nursing Home, Eastwick Close

Fell 1no Silver Birch (T3) to 3m habitat pole – dead.

Applicant: Mr James Cox
Approved on 15 Aug 2013

Application No: BH2013/02734
Patcham Nursing Home, Eastwick Close

1no Walnut (T1) and 1no Holm Oak (T2) cut back canopy from building to allow approx 2m clearance.

Applicant: Mr James Cox
Approved on 15 Aug 2013

Application No: BH2013/02784
6 Beechwood Close Brighton

1no Beech (T1) thin canopy by 20%.

Applicant: treeandhedgeservice.co.uk
Approved on 23 Aug 2013

Application No: BH2013/02803
12 Church Hill Patcham

1no Lime opposite the vicarage (T1) - 30% crown reduction.

Applicant: Mr Laurence Bartlam
Approved on 23 Aug 2013

PRESTON PARK

Application No: BH2013/02553
18 & 19 Preston Park Avenue

19 Preston Park Avenue: Fell 2no Irish Yew (T1,T2) to ground level. 18 Preston Park Avenue: Fell 2no Bay Laurel (T3, T5) to ground level. Fell 1no Sycamore (T6), 1no Walnut (T7), 1no Lawson Cypress (T8).

Applicant: Mr Richard Green
Approved on 15 Aug 2013

Application No: BH2013/02792
20F Courtyard House, Preston Park Avenue

Fell 2no Leylandii (T1,T2) - although the trees have a moderate level of public visibility their position in the garden and proximity to the boundary renders them unsustainable in the long term.

Applicant: Mrs Mary Hicks
Approved on 23 Aug 2013

Application No: BH2013/02907
18 Preston Park Avenue

Fell 1no Walnut (T1). Although the tree has limited public visibility its location is so close to the fabric of the house that its long term retention is unsustainable.

Applicant: Mr Richard Green
Approved on 23 Aug 2013

REGENCY

Application No: BH2013/02657
6 Montpelier Terrace

Fell 1no Holly (T1) to ground level and poison stump. Although it is partially visible from the public highway its present position is not sustainable due to proximity to built structures.

Applicant: Mr Peter Fuller
Approved on 15 Aug 2013

Application No: BH2013/02794

7 Montpelier Crescent

1no Elm (T1) remove 3no lowest branches maximum diameter 25mm, prune and reduce lateral branches in middle and lower crown by no more than 1.5m and reduce co-dominant stem on south side by 2m. Objective: a formative prune to create a strong branch structure and good apical dominance.

Applicant: Mr Gregory Shackleton
Approved on 23 Aug 2013

Application No: BH2013/02805 **6 Montpelier Terrace**

1no Elm (T2) remove southernmost stem and leave northern stem.

Applicant: Mr Peter Fuller
Approved on 15 Aug 2013

ST. PETER'S & NORTH LAINE

Application No: BH2013/02732 **96 Roundhill Crescent**

1no Elm (T1) - reduce limb over road by 60% and remove deadwood.

Applicant: Mr J Hatch
Approved on 15 Aug 2013

WITHDEAN

Application No: BH2013/02279 **5 Croft Road**

1no Yew (T1) - reduce and reshape by 2m all over and clear BT cable. 2no Yew (T2, T3) reduce and reshape by 1m all over. 3no Yew (T4, T7, T8), 1no Elm (T5), 1no Horse Chestnut (T6) - cut back from boundary by 3m.

Applicant: Mr Richard Green
Approved on 23 Aug 2013

Application No: BH2013/02715 **23 Harrington Villas**

1no Magnolia stellar (T1) - 30% reduction.

Applicant: Mr Mark Clark

Approved on 15 Aug 2013

Application No: BH2013/02783
78 Surrenden Park Brighton

4no Sycamore (T1,T2,T3,T4) - crown lift by 3-4 metres. 1no Sycamore (T4) - light growth low down removed, lowest 3-4 branches removed. 1no Ash (T5) remove ivy and one large overhanging branch over house so that apex of roof is clear.

Applicant: treeandhedgeservice.co.uk
Approved on 23 Aug 2013

Application No: BH2013/02891
25 Surrenden Park

1no Ash (T1) - remove epicormic growth up to first fork.

Applicant: Mr J Hatch
Approved on 23 Aug 2013

EAST BRIGHTON

Application No: BH2013/02688
Ryecroft Whitehawk Road Brighton

1no Lime (T1) remove broken limb and crown lift to 3m. 1no Sorbus (T2) cut back from building to prevent damage, 1no Hawthorn (T3) crown lift off path.

Applicant: Charlotte Magness
Approved on 23 Aug 2013

QUEEN'S PARK

Application No: BH2013/02698
Carn Court North Drive Brighton

2no Sycamores (T1, T2) - prune clear of the building by 2m to allow in more light.

Applicant: Countrywide Estate Management
Approved on 23 Aug 2013

ROTTINGDEAN COASTAL

Application No: BH2013/02632
Ovingdean Hall School

Group of 4-5no Elms in Ovingdean Hall overhanging neighbours (T2) - reduce back to boundary. 1no Sycamore (T1) - reduce canopy on north side by approx 1m.

Applicant: J Hatch
Approved on 16 Aug 2013

Application No: BH2013/02790
Preambles Ovingdean Road Brighton

2no Sycamore, 1no Cherry, 1no Viburnum - prune clear of 1 Orchard Court by 1m.

Applicant: Alan Rankin-Thorn
Approved on 23 Aug 2013

Application No: BH2013/02894
8 Wanderdown Way Ovingdean

2no Sycamore (T1,T2) - reduce both to previous cut points and thin out by 10%.

Applicant: Mr Nyall Thompson
Approved on 23 Aug 2013

Application No: BH2013/02896
Brighton Steiner School, Roedean Road

1no Sycamore (T1) - cut back overhang of laterals by 3-4 foot only and crown lift to 3.5 metres only on John Howard Cottages' side.

Applicant: Mr Nyall Thompson
Approved on 23 Aug 2013

BRUNSWICK AND ADELAIDE

Application No: BH2013/02889
12 Wilbury Road

3no Lime (T1) - reduce entire crown be 3-4 metres. 1no Elm in car park next to No. 12 (T2) - remove main stem overhanging garden and reduce remaining secondary branches overhanging No. 12. 1no Sycamore (T3) - reduce entire crown by 3-4 metres.

Applicant: Mr J Hatch
Approved on 23 Aug 2013
Application No: BH2013/02892
Amberley Court, 22 Second Avenue

1no Elm (T1) reduce crown radius by pruning lateral limbs by no more than 4m.
Reduce in height by approximately 6m.

Applicant: Mr Duncan Armstrong
Approved on 23 Aug 2013

GOLDSMID

Application No: BH2013/02117
24 Cromwell Road, Hove

1no Sycamore (T1) - reduce radius of crown spread by pruning lateral branches in the mid to lower crown by a length not to exceed 1.5m, thin remaining crown by a level not exceeding 15% and crown clean.

Applicant: Duncan Armstrong
Approved on 23 Aug 2013

HOVE PARK

Application No: BH2013/02890
7 Woodruff Avenue

1no Holm Oak (T1) reduce entire crown by 1-2m and thin by 10%.

Applicant: Mr J Hatch
Approved on 23 Aug 2013

WESTBOURNE

Application No: BH2013/02687
61 Sackville Gardens, Hove

3no Limes - crown lift over gardens and footpath.

Applicant: Affinity Sutton
Approved on 23 Aug 2013

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/01173

87-89 Lustrells Vale Brighton

Display of externally illuminated fascia sign and internally illuminated projecting sign.

APPEAL LODGED

12/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****GOLDSMID**

BH2013/01576

42 Wilbury Villas Hove

Erection of a 1.8m high close boarded fence with trellis around perimeter of property (Retrospective)

APPEAL LODGED

12/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2013/00375

75 George Street Hove

Installation of replacement shop front (Retrospective).

APPEAL LODGED

12/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2012/03871

Top Floor Flat 17 St Lukes Road Brighton

Creation of new dormer to the rear of the property.

APPEAL LODGED

15/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/01717

Pineglade Bazehill Road Rottingdean

Demolition of existing garage and carport and erection of single storey building incorporating garage, carport, store and workspace.

APPEAL LODGED

15/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM**

BH2013/01756

9 Kenmure Avenue Brighton

Erection of a single storey rear extension.

