





Brighton & Hove
City Council

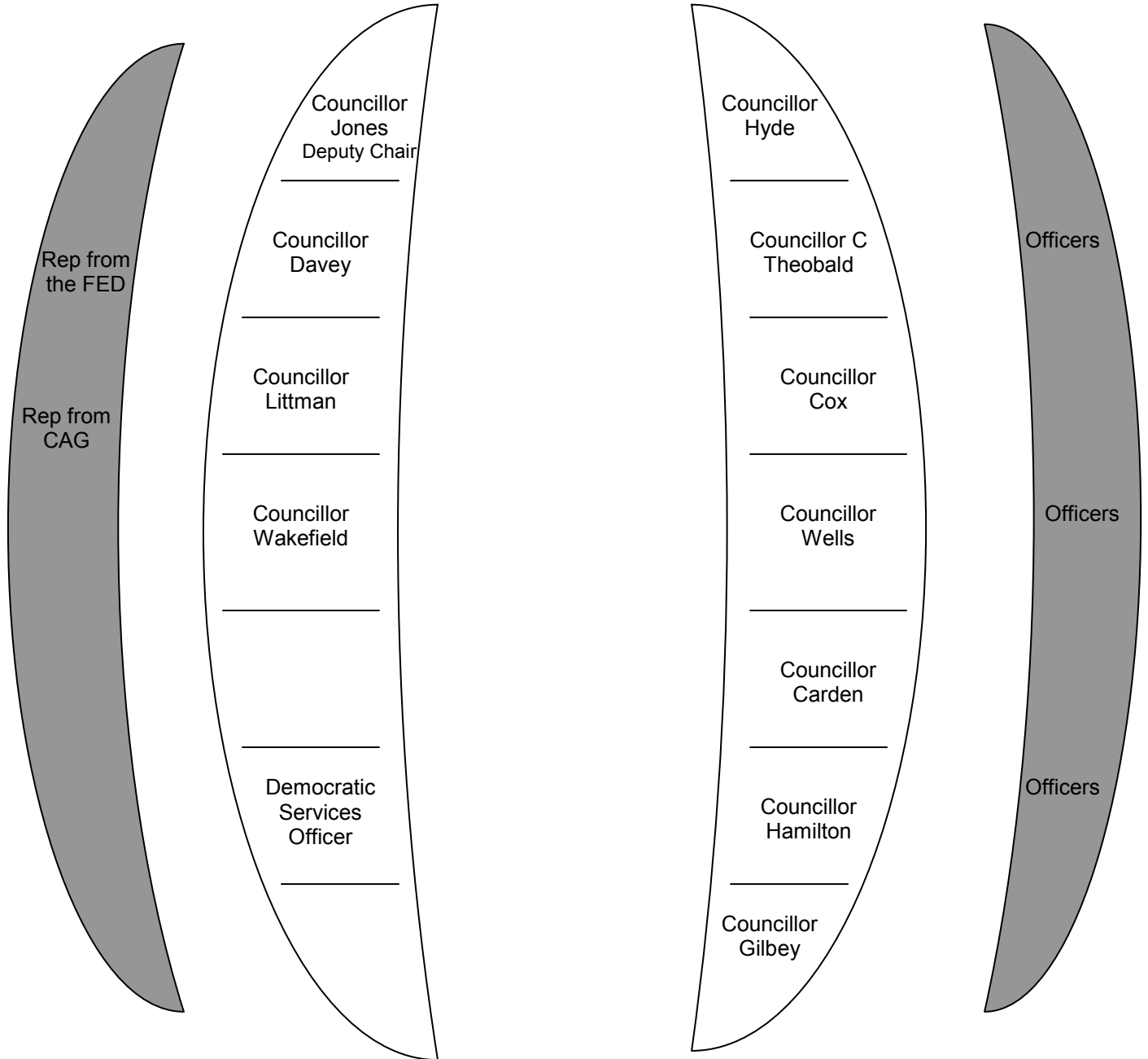
Planning Committee

Title:	Planning Committee
Date:	30 October 2013
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, K Norman, C Theobald, Wells and Wakefield Co-opted Members: Jim Gowans (Conservation Advisory Group) and Chris Kift (The FED Centre for Independent Living)
Contact:	Ross Keatley Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gcsx.gov.uk

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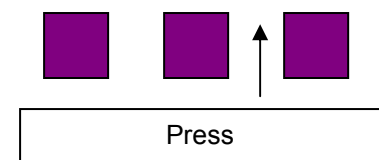
Democratic Services: Planning Committee

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

Part One

Page

87. 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

88. MINUTES OF THE PREVIOUS MEETING 1 - 18

Minutes of the meeting held on 9 October 2013 (copy attached).

89. CHAIR'S COMMUNICATIONS

90. PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 23 October 2013.

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

92. 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. **BH2012/04044 - 9-16 Aldrington Basin/Land South of Kingsway, Basin Road, North Portslade - Full Planning Permission** 19 - 60

Demolition of business unit to east of Magnet showroom.
Erection of new building ranging from 3no to 5no storeys at Kingsway Level and a further one and a half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises (A1, A3, B1, D1) with associated new access and 52 residential units in 6no blocks. Change of use of existing Magnet showroom at Basin Road North level to storage (B8) with associated service area, lorry delivery bay and care parking. (Amended plans and supporting information)

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Wish

PLANNING COMMITTEE

- B. BH2013/00908 - 112-113 Lewes Road, Brighton - Removal or Variation of Condition 61 - 78**

Application for variation of condition 28 of application BH2010/01824 (Erection of four storey building providing retail floor space on ground and first floors and student halls of residence (39 units) on ground and upper floors) to allow for internal alterations including a reduction in commercial floor area, alterations to ground floor layout and an additional 5 bed spaces.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hanover & Elm Grove

MINOR APPLICATIONS

- C. BH2013/02475 - 33 Redhill Drive, Brighton - Full Planning Permission 79 - 90**

Erection of two storey rear extension.

RECOMMENDATION – GRANT

Ward Affected: Withdean

- D. BH2013/02364 - 4 Bennett Road, Brighton - Householder Planning Permission 91 - 100**

Retention of enlarged rear porch to replace pre-existing, incorporating external steps to garden level (Part Retrospective).

RECOMMENDATION – GRANT

Ward Affected: East Brighton

- E. BH2013/02823 - Hove Museum, 19 New Church Road, Hove - Council Development 101 - 114**

Creation of terrace incorporating new low level perimeter wall.

RECOMMENDATION – GRANT

Ward Affected: Westbourne

- F. BH2013/02613 - 17 Goldstone Crescent, Hove - Full Planning Permission 115 - 130**

Demolition of existing three bedroom single dwelling and erection of part three/part four storey block of 7no flats.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hove Park

PLANNING COMMITTEE

- G. BH2013/02747 - 5 Steine Street, Brighton - Full Planning Permission 131 - 144**

Change of use from nightclub (Sui Generis) to 7 unit student accommodation (Sui Generis) incorporating alterations to fenestration and installation of railings to glazed floor panel lightwell.

RECOMMENDATION – REFUSE

Ward Affected: Queen's Park

- H. BH2013/02231 - 125 Upper Lewes Road, Brighton - Full Planning Permission 145 - 156**

Change of use from small House in Multiple Occupation (C4) to large House in Multiple Occupation (sui generis) and erection of single storey rear extension to the first floor to create additional bedroom.

RECOMMENDATION – GRANT

Ward Affected: St Peter's & North Laine

- I. BH2013/02591 - 7 College Road, Brighton - Removal or Variation of Condition 157 - 166**

Application for removal of condition 4 of application BH2006/03056 (Conversion of dwelling into two 1 bed flats and one 2 bed flat) which states that no development shall take place until details of arrangements to ensure the development shall remain genuinely car free at all times have been agreed in writing by the Local Planning Authority.

RECOMMENDATION – GRANT

Ward Affected: Queen's Park

- 93. 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

- 94. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 167 - 170**

(copy attached).

- 95. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 171 - 302**

(copy attached)

PLANNING COMMITTEE

96. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **303 - 308**

(copy attached).

97. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES **309 - 310**

(copy attached).

98. APPEAL DECISIONS **311 - 364**

(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.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

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

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For further details and general enquiries about this meeting contact Ross Keatley, (01273

PLANNING COMMITTEE

291064, email ross.keatley@brighton-hove.gcsx.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 22 October 2013

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 9 OCTOBER 2013****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Littman, Robins, Shanks, C Theobald and Wells

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

Officers in attendance: Paul Vidler (Deputy Development Manager), Nicola Hurley (Area Planning Manager), Jonathan Puplett (Senior Planning Officer), Clare Simpson (Senior Planning Officer), Jason Hawkes (Planning Officer), Peter Tolson (Principal Transport Officer), Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Officer).