APPEAL LODGED

19/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/01040

Unit 4 Boardwalk Level Waterfront Brighton Marina Brighton

Display of internally illuminated fascia signs and projecting sign, menu signs and non illuminated windbreaks, umbrellas and blinds (Retrospective).

APPEAL LODGED

21/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2013/00732

70 Redhill Drive Brighton

Demolition of existing rear store, conservatory, terraces and bays and erection of rear extension to lower ground and ground floor levels.

APPEAL LODGED

21/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2013/01239

89 King George VI Drive Hove

Erection of single storey side extension and enlargement of existing porch.

APPEAL LODGED

22/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****GOLDSMID**

BH2013/00572

42 Wilbury Villas Hove

Display of 1no externally illuminated post sign, 1no non-illuminated fence panel sign and 1no externally illuminated oval sign on North elevation (Retrospective)

APPEAL LODGED

28/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANOVER & ELM GROVE**

BH2013/00530

90 Hartington Road Brighton

Conversion of existing house to form 4no self contained flats and associated works.

APPEAL LODGED

27/08/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2013/01192

48 Blatchington Road Hove

Conversion of existing first floor to form 1no one bedroom flat and 1no one bedroom maisonette with associated alterations including a loft conversion, rear dormer and rooflights and new entrance to front and rear elevations.

APPEAL LODGED

28/08/2013

Delegated



**Brighton & Hove
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
18 SEPTEMBER 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

APPEAL DECISIONS

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Appeal A: Ref 2193228 – appeal against enforcement notice for breach of planning control as alleged in the notice is without planning permission, the creation of a raised hardstanding area at the front of the property.

Appeal B: identical to Appeal A

ENFORCEMENT NOTICE VARIED & COSTS AWARDED

Appeal C: ref BH2013/00096 – appeal against refusal for a certificate of lawfulness for porous hard surface within the curtilage of the dwelling house coloured pink on submitted drawings.

APPEAL DISMISSED (delegated decision)

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Application Ref BH2012/01268 – Appeal against refusal for change of use office/store to 1 bedroom house. **APPEAL DISMISSED** (delegated decision)



Appeal Decision

Site visit made on 4 June 2013

by Catherine Hughes BA (Hons) MRUP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 August 2013

Appeal Ref: APP/Q1445/A/13/2190770

Officreche, 52 Dyke Road, Brighton BN1 3JB

- 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 Elizabeth Moody-Stuart, Office Creche Ltd against the decision of Brighton and Hove City Council.
 - The application Ref BH2012/02115, dated 9 July 2012, was refused by notice dated 20 September 2012.
 - The development is described as a 'retrospective' planning application for ramp to existing approved playdeck and rear entrance to nursery (application no. BH2011/00890).
-

Decision

1. The appeal is dismissed.

Background and main issue

2. Planning permission was granted in 2011 for conversion of the building (Council ref. BH2011/00890). These works included new access ramps and raised decking areas to provide playing areas. The Council is now of the view that the approved plans are somewhat confusing and provide less than complete information. The Council draws attention to the fact that elevation drawings showing the entire extent of the decks, the ramps and boundary walls and the pavement levels were not submitted or sought as part of that application. Accordingly, the Council considers the whole of the deck structure to be unauthorised and (subject to the outcome of this appeal) is considering pursuing enforcement action. By contrast, the appellant considers that the deck has been built in accordance with the plans approved by the Council.
 3. It is not for me to determine this matter, as it is outside the scope of this appeal, which is concerned with the larger of the two ramps only, as I explain below. The appellant accepts that it has not been built in accordance with the approved plans and this appeal is in respect of an application which seeks to regularise that matter. However, in so far as this ramp and the decks are integral parts of the complete structure, and in order to set the context for my considerations regarding the ramp, it is necessary for me to set down my understanding of this background.
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4. Both the approved plans (Drawing Ref. DH/52dyke/01 and the Door/Ramp details dated 12.6.2011) and those submitted as part of this appeal (Drawing Ref. RPP642/12) show the lower deck to be approximately 1m above the existing ground level of the appeal site. This is noted on the side elevation drawings and is reinforced by the position of the decking in relation to the existing basement windows of the property. It would therefore appear that the height of the lower deck served by the ramp the subject of this appeal is as approved. However, the extent to which the plans take into account changing levels to Dyke Road, which forms a steep hill along the property's western boundary is as yet unresolved and, as this appeal is concerned with the ramp only, I am, in this regard, unable to pronounce on the lawfulness of the deck.
5. Accordingly, having regard to the Council's reason for refusal of planning permission for the ramp, I consider the main issue to be its effect on the appearance of the host property and whether it preserves or enhances the character or appearance of the West Hill and the Montpelier and Clifton Hill Conservation Areas.

Reasons

6. The site occupies a prominent position on the corner of Dyke Road and Albert Road on the edge of the West Hill Conservation Area and immediately adjoining the Montpelier and Clifton Hill Conservation Area. The recently refurbished property is occupied by Officreche, a day nursery which offers flexible child care facilities and employs 8-9 staff. Office space is provided for small business users on the upper floors, offering parents the option of being close to their children as they work. External play space for the nursery is provided in the form of two raised timber decks to the side and rear of the building accessed by two timber ramps, the larger of which runs along the side boundary wall of the property with Dyke Road. This larger ramp, which runs up to the lower deck, is the subject of this appeal.
7. The ramp is approximately 11 metres long and differs from that approved both in length and gradient. The appellant states in her evidence that the reason for this is to enable the ramp to comply as closely as possible with the requirements of the Disability Discrimination Act, providing a slope up to the deck that is accessible for small children and for parents with pushchairs to use. The Council whilst also noting that the ramp does not provide full compliance with the requirements of this Act, does accept that it has delivered benefits for users of the nursery in the form of a direct and convenient access to the outdoor recreation space.
8. Dyke Road is an important and busy main road across Brighton town centre which forms the boundary between the West Hill and the Montpelier and Clifton Hill Conservation Areas. I have only been provided with details of the West Hill Conservation Area, and therefore have concentrated my assessment on the impact of the ramp on the special character and appearance of this Conservation Area. However, in doing so I recognise that, given its location, the development is also highly visible from within the adjoining Montpelier and Clifton Hill Conservation Area.
9. The timber balustrading and ramp are very prominent on the corner of Dyke Road and Albert Road where Dyke Road slopes markedly upwards along the

boundary of the appeal site towards the junction. The ground levels inside the site are level with Albert Road. However given the sloping nature of Dyke Road they are up to approximately 1.3 metres higher than the pavement level outside the site, that figure being their height relative to the pavement at the northern end of the site. As a result the ramp and its balustrading are positioned at an elevated level in the street scene and are visible for most of their extent above the boundary wall.

10. The extensive views from Dyke Road of the West Hill Conservation Area contributes to its special character. Albert Road is characterised by three storey 19thC terraced properties and semi-detached villas, of attractively channelled stucco and painted rendered facades and with period architectural detailing. Within this setting the materials, form and scale of the prominent timber ramp and balustrading are highly incongruous. Furthermore, the bulk of the development when viewed from the Montpelier and Clifton Hill Conservation Area against the flank elevation of No. 52 is out of keeping with the traditional form and architecture of this elevation. This elevation is highly visible in the street scene when viewed from Dyke Road and Albert Road and the development harms these views.

11. I therefore conclude that the development is harmful to the appearance of the host property. It also fails to preserve or enhance the character or appearance of the West Hill and the Montpelier and Clifton Hill Conservation Areas. It is therefore contrary to Policies QD1, QD2 and HE6 of the Brighton and Hove Local Plan (2005) which require development to make a positive contribution to the visual quality of its environment, take account of local character, use materials and finishes which are sympathetic to the area and not to have a harmful impact on the townscape of a Conservation Area. This conclusion reflects the guidance in paragraph 132 of the National Planning Policy Framework ("the Framework") that great weight should be given to the conservation of designated heritage assets in assessing all new development.

12. That said, and in the context of the conservation areas as a whole, and in spite of the harm that would be caused to the appearance of the property, the harm to the conservation areas must be regarded as less than substantial. In that case, in accordance with paragraph 134 of the Framework, I need to have regard to the public benefits of the proposal. I consider this in detail below.