PART ONE**75. PROCEDURAL BUSINESS****75a Declarations of substitutes**

75.1 Councillor Robins was present in substitution for Councillor Hamilton and Councillor Shanks was present in substitution for Councillor Wakefield.

75b Declarations of interests

75.2 Councillor Hyde referred to Application BH2013/02368 – 12 Court Ord Road, Rottingdean, Brighton and explained that as she lived almost directly opposite the property she would withdraw from the meeting during the consideration and vote on this application to avoid any perception of bias.

75.3 Councillor Robins referred to Application BH2013/01278 – Former Infinity Foods Site, 45 Franklin Road & 67, 67a & 67b Norway Street, Portslade and explained he had met with residents in relation to the scheme; however, he had not expressed an opinion; was of an open mind and would remain present during the consideration and vote on the application.

75.4 Councillor Gilbey referred to Application BH2013/01278 – Former Infinity Foods Site, 45 Franklin Road & 67, 67a & 67b Norway Street, Portslade and explained she was Chair of the Portslade Community Forum when the applicant had attended to discuss the scheme before the application was submitted; however, she had not expressed an opinion; was of an open mind and would remain present during the consideration and vote on the application.

75.5 Councillor Shanks referred to Application BH2013/02685 – 6 Cornwall Gardens, Brighton and explained that as she had formally objected to the scheme she would withdraw from the meeting during the consideration and vote on the application.

76. MINUTES OF THE PREVIOUS MEETING

76.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 18 September 2013 as a correct record.

77. CHAIR'S COMMUNICATIONS

77.1 The Chair explained it was National Customer Service Week. As part of the Council's commitment to improving services, there were staff outside the Council Chamber to ask if people attending the meeting would like to take part in a short survey about the standard of service received in connection with the Committee.

78. PUBLIC QUESTIONS

78.1 There were none.

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

79.1 There were none.

80. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A. BH2013/02491 - Brighton Racecourse Race Hill - Full Planning Permission - Use of land at Brighton Racecourse for car boot sales on each Sunday throughout the year and additionally on Wednesdays during the months of April to October.

(1) The Case Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. Consent was sought for the use of the site in conjunction with car boot sales which had been ongoing for some time and the application was seeking to regularise the current activities – attention was also drawn to a minor typographical correction in relation to Condition 6. Traders accessed the site from an entrance at the south and the car boot sales were arranged around a loop. There was concern from local residents in relation to parking on the surrounding streets, and conditions sought to mitigate these issues through the provision of signage and stewards. The hours of use would also be restricted from 0830 to 1700, and a full management plan would also be sought through condition; as with the park and ride on the site a full schedule of events would also be submitted to seek to resolve any clashes between events. It was also noted that the ancient historic monument at Whitehawk Camp crossed over the southern end

of the site, where the surfaced track accessed the site, and a condition was recommended for temporary barriers and stewarding to protect the site. For the reasons set out in the report the application was recommended for approval.

Questions for Officers

- (2) Councillor Carol Theobald noted she was a trustee of the racecourse, and asked about the parking capacity and potential clashes. In response the Case Officer explained that the hours the car boot sale could operate were limited by condition, and the hours were considered were to be more than adequate; there was also a condition to ensure a schedule of events were submitted to avoid clashes. In relation to parking capacity it was explained that the average parking need for the car boot fare was approximately 408 and the site had capacity for up to 1500; the issue related more to where people were parking rather than capacity.
- (3) Councillor Gilbey asked about noise from the signage being put up early in the morning to direct people into the site; in response the Case Officer explained that these requirements, including times, would be set out in the management plan and that a balance was needed to provide adequate signage and protect residential amenity.

Debate and Decision Making Process

- (4) Councillor Robins noted that changes to parking restrictions in Hanover could add additional pressure to parking around the site, and it was important that the management plan was able to address this.
- (5) Councillor Jones noted that he had some concerns in relation to the ancient monument site; however, he was reassured by the Case Officer's comments and asked that proper monitoring be undertaken.
- (6) Mr Gowans noted that the Conservation Advisory Group (CAG) had welcomed the condition in relation to the temporary barriers to protect the ancient monument, and he drew attention to comments from the County Archaeologist in the report.
- (7) A vote was taken and planning permission was unanimously granted.

80.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

B. BH2013/02082 - BHASVIC, 205 Dyke Road, Hove - Full Planning Permission - Construction of a new 3no storey teaching block located on the existing upper car park between College House and the main building on Dyke Road, provision of a new service area to provide access for deliveries and refuse vehicles located to the north of College House on Dyke Road, refurbishment of the existing refectory and staff room in the Link Building, installation of CCTV cameras and creation of a new landscaped area.