Other Matters

13. I have had regard to the fact that the traditional appearance of the prominent western elevation No. 52 is already affected by an external steel spiral staircase which runs from the ground to the top floor of the building. However, this is attached to the building and is more traditional in position, design and materials than the development the subject of this appeal.

14. I have also taken into account the many letters of support for the nursery and the flexible childcare and on-site office space it offers and for the nature of the external play space that this nursery provides. In particular, I note the support for the elevated aspect of the play decks, which allow the children to see passing traffic and enjoy the open air and a sense of space which belies the confined nature and limited size of the site. I acknowledge these benefits of the nursery to its users, which I consider are wider public benefits. Moreover, the

need for any ramp to access the deck to comply with current disability legislation is a matter which should be accorded still greater weight. I also accept that there has been an improvement to outlook as cited by many residents of Homelees House opposite the site as a result of the raised play areas and the associated improvements to the property's appearance as demonstrated by the photograph submitted by the appellant.

15. In my judgment, and without prejudice to any views I may have, these are matters which are capable of outweighing the harm to the conservation areas. However, the striking of any balance on this matter is plainly heavily coloured by the, as yet, unresolved issue of whether the deck structure as a whole is, or is not, unauthorised. Since that is not a matter for me in dealing with this appeal, this is not therefore a judgment which I can make in determining it.

Conclusion

16. Accordingly, for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Catherine Hughes

INSPECTOR



Appeal Decision

Site visit made on 5 August 2013

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 August 2013

Appeal Ref: APP/Q1445/C/13/2192813

Land at 22 Eley Crescent, Rottingdean, Brighton, BN2 7FE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs M E Brown against an enforcement notice issued by Brighton & Hove City Council.
 - The Council's reference is 2012/0270.
 - The notice was issued on 3 January 2013.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a fence and gate on the front boundary of the Land.
 - The requirements of the notice are (i) remove the timber fence from the front boundary of the Land; (ii) remove the timber gate from the front boundary of the Land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a)

2. The main issue in this case is whether the fence and gate harm the character and appearance of the area. The Brighton and Hove Local Plan (2005) is the development plan for the area and policy QD5 is the relevant policy for this development. QD5 requires all new development to provide an "interesting and attractive frontage, particularly at street level for pedestrians".
3. No 22 is a small bungalow in a road with many similar bungalows. The land slopes down hill across the road, so the bungalows opposite are set up above the pavement and those on the same side as No 22 are set below road level. No 22, like its neighbours has a short front garden, but unlike its neighbours this has thick bushes to the sides and a tall fence and gate along the road frontage. The roof of the bungalow is visible above the fence, which is backed by a hedge, parts of which are also visible above the fence.
4. Generally the houses in Eley Crescent have open plan frontages. One or two have hedged boundaries and I noticed one tall hedge further along the road, but that was very much in the minority. There were no other tall fences that I could see. Considered on its own, the fence and gate are intrusive and dominant. When considered in the context of the street as a whole they stand

out as being entirely out of place. Even without QD5 they are harmful to the character and appearance of the area and they certainly do not provide an interesting or attractive street frontage.

5. I have considered the appellants argument that she requires privacy and protection, but there are other ways of going about this than the intrusive fence that she has erected. I have also considered the impact on the appellant's human rights, but I consider the requirement to remove the fence is entirely proportional to the harm it causes. I also note her reference to other fences in the wider area, but none are in a similar position as hers and none appeared to be close to the appeal site.

Simon Hand

Inspector



Appeal Decision

Site visit made on 14 August 2013

by **Ray Wright** BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 August 2013

Appeal Ref: APP/Q1445/D/13/2200103

11 West Street, Rottingdean, Brighton BN2 7HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Stephens against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/00145 was refused by notice dated 10 May 2013.
 - The development proposed is 'rear extension to enlarge existing kitchen'.
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Application for Costs

1. An application for costs was made by Mr and Mrs Stephens against Brighton & Hove City Council. This application is the subject of a separate decision.

Preliminary Matter

2. The extension, the subject of this appeal, has already been constructed. As carried out there is a minor discrepancy with the submitted elevation drawing. While the 'plans' show the correct layout with double doors and adjoining window, the 'elevation' shows a different door arrangement. Both parties have addressed this appeal based on the extension, as constructed, and I have also considered the appeal on this basis.

Decision

3. The appeal is allowed and planning permission is granted for a rear extension to enlarge the existing kitchen at 11 West Street, Rottingdean, Brighton BN2 7HP in accordance with the terms of the application, Ref BH2012/00145, dated 19 January 2012, and the plans submitted with it.

Main Issues

4. The main issues in this case are the effect on the character and appearance of the area and the effect on the adjoining property having particular regard to daylight and outlook.

Reasons

5. The appeal property is a two storey dwelling, with dormer windows to front and rear roof slopes, in a terrace of three similar properties. To the rear is a small
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courtyard garden which is adjoined by an open mews area to the front of other residential properties.

Character and Appearance

6. The extension, the subject of this appeal, links in with an original rear addition to provide a single storey kitchen extension to the full width of the property. The appeal element has been built with a mono pitch roof which, together with that existing, has created a 'butterfly' form.
7. As highlighted by the appellants there are other mono-pitched roofs on properties in the near vicinity of the site and a valley gutter is an appropriate solution for joining two such roof forms. In the circumstances I do not find this an incongruous form of construction, nor is it, to my mind, out of keeping with the style or design of the original property.
8. The extension is at the rear of the property within a tight knit group of buildings. While it is visible from the both the adjoining Windmill Mews and Victoria Mews and their associated properties, it is not widely visible from outside of these private enclosed courtyards. The extension, therefore, has only a very limited impact on the wider surrounding area.
9. Overall, the extension causes no material harm to the character and appearance of the area and, as such, there is no conflict with the design principles set out in the National Planning Policy Framework (Framework) or Policy QD2 of the Brighton and Hove Local Plan 2005 (LP) or the more detailed guidance in respect of extensions in Policy QD14 of the LP.

Effect on adjoining property

10. One of the principles of the Framework is to seek a good standard of amenity for all existing occupiers of land and buildings. Policies QD14 and QD27 of the LP indicate extensions should not result in the loss of a significant amount of daylight / outlook and that amenity of adjoining occupiers should be suitably protected.
11. The ground floor of the adjoining property is in use as an estate agents. The building has a two storey rear wing with a side door and window facing the flank wall of the extension. However, this appears to be in use as a store room. Therefore, the main effect of the extension is on a window to an office area in the main building which faces onto Windmill Mews to the rear.
12. As highlighted by the appellants, there is a difference in ground floor levels between the kitchen at the appeal property and the estate agents office at No 12, with the latter being around 800 mm higher than the appeal building. The main building of the adjoining No 12 is also deeper at the rear than the appeal property. These two elements reduce the consequent impact of the extension.
13. The rear office window is north facing and, with the existing two-storey wing at No 12, the light and outlook would have been limited before the appeal development took place. While the extension may have created some further enclosure and reduced light to this rear facing room, it does not appear to have rendered it unusable for continued office purposes and I note the occupiers do not appear to have raised any objection to the scheme as completed. To my mind the relationship is acceptable considering the commercial use of this room,

where such enclosure is far less important than in respect of living accommodation.

14. Overall, I conclude the extension does not result in material harm to the adjoining occupiers through loss of daylight or outlook. As such the scheme is not contrary to the Framework or Policies QD14 or QD27 of the LP.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

Conditions

16. The Council have not put forward any conditions should the appeal succeed. I have considered the need for conditions in the light of Circular 11/95 and agree, in this case, that none are necessary.

Ray Wright

INSPECTOR



Costs Decision

Site visit made on 14 August 2013

by **Ray Wright** BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 August 2013

Costs application in relation to Appeal Ref: APP/Q1445/D/13/2200103 11 West Street, Rottingdean, Brighton BN2 7HP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Stephens for a full award of costs against Brighton and Hove City Council.
 - The appeal was made against the refusal of planning permission for a 'rear extension to enlarge existing kitchen'.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. In support of their claim the appellants specifically refer to paragraphs B16 and B18 of the Circular, citing that the Council failed to produce substantive evidence to support their case and that vague and generalised assertions were made regarding the impact of the extension.
 4. This appeal had two main issues relating to the effect of the development on the character and appearance of the area, and the effect on the occupiers of the adjoining property, both of which involve a matter of judgement. In such cases, it is inevitable that opinions will vary. I note the appellants strongly disagree with the Council's assessment and subsequent decision, nevertheless it was a judgement the Council were entitled to reach.
 5. As highlighted by the appellants Paragraph B18 of the Circular notes that where the outcome of an appeal turns on an assessment of such issues it will be unlikely that costs will be awarded if realistic and specific evidence is provided.
 6. The Council indicate that the application was properly considered and that their decision, the subject of this appeal, is based on sound planning merits. The officer's report, submitted as part of the appeal, clearly sets out the concerns of the Council in respect of the form and layout of the development and their
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views on the impact on the character of the area and the harm caused to the 'amenity' of the adjoining occupiers. The report makes appropriate reference to the National Planning Policy Framework and the reasons for the decision refer to the relevant adopted Local Plan policies.

7. Although I have disagreed with the Council's judgement and allowed the appeal, I am of the view that the delegated report and consequent decision letter adequately and clearly conveyed the Council's objections to the scheme.
8. I conclude that the Council acted reasonably in its consideration of the development. I do not consider that the Council's case was unjustified or substantially deficient in the way it was presented. Therefore, I do not consider that the Council has acted unreasonably in respect of the substance of this particular case.
9. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated.

Ray Wright

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: 22 August 2013

Appeal Ref: APP/Q1445/A/13/2194472

Land at the rear of 6 – 8 Kelly Road, Hove, East Sussex BN3 6LD

- 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 Eman Barakat against the decision of Brighton & Hove City Council.
 - The application (Ref BH2012/02307), dated 24 July 2012, was refused by notice dated 14 September 2012.
 - The development proposed is the erection of a detached dwelling and a detached garage (revision to previous scheme Ref BH2008/03523).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling and a detached garage (revision to previous scheme Ref BH2008/03523) on land at the rear of 6 – 8 Kelly Road, Hove, East Sussex BN3 6LD in accordance with the terms of the application (Ref BH2012/02307), dated 24 July 2012, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. There is a complex planning history to this site. Following an earlier refusal of permission (Ref BH2008/01581), planning permission for the erection of a detached dwelling on the land was granted in 2009 under reference BH2008/03523. Matters reserved for approval in accordance with the conditions imposed on that consent were subsequently approved in June 2012 (Ref BH2012/00955). This development is deemed to have commenced by virtue of works undertaken to construct its access and the permission remains extant. The planning application the subject of this appeal was made in July 2012 (Ref BH2012/02307) and was refused on 14 September 2012.
3. Planning application Ref BH2012/03216 was made on 5 October 2012 and conditional planning permission pursuant thereto was granted on 21 February 2013. That proposal was for the erection of two/three storey, four-bedroom, detached dwelling (excavated basement, ground and first floor levels) with demolition of the garage (part retrospective). In all key respects that proposal was identical to the development the subject of this appeal except that the double garage now proposed was not part of that scheme. The existence of that permission, described as being part retrospective because of the works to the access, is a material consideration of substantial weight in this appeal.

Main Issues

4. 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 overbearing impact or general loss of amenity.

Reasons

5. The appeal site is a vacant and overgrown plot of land lying to the rear of Nos 6 – 8 Kelly Road, once forming part of the rear gardens to those properties. To the south-east are the curtilages of the dwellings facing Hove Park Road (Nos 13 – 19). These dwellings have rear garden lengths of approximately 30 metres or more and there is a dense screen of trees and shrubs on the boundary. The proposal is to erect a substantial, four-bedroom, detached dwelling on the site with a detached, double garage to its south. Accommodation would be provided on three floors with the lower ground floor being in the form of a semi-basement created by land excavation. Access would be from Kelly Road, to the north of No 8. There are a number of mature trees on and adjoining the site, principally alongside or close to its boundaries.
6. Just before this appeal was made, the Council granted full planning permission (subject to conditions) for the erection of a detached dwelling on the site in the same form and to the same design, siting, height and size as is proposed in this development (Ref BH2012/03216 – 21 February 2013). That permission could be implemented immediately. The only difference between the two schemes is that no garage was proposed in that approved.
7. Having inspected the site, and insofar as the house itself is concerned, I have no reason to disagree with the Council's conclusions on the acceptability of this form of dwelling being erected in the proposed position and to this design, scale and height. Such a form of development is appropriate to this location and, due to the orientation of the building, the plot size, the distances between dwellings and the mature natural screening around the site, it would not be the cause any undue harm to the amenities of the local residents.
8. As a form of sustainable development making an effective and efficient use of land, the proposals are in conformity with the policies and guidelines set out in the National Planning Policy Framework.¹ Through the imposition of appropriate conditions, adequate safeguards could be put in place concerning the trees and other relevant matters. In all key respects the development would comply with all the relevant policies of the Brighton & Hove Local Plan, particularly policies QD1, QD2, QD3, QD16, QD27, HO3, HO4, HO5 and HO13.
9. In respect of the proposed garage, it would be sited alongside the proposed house to its south, about 3 metres away from the boundary. Even with its pitched roof and its maximum height of about 3.8 metres to the ridge, it would be substantially lower than the proposed dwelling with roughly the same building depth. With the intervening vegetation and the distances involved, there would be no undue harm caused to the residents of the adjoining houses facing either Kelly Road or Hove Park Road. Whilst the garage would take up some of the previously provided garden area, adequate space would still remain around the dwelling in compliance with policy HO5 of the local plan.
10. I do not regard the development as being excessive in its site coverage to the detriment of the character and appearance of the area but more as an optimal and efficient use of available building land as policy QD3 of the local plan

¹ For example, paragraphs 14, 17 and 49

- advocates. The development would provide for a total of about 3 or 4 car parking spaces. Whilst the Council does not object to this level of provision although it slightly exceeds the maximum number of spaces laid down in its Supplementary Planning Guidance: *Parking Standards*, it has some concerns regarding the effect this would have on the developed area of the site. In fact, and taking into account the extent of the driveway and forecourt areas in both schemes, I do not consider that the footprint of the development including that of the house as well as the garage would be excessive.
11. Views of the garage structure would be screened and filtered by the trees and shrubs on the boundary and, with a rear garden length of something approaching 30 metres present at No 17 Hove Park Road, for instance, the amenities of the occupants of that and the adjoining dwellings would not experience any unacceptable loss of amenity. Whilst one neighbour has expressed concerns about the noise and disturbance that might emanate from the garage, the driveway and turning area in the approved scheme occupied this space. With the distances involved and the mitigating effects of the landscaping and hedging I do not consider that any undue detriment to residential amenity would be caused by the garage being constructed in the proposed position. The development therefore complies with the provisions of policy QD27 of the local plan in all these respects.
 12. Regarding conditions, I have taken into account the guidance in Circular 11/95 (*The Use of Conditions in Planning Permissions*), those suggested by the Council and all the circumstances of the case. As well as the statutory time duration of the permission it is necessary to control the details of the external materials of the development, in the interests of visual amenity. I have specified the approved drawings in the interests of proper planning and for the avoidance of doubt. I have imposed conditions concerning land levels, the landscaping of the site, boundary works and tree retention in the interests of visual amenity. It is reasonable and necessary to impose a condition to ensure that the dwelling would be constructed to Code Level 3 of the Code for Sustainable Homes, in the interests of sustainability and energy efficiency. The hard surfacing proposed should be of a porous material to reduce the risk of flooding and to increase the development's sustainability.
 13. Some permitted developments rights should be withdrawn in this instance to ensure that no unacceptable overlooking occurs from the installation of any additional windows in the western elevation; that, due to the constraints of the development in terms of its size and layout, and the physical relationship of the dwelling to those nearby, that no extensions or outbuildings are erected which would harm residential amenity or lead to an overdevelopment of the site in an unacceptable manner. A condition is necessary to ensure that the window in the western elevation of the dwelling serving the en-suite is permanently fitted with obscure glazing, to prevent overlooking.
 14. I have afforded weight in the planning balance to all the points made in opposition to this proposal but nothing overrides my conclusions above and the reasons for them.