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

- (2) The Case Officer, Clare Simpson, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings; the application site at Brighton & Hove and Sussex Sixth Form College was on a triangular piece of land which currently accommodated approximately 2000 students. Attention was also drawn to a sample board; matters on the Late List and some minor typographical changes to conditions. The corner building on the site was locally listed with an imposing frontage that was considered important to the street scene. There were three car parks on the site; one accessed from Dyke Road and two from Old Shoreham Road, and there were temporary classrooms located adjacent to the sports hall and pitches. Between the two main buildings on the site there was a flat area that was in use as a car park, and it was on this site that permission was sought for a 3 storey educational services building. The building would mean the loss of 29 car parking spaces, and provide a glazed link between the existing buildings, and seven new parking spaces were proposed. The design would be modern in contrast to other buildings on the site, and there were objections from neighbouring residents; a local amenity society and the Heritage Team; however, it was felt there was ample room on the site for the development and the modern design would be appropriate and the height would be between the ridge heights of the surrounding red brick buildings. There would be hedge screening at street level, as well as screening on the roof to mask some of the plant and machinery.
- (3) Discussions had taken place with the applicant in relation to the choice of materials which had initially been a brighter palette of blue and green tones, and since then the proposals had been toned down to provide more earthy lighter tones. It was acknowledged that the design would be modern with strong lines and colours as the college wanted the building to stand out rather than replicating other design features on the site. The applicant had provided information to show that the frontage would not be bland, and the levels dropped away to soften the visual impact of the front elevation. On the roof there would be solar thermal and solar photovoltaic panels, and the building would achieve a BREEAM rating excellent. In relation to residential amenity it was considered that the height and scale were appropriate and would not create a significant loss of light or overshadowing. In conclusion it was noted that the overall scheme was acceptable and the character of the area would not be harmed as the existing buildings could be read and appreciated in their current forms; the application would also provide the enhancement of educational facilities on the site. For the reasons set out in the report the recommendation was minded to grant subject to conditions and a s106 agreement.

Questions for Officers

- (4) Councillor Littman asked for more information in relation to the discussion with the applicant about the colour palette and their responses. The Case Officer had explained that the Heritage Officer had been keen for reds and browns to be used in the scheme, but the college had felt there would be the potential for clashing. They were keen to offer a contrast rather than a blend, and decided to soften the colour palette initially proposed to show the progression of the college.
- (5) In response to Councillor Carol Theobald the proposed colours at the front and side elevations were confirmed, and it was explained that the boundary treatment was

conditioned to blend in with the existing. It was also confirmed for Councillor Robins that the colours chosen for the coloured panels and cladding were for decorative purposes.

- (6) It was confirmed for Councillor Gilbey that the whole site was locally listed.

Debate and Decision Making Process

- (7) Councillor Shanks stated that she felt the removal of one of the vehicular access points would improve the traffic situation along the stretch of road; she went on to say that she felt the old building was an asset and would be supporting the new scheme.
- (8) Councillor Hyde stated that she was pleased the college was doing well, and had secured government funding for the scheme; however, she went on to say that the proposed building was intrusive and out of character. Whilst similar applications, in terms of design, had come forward for other schools in the city they were acceptable as they did not have the level of street prominence of this site; nor did they sit next to locally listed buildings. She also noted the objections from the amenity society and the Heritage Team; the latter of whom had objected to the building being set forward and concern that it would compete with the main block. Councillor Hyde also referenced policies QD1 & QD2, and stated that the building would be detrimental and negatively impact on the locally listed buildings; as such she would not support the Officer recommendation for reasons relating to the design, materials and palette.
- (9) Councillor Carol Theobald noted that she agreed with the comments made by Councillor Hyde. Whilst she supported the principle of a building on this site she felt the design was dark and intrusive, and had concerns in relation to the loss of the 22 spaces when there could be a need for extra staff. She went on to add that the design was 'terrible' and too high, and would be very visible from the street. Councillor Carol Theobald concluded by adding that she felt there could be a better solution for the site.
- (10) Councillor Jones stated he was disappointed with the colours, and whilst he understood the necessity for a state of the art modern building he did not feel the palette of materials was acceptable. The buildings either side were very attractive and enhanced the streetscene – any new building should use the existing colour palette. For these reason he would not be supporting the Officer recommendation.
- (11) Councillor Wells stated he did not like the proposed colour of the cladding, and felt the palette should be more in keeping with the buildings around it; for these reasons he stated he would not be supporting the Officer recommendation.
- (12) Councillor Robins stated that he agreed with most of what had been said, and he liked neither the cladding nor the design of the building.
- (13) Councillor Littman stated he thought there was an opportunity for a 'terrific' addition to the college, but he was unable to support the scheme.
- (14) Councillor Shanks reiterated that she was in favour of the scheme and the proposed palette.