David Harmston

Inspector

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos: RFA/KR/PA/00; RFA/KR/PA/01; RFA/KR/PA/02; RFA/KR/PA/11; RFA/KR/PA/12; RFA/KR/PA/13; RFA/KR/PA/14; RFA/KR/PA/21; RFA/KR/PA/22 and RFA/KR/PA/31.
3. No development shall be carried out until details and samples of the external materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
4. No development shall be carried out until full details of the proposed land levels relative to the surrounding properties have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
5. Notwithstanding the provisions of 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), no windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed at first or second floor levels in the western elevation of the dwelling hereby permitted.
6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and 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), no extension or enlargement of the dwelling hereby permitted (including any additions to, or alterations to, the roof) shall be carried out, or outbuildings, swimming or other pools erected or installed.
7. The first floor en-suite window on the western elevation of the dwellinghouse hereby permitted, as shown on drawing nos RFA/KR/PA/13 & RFA/KR/PA/21, shall not be glazed otherwise than with obscured glass and shall thereafter permanently retained as such.
8. No development shall take place until full details of both hard and soft landscaping works and the means of enclosure of the site have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall make provision for the retention and protection of the existing planting along the eastern and southern boundaries of the site, the planting of six new trees to compensate for the loss of the existing trees and shall include details of planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers and densities and an implementation programme. These works shall be carried out as approved.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five 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 a similar size and species unless the Local Planning Authority gives written consent to any variation(s).
10. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilage of the property, in accordance with details to be approved in writing by the Local Planning Authority.
11. Unless otherwise agreed in writing by the Local Planning Authority, the dwelling hereby permitted shall be constructed to Lifetime Homes Standard prior to its first occupation and shall be retained as such thereafter.
12. Unless otherwise agreed in writing by the Local Planning Authority, the dwelling hereby permitted shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 has been submitted to and approved in writing by the Local Planning Authority.
13. The development shall take place in accordance with the method statements and phasing schedule outlined in the R W Green Limited 'Supporting Arboricultural Information' report dated May 2012 and shall thereafter be retained as such.

END



Appeal Decision

Site visit made on 5 August 2013

by D Lamont BSc(Hons) MBA MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2013

Appeal Ref: APP/Q1445/D/13/2200422

25 Withyham Avenue, Saltdean, Brighton, BN2 8LF

- 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 Thompson against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01082 was refused by notice dated 28 May 2013.
 - The development proposed is extension and conservatory to rear.
-

Decision

1. The appeal is allowed and planning permission is granted for an extension and conservatory to the rear of 25 Withyham Avenue, Saltdean, Brighton, BN2 8LF, in accordance with the terms of the application, Ref BH2013/01082, dated 4 April 2013, subject to the following conditions:
 - 1) The development hereby permitted shall be begun not later than three years from the date of this permission.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: OS-01 (Location Plan); 600201/01 (Existing Lower Ground Floor Plan); 600201/02 (Existing Ground Floor Plan); 600201/04 (Existing Roof Plan); 600201/05 (Existing Elevations / Section); 600201/06 (Existing Side Elevations); 600201/10 (Proposed Roof Plan); 600201/001/07 (Proposed Lower Ground Floor Plan); 600201/001/08 (Proposed Ground Floor Plan); 600201/001/10 (Existing / Proposed Block Plan); 600201/001/11 (Proposed Elevations / Section) and 600201/001/12 (Proposed Side Elevations).
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those of the existing building.

Main Issue

2. The main issue is the effects of the proposal on the character and appearance of the building and the area

Reasons

3. The area is a suburban residential neighbourhood and the character and appearance of dwellings in the vicinity varies significantly, featuring flats, bungalows and two-storey houses. Some properties have larger dormer roof

extensions to the side or rear and many have extensive additions, including elevated rear balcony extensions of varying styles and design details.

4. The proposal, at the rear of the dwelling, would not be readily visible from Withyham Avenue, although it would be seen from the rear of neighbouring properties. The development's materials (upvc framed glazing, brick and white render) accord with those of the existing property and others in the area. Although unusual, its asymmetrical roof would not be out of keeping given the wide variety of styles and design details evident in the vicinity, nor would its bulk and thus, in comparison with other properties in the area, the dwelling would not appear over-extended.
5. Moreover, whilst the modern style of the development would contrast with the more traditional front elevation of the property the two styles would not be readily seen at the same time from any particular viewpoint. In any case, although of less modern appearance than that now proposed, the existing balcony at the rear of the property already contrasts with the front of the dwelling. It is not unusual for properties to display features of more than one style and I consider that, in this instance and bearing in mind the intended use of matching materials, this would not be harmful or result in the dwelling appearing disjointed. The development is therefore appropriately well-designed and detailed in relation to the appeal property and surrounding area.
6. For these reasons, I conclude that the proposal would not cause harm to the character and appearance of the building or the surrounding area, nor would it harm the visual amenities of neighbouring properties. As such, it would be consistent with the National Planning Policy Framework (Framework) presumption in favour of sustainable residential development and Brighton and Hove Local Plan 2005 (Local Plan) Policy QD14, which requires extensions to relate to the host property and surrounding area. I therefore allow the appeal.

Conditions

7. In addition to the standard time limit condition, for the avoidance of doubt and in the interests of proper planning and appearance, I have also attached conditions to require the development to be carried out in accordance with the approved plans and its finishing materials to match the existing building.

D Lamont

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: 16 August 2013

Appeal Ref: APP/Q1445/A/13/2193822

5 – 6 Western Road, Hove, East Sussex BN3 1AE

- 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 Tony Sallows against the decision of Brighton & Hove City Council.
 - The application (Ref BH2012/03954), dated 6 December 2012, was refused by notice dated 12 February 2013.
 - The development proposed is the erection of a timber and glass screen enclosing an external smokers' area with roller blinds over and access gates.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber and glass screen enclosing an external smokers' area with roller blinds over and access gates at 5 – 6 Western Road, Hove, East Sussex BN3 1AE in accordance with the terms of the application (Ref BH2012/03954), dated 6 December 2012.

Preliminary Matters

2. I have adopted the description of the development as stated on the application form as this adequately describes the proposal. The development has already been undertaken and the application was made retrospectively. I note that the application included the former name of the premises (*CAPS*) in the site address but it is now *Rick's Bistro*. This is of no materiality to the appeal or my decision. I also noted that the timber divides are now painted white.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and the streetscene in Western Road having regard to the location of the site within the Brunswick Town Conservation Area.

Reasons

4. Western Road is a heavily-trafficked, main thoroughfare leading into central Brighton from the west. It has a strong sense of activity and vibrancy with few empty premises and a wide mixture of large, multiple retail operators interposed with small, convenience shops, restaurants, cafes, takeaways, bars, public houses and financial services uses. The premises the subject of the appeal are in use on the ground floor as a restaurant or bar with the

- smokers' area to the front occupying the forecourt. This is about 1.8m deep overall, slightly encroaching onto the footpath. The enclosure has been created by the installation of timber screens with planters and awnings above.
5. There are many other examples of locations in Western Road where the forecourts in front of commercial premises are in active use for one purpose or another. For instance, within close proximity to the appeal site, *The Duke of Norfolk* public house has tables and benches outside as do *The Golden Grill* and *The Casba* restaurants. The appellant has pointed out many other examples of premises within the neighbourhood where forecourts are in use as outward extensions of restaurants for sitting out purposes. I do not know whether or not these uses have (or need) planning permission but they contribute to the vitality of the area, fulfilling a need and adding interest.
 6. Generally, the forecourts that are in such use within the area have not been formalised and separated physically from the footpath as is the case at the appeal site. However, their presence does mean that the ground floor uses are effectively extended towards the edge of the pavement with a similar visual impact. As the premises are located within the Brunswick Town Conservation Area it is necessary to determine whether or not the development serves to preserve or enhance the character or appearance of the Area
 7. It seems to me that at street level the character of the area is determined by the numerous commercial premises having their own individuality in terms of uses, shopfronts and signage. Billboards proliferate, illuminated signs and awnings are numerous and the general paraphernalia associated with a thriving retailing location draw the eye rather than any special qualities of the buildings themselves. For this reason I do not consider that the development has any negative impact on the character or appearance of Western Road or that it fails to preserve or enhance the Area in these terms.
 8. The Council argues that the structure appears incongruous in the streetscene; that the building line of the premises nearby is consistent and the forecourts generally open. I do not consider that to be a fair description of the area based on the uses and activities that I observed. I acknowledge that the development is unique to this immediate area because it introduces a semi-permanent form of construction onto the forecourt. However, in visual terms I do not consider that any material harm has been caused or that the screens and planters appear particularly out of place. The Council refers to the issue of precedent but each case falls to be considered on its own planning merits.
 9. I have considered and taken into account the representations made by a number of third parties in relation to the application including the views expressed by the Lansdowne Area Residents' Association. Particularly, I note the objections made concerning the reduction in the width of the pavement. However, the appellant confirms that a licence under the Highways Act (1980) has been granted for the small encroachment (of about 50cm) that the development has caused and adequate space for pedestrians on the footpath remains. The Council has raised no objections to the development in this respect and, based on the adequacy of the remaining footpath width, I concur with that conclusion.

10. The roller blind box for the awnings is of a type that has been installed elsewhere in Western Road and is not overly conspicuous or visually inoffensive. Whilst the Council's Supplementary Planning Document *Shop Front Design* (SPD 02) advocates the installation of such features to be mounted within or below fascias, rather than on them, in this instance no undue visual harm has been created. For all these reasons in all key respects I consider that there is no material conflict between the development and policies QD14 and HE6 of the Brighton and Hove Local Plan or the National Planning Policy Framework.
11. I have taken into account and afforded weight to all the other matters raised both by the Council and the interested persons but nothing is of sufficient weight to alter my conclusions above and the reasons for them and I shall allow the appeal. No conditions have been suggested by the Council and, being a retrospective form of development, none are appropriate or necessary.

David Harmston

Inspector



Appeal Decision

Site visit made on 5 August 2013

by D Lamont BSc(Hons) MBA MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2013

Appeal Ref: APP/Q1445/D/13/2199250
68 Crescent Drive South, Brighton, BN2 6RB

- 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 Miss L Clifton-Sprigg against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00867 was refused by notice dated 7 May 2013.
 - The development proposed is a single storey rear extension and a roof conversion.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and a roof conversion at 68 Crescent Drive South, Brighton, BN2 6RB, in accordance with the terms of the application, Ref BH2013/00867, dated 14 March 2013, subject to the following conditions:
 - 1) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 1312012/01 (Location Plan, Block Plan, Existing Plan, Elevations and Sections); 1312012/02 (Proposed Plans and Elevations) and 1312012/03 (Proposed Street Scene and Sections).
 - 2) The development hereby approved shall not be occupied until the details of the external finishing materials have been submitted to and approved in writing by the local planning authority and completed accordingly.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no alteration to the roof or installation of rooflights [other than those expressly authorised by this permission] shall be constructed.

Procedural Matters

2. There is evidence of commencement of the development on site in the form of foundation walls; and I deal with the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the building and the area.

Reasons

4. The character of the area is a suburban residential neighbourhood of mid to late 20th century housing, varying from single to two-storey accommodation. The subject property and many to its west on the south side of the road, have a bungalow appearance to the street. However, those to its east (i.e. even numbers from no. 74) and on the opposite side of the road, have two storeys of accommodation. A drive between the site and no. 74, serves nos. 70 and 72, which occupy lower land much further to the rear, and comprise a detached chalet and bungalow, respectively. There is a large extension to the rear of no. 66; and nos. 74 and 76 both have significant rear projections with two storeys of accommodation, large first floor south-facing windows and a number of rooflights facing the site. Three of no.74's rooflights are visible from the street.
5. For these reasons, the character and appearance of dwellings in the vicinity varies significantly, and the subject property is the last bungalow before the buildings rise to two storeys of accommodation to the east. Although the bulk, depth, height, massing and fenestration detail of the proposal are somewhat greater than the extension to the rear of the adjacent property to the west, these features are comparable with its neighbouring properties to the east and height of those opposite. Consequently, the proposal would not cause harm to the character and appearance of the host property or surrounding area. Additionally, the retention of the unusually wide gap of the adjacent driveway would assist separation from the property to the east.
6. For these reasons, and having had regard to all other matters raised, I conclude that the proposal would be consistent with Brighton and Hove Local Plan 2005 Policy QD14, requiring extensions to relate to the host property and surrounding area and retain appropriate gaps between houses; and allow the appeal.
7. As the development has started, it is not necessary to impose the standard time condition. For the avoidance of doubt and in the interests of proper planning and appearance, additional conditions are attached to require that the development is carried out in accordance with the approved plans and finishing materials submitted for prior approval. In the interests of protecting neighbours' living conditions, a condition is also included to remove permitted development rights for roof alterations, including rooflights.

D Lamont

INSPECTOR



Appeal Decisions

Hearing held on 6 August 2013

Site visit made on 6 August 2013

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2013

Appeal A: APP/Q1445/C/13/2193227

Land at 115 Carden Hill, Brighton, BN1 8DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Gabriel & Marina Gutierrez against an enforcement notice issued by Brighton & Hove City Council.
 - The Council's reference is 2193228.
 - The notice was issued on 25 January 2013.
 - The breach of planning control as alleged in the notice is without planning permission, the creation of a raised hardstanding area at the front of the property.
 - The requirements of the notice are to remove the raised brick hardstanding from the land at the front of the property.
 - The period for compliance with the requirements is 6 Months.
 - The appeal is proceeding on the grounds set out in section 174(2) (c), (e) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
-

Appeal B: APP/Q1445/C/13/2193228

Land at 115 Carden Hill, Brighton, BN1 8DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Gabriel & Marina Gutierrez against an enforcement notice issued by Brighton & Hove City Council.
 - An identical appeal to A has been registered.
-

Appeal C: APP/Q1445/X/13/2197527

Land at 115 Carden Hill, Brighton, BN1 8DA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Gabriel & Marina Gutierrez against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00096, dated 17 December 2012, was refused by notice dated 3 April 2013.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is porous hard surface within the curtilage of the dwelling house coloured pink on submitted drawings.
-

Decisions

Appeals A & B

1. The enforcement notice is varied by deleting paragraph 1 of section 3 (What you are required to do) and replacing it with "Remove the hardstanding, brick retaining walls, infill and any other materials so that the land is returned to the profile shown in plans 1 and 2 "Pre-car parking:Existing" dated 3.5.11 amended 5.9.11. Copies of which are attached to this notice". Subject to this variation the appeals are dismissed and the enforcement notice is upheld.

Appeal C

2. The appeal is dismissed.

Application for costs

3. At the Hearing an application for costs for Appeal B was made by the Council against the appellants. This application is the subject of a separate Decision.

Appeals A & B

4. 115 Carden Hill is one of a row of houses set down from the road. They have short front gardens which slope steeply down to the base of the houses. Some of these are still just grassy slopes, others have been terraced in some way to create flower beds, but the appeal site, and at least one other house, have larger terraces to provide off-road parking.

The appeal on ground (e)

5. This ground is made up of two parts. That referring to the imprecision in the requirements is dealt with under ground (f). The second argument concerning the correct section of the Act is actually a nullity argument, but for ease I shall deal with it here.
6. The appellant claims the Council have not quoted the actual section of the act that empowers them to attach requirements to the notice. It is true they have not done so, but they are not required to do so. The appellant also claims the notice has not been drafted with sufficient precision, but except for the requirements, the notice seems to me to be perfectly understandable. Neither of these arguments is of any substance and the appeal on ground (e) fails.

The appeal on ground (c)

7. The argument is that a smaller area of hardstanding is permitted development and should be retained. This ground appears to be based on a misunderstanding of the previous appeal Inspector's decision. That decision (APP/Q1445/X/12/2169949 dated 27 November 2012) dealt with an appeal for a lawful development certificate for the parking area which is also the subject of the current notice. The appeal was refused as the works were clearly not permitted development. The Inspector also considered whether separate parts of the development could be considered in isolation from the whole. She concluded they could not. The Garland case from 1968 settled this argument many years ago, (*Garland v MHLG (1968) 20 P & CR 93*). I quote from paragraph 6 of the decision letter; "it is not possible to separate out parts of the development and suggest that those parts are permitted by way of the

GPDO. Either the whole development is permitted by the GPDO or it is not. This follows the line taken in Garland.....that if the whole operation is not permitted then neither is any part of it". It is thus quite clear that part of the hardstanding or the retaining walls cannot be separated out from the whole and considered to be permitted development. The appeal on ground (c) fails.

The appeal on ground (f)

8. The requirements are to remove "the raised brick hardstanding from the land at the front of the property". The hardstanding would appear to be entirely surfaced with gravel. The retaining walls to the side and rear are of brick, with small pillars to the rear and one side supporting a low ornamental metal railing. There will also be a large amount of infill material, used to level off the ground under the hardstanding.
9. I agree with the appellant that the requirements do not make it clear exactly what they have to do. It could be argued the retaining walls and the infill material are not covered by the requirements, and neither is the surfacing material which is not brick. It is also far from clear what the ground should look like once the hardstanding has been removed. Should it be returned to a steep grass slope or to a terraced garden?
10. At the Hearing the Council said they would be happy for the land to be returned to the state it was before the off-road car parking was created. This they agreed was a terrace of some sort. The Council had a plan dated 3 May 2011 showing the garden as it had been. This plan was labelled "Pre-Car parking: Existing". It showed the top terrace to be at street level and to be roughly 2.8m deep. There were two other narrower terraces stepping down to ground level at the base of the house. This had been supplied with a planning application for the hardstanding (as built) and in the Council's view represented the pre-existing landform. That plan, I was informed, had been scaled off a 'Google earth' satellite photograph. After that application, the appellant had done some more research, including digging a hole to discover the whereabouts of the original retaining wall of the street level terrace. Having found this a second plan was produced with an amended date of 5.9.11. This was supplied with the LDC appeal referred to above and accompanied by a sworn statement from Mr Gutierrez that when he had bought the house, back in 1996, the garden had been terraced in the way shown on that plan. The depth of the top terrace measured from the back of the pavement was 3.25m at the end closest to the steps and 3.5m at the other end.
11. After taking advice the Council agreed they were prepared to accept this was the actual position before the larger hardstanding the subject of the notice had been created. On site, this was measured out, and it was clear the new, smaller terrace would be much less dominant, and it was agreed that returning the land to the position shown in the drawing with an amended date of 5.9.11 would be an acceptable solution.
12. I shall therefore vary the notice by deleting the requirement (paragraph 1 of section 3) and replacing it with "Remove the hardstanding, brick retaining walls, infill and any other materials so that the land is returned to the profile shown in plans 1 and 2, "Pre-car parking:Existing" dated 3.5.11 amended 5.9.11. Copies of which are attached to this notice".

13. At the hearing the appellant made it clear they wished to retain what would be the new, smaller, upper terrace as gravelled hardstanding. For obvious reasons, this is not shown on the pre-existing plan, and would involve levelling the top terrace, and building it up at the house end by some 250mm. Although not put in quite these terms, the appellant's argument was that converting the pre-existing top terrace to parking would be permitted development, and so requiring the hardstanding to be removed in its entirety would be excessive. However, the requirement, as amended, follows from the allegation. In other words, only the complete removal of the offending structure sufficient to return the land to its accepted previous profile will satisfy the notice. As there is no ground (a) appeal, the merits of allowing a slightly different outcome, with the smaller area of hardstanding cannot be argued. The notice will be varied as discussed above and this does not allow for the retention of any hardstanding. Such hardstanding may well be installed, if it is indeed permitted development, but whether that is done at a later date or concurrent with the works to satisfy the requirements is a matter for discussion between the appellant and the Council.

Appeal C

14. For the same reasons as for the ground (c) appeal, the appeal for a lawful development certificate is dismissed.

Simon Hand

Inspector

APPEARANCES

FOR THE APPELLANT:

Colin Humphrey ARIBA	Agent
Gabriel Gutierrez	Appellants
Marina Gutierrez	

FOR THE LOCAL PLANNING AUTHORITY:

Robin Hodgetts	Brighton & Hove City Council
Sonia Gillam	

DOCUMENTS

- 1 Plan provided with previous s78 application
- 2 Plan provided with previous LDC application



Costs Decision

Hearing held on 6 August 2013

Site visit made on 6 August 2013

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2013

Costs application in relation to Appeal C: APP/Q1445/X/13/2197527 Land at 115 Carden Hill, Brighton, BN1 8DA

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Brighton and Hove City Council for a full award of costs against Gabriel & Marina Gutierrez.
 - The hearing was in connection with an appeal for a certificate of lawful use or development is sought is porous hard surface within the curtilage of the dwelling house coloured pink on submitted drawings.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Having explained the situation regarding the ground (c) appeal in relation to appeals A & B at the Hearing, it was accepted that the Lawful Development Certificate appeal had no chance of success. I agree with the Council that given the comments on the previous decision *APP/Q1445/X/12/2169949* dated 27 November 2012, this should have been obvious. It was, therefore, unreasonable to pursue the appeal and the Council have incurred unnecessary expense as a result. A full award of costs for dealing with Appeal C is justified.

Costs Order

3. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Gabriel & Marina Gutierrez shall pay to Brighton and Hove City Council, the costs of the appeal proceedings described in the heading of this decision.
4. The applicant is now invited to submit to Gabriel & Marina Gutierrez, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Simon Hand

Inspector



Plan 1

This is the plan (page 1 of 2) referred to in my decision dated: 15.08.2013

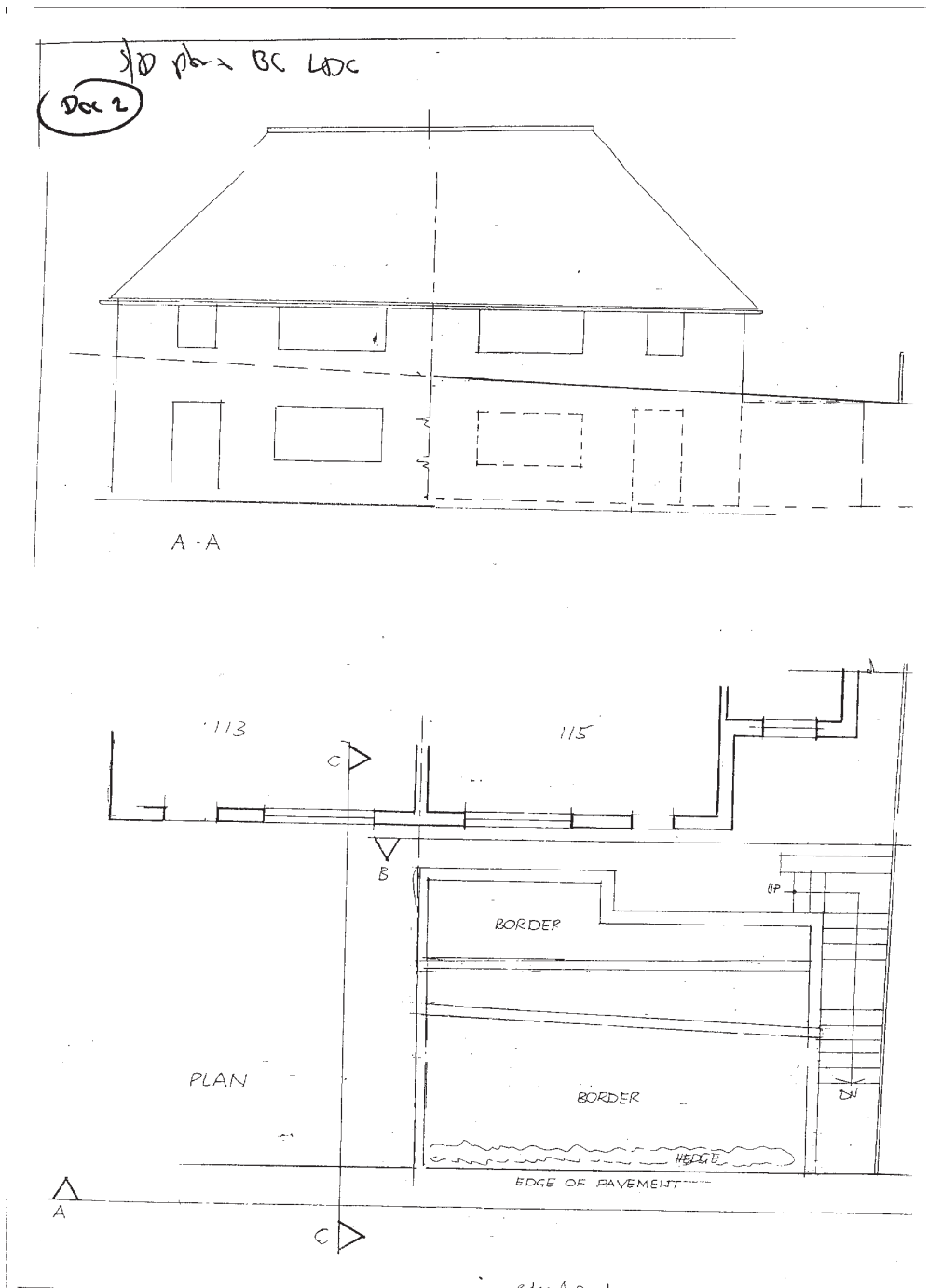
Simon Hand
Simon Hand MA

Land at: 115 Carden Hill, Brighton, BN1 8DA

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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ov.uk

Decision date:
15 August 2013





Plan 2

This is the plan (page 2 of 2) referred to in my decision dated: 15.08.13

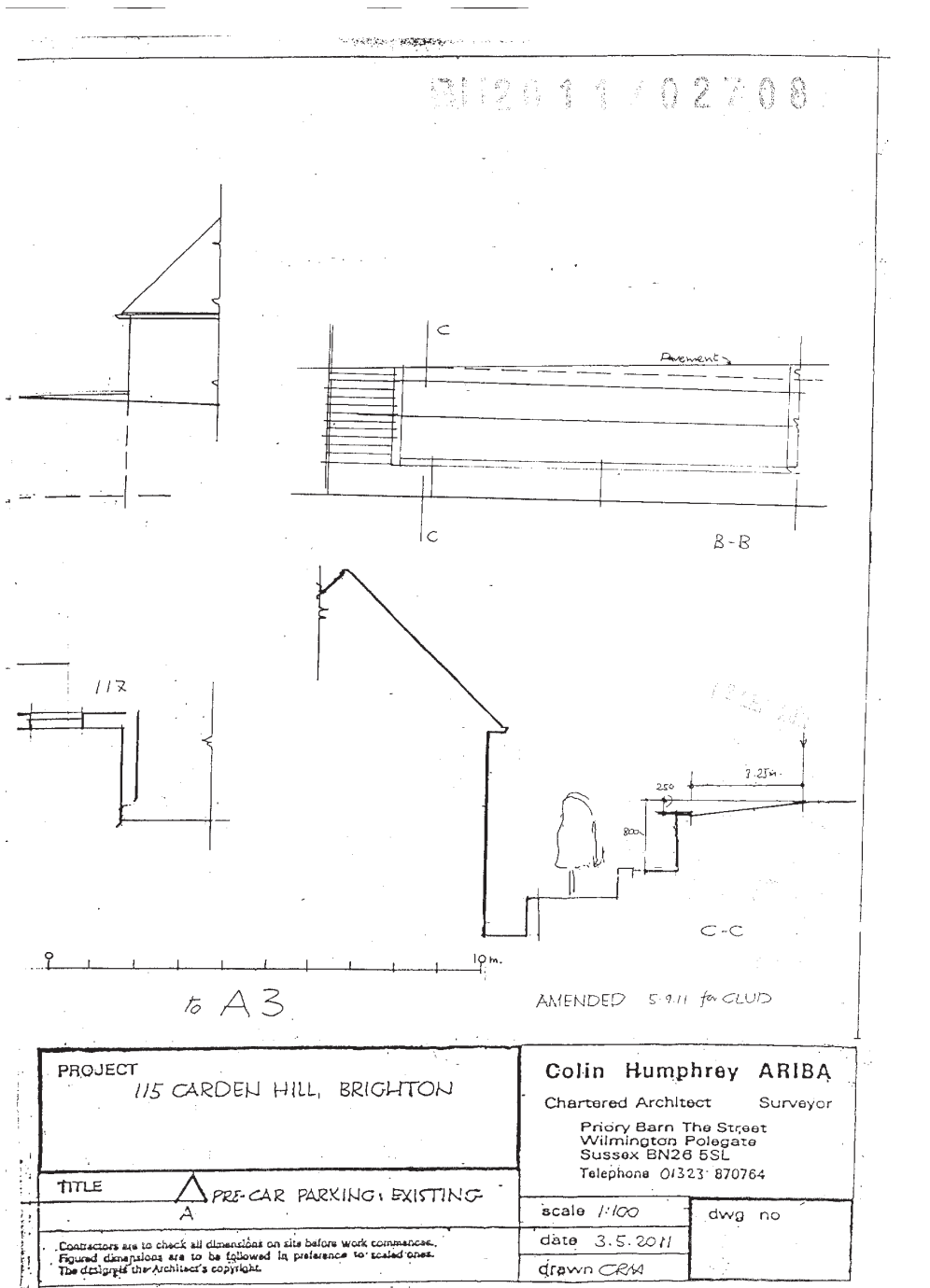
Simon Hand
Simon Hand MA

Land at: 115 Carden Hill, Brighton, BN1 8DA

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**Decision date:
 15 August 2013**





Appeal Decision

Site visit made on 24 June 2013

by Jennifer Tempest BA(Hons) MA PGDip PGCert CertHE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2013

Appeal Ref: APP/Q1445/A/13/2190024

39 Mafeking Road, Brighton, East Sussex BN2 4EL

- 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 B Edwards against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/01268, dated 16 April 2012, was refused by notice dated 26 June 2012.
 - The development proposed is change of use office/store to 1 bedroom house.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the supply of small business units in the area.

Reasons

3. The appeal premises have a total floor area of around 60 m². This is stated on the application forms to be light industrial floorspace. Although the lawful use of the premises was confirmed in 2004 as being light industrial, the description of development on the application forms give the existing use as an office and store. The plans and grounds of appeal describe the first floor use as a flat which the Council confirm is unauthorised. The parties confirm that an application made in 2008 was permitted to extend the building to provide first floor office space.
4. Policy EM5 of the Brighton and Hove Local Plan 2005 (the Local Plan) restricts the loss of redundant office floorspace whilst Policy EM6 seeks to retain small industrial, business and warehouse units with a floor area of under 235 m². The appeal site was the subject of an appeal determined in 2005 (APP/Q1445/A/04/1167026). The appeal was dismissed for reasons which included the loss of industrial floorspace. Although the Local Plan was not adopted at the time, it was at an advanced stage of preparation and the Inspector gave its policies including EM6 significant weight.
5. The Council refer to paragraph 22 of the National Planning Policy Framework (the Framework) published in March 2012. This requires planning policies to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Local Plan Policy EM6 sets out that it is necessary to demonstrate redundancy

through various means including local marketing at a price reflecting condition and commercial value. Other criteria include the availability of other starter units in the area.

6. Policies EM5 and EM6 set out what is required to demonstrate genuine redundancy. The evidence which the appellant has provided with regard to marketing is neither detailed nor up to date. There are no precise records of the marketing undertaken, whether the price reflected condition and commercial value or of the responses received. There is no evidence that any marketing has taken place since 2010. I do not consider that the letters from MTM Property Services Ltd are sufficiently detailed or recent to satisfy the Council's policies. Reliance on marketing of another property nearby of a similar nature is not sufficient to remedy the lack of detail with regard to the appeal premises. Further, no evidence is provided on the availability of other similar business premises. Therefore, the proposal does not meet the terms set out for compliance with either Policy EM5 or EM6.
7. The Local Plan is now some eight years old and the economic climate has changed since it was adopted. The appellant refers to the Certificate of Lawfulness granted in respect of the property. This, together with the investment in the first floor office accommodation, confirms that there has been a demand for small scale business premises in this area in the recent past. The lack of parking for a commercial unit was not sufficient to prevent the extension being developed. I therefore consider that it is reasonable for the Council to seek compliance with their development plan policies, despite the current economic climate.
8. I have taken into account paragraph 51 of the Framework which states that decision makers should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) provided that there are not strong economic reasons why such development would be inappropriate. However, I have not been presented with any detailed evidence regarding an identified need for additional housing in this area which the Framework also requires in these circumstances.
9. I note the residential nature of Mafeking Road and the Council do not suggest that the proposed use would be inappropriate in this location. However, this is not sufficient to overcome the failure to comply with the policies of the development plan.

Conclusion

9. For the reasons stated above I conclude the appeal should be dismissed.

Jennifer Tempest

INSPECTOR