- (15) Councillor Gilbey noted that she largely agreed with what had been said, and also drew attention to Policy QD4 stating the proposal did not respect the old building. She added that from attending the site visit she had no issue with the proposed location, but felt the design was unacceptable. Reference was also made to other schemes in the city which she felt had or had not worked well.
- (16) Councillor Davey expressed his concern that an alternative scheme could propose something more pastiche with could be 'bland' in nature. He added that he felt the location was right, but the proposal was too high.
- (17) Councillor Jones stated he hoped an alternative scheme could better protect the locally listed buildings.
- (18) Mr Gowans added that the proposal had not been of concern to the CAG.
- (19) A vote was taken and the Officer recommendation to be minded to grant was not carried on a vote of 4 in support; 7 against and 1 abstention. Councillor Hyde proposed reasons for refusal and these were seconded by Councillor Jones; a short adjournment was then held to allow Councillors: Mac Cafferty, Hyde and Jones; the Deputy Development Control Manager; the Senior Lawyer and the Case Officer to draft the reasons for refusal in full. These reasons were then read to the Committee and it was agreed that they reflected that had been put forwarded by Members. A recorded vote was then taken and Councillors: Jones, Hyde, Gilbey, Robins, Littman, Carol Theobald and Wells voted that planning permission be refused; Councillor: Mac Cafferty, Cox, Davey and Shanks voted that it be granted and Councillor Carden abstained from the vote.
- 80.2 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation to grant, but resolves to **REFUSE** planning permission for the reason set out below:
- i. The proposed development is obtrusive in view of its prominence in the street scene. It is out of character with the area in terms of design, materials, colour and palette and does not take account of local characteristics. Furthermore it does not respect the locally listed buildings on the site. The proposed development is therefore contrary to policies QD1, QD2 and QD4 of the Brighton and Hove Local Plan 2005.
- C. BH2013/01278 - Former Infinity Foods Site 45 Franklin Road & 67 67a & 67b Norway Street - Full Planning Permission** - Demolition of existing buildings and construction of a three-storey commercial building (class B1 office space) and two and three storey buildings to form 31no dwellings with associated car parking, access and landscaping 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. Attention was also drawn to matters on the Late List and some minor typographical and other amendments were noted in relation to Conditions 21, 25 and 34 and Informative 9; an additional condition

was also added in relation to the reinstatement of the redundant crossover. The application site related to the former Infinity Foods site and consisted of three large buildings which were all now vacant since the relocation of the two businesses that had operated there. The site backed onto the rear gardens of the existing properties; and Vale Park was also opposite the site; it was noted that a small rear alleyway would also be retained as part of the scheme. Permission was sought for the demolition of all the existing buildings and the construction of 31 residential dwellings and a commercial building in B1 office use. The residential units were a mix of two and three storey houses and buildings containing flats, and the commercial building would be located to the northwest of the site. The existing access would be retained from Norway Street and a new access made from Franklin Road; however, there would be no direct vehicular access through the site. The parking for the properties would be directly in front of the houses and this would give the development a 'mews style' appearance. The proposed material was buff sand coloured brick; with gable ends and banded detailing, and there would also be some undercroft parking. The commercial building would be of a more modern design, and the space inside had not been subdivided to allow for flexible use as the demand dictated.

- (3) There would be seven affordable housing units on the site; 5 of these would be two bedroom flats and the others would be the adjacent 2 three bedrooms family homes with gardens. The application had been the subject of consultation, and there had been eight letters of objection to the scheme; some of these related to the loss of the employment space. It was explained that in the Local Plan the site was designated for industrial and business use; however, the emerging City Plan designated this site for a mixed use scheme; whilst the scale of employment space would be reduced the proposed B1 use would give higher density of employment and potentially provide up to 61 jobs – an increase from 58 with the previous use. Some of the problems in relation to the site in its current employment configuration were the access and the close proximity of residential units; the site had also been marketed for an adequate amount of time with no interest. The scheme was in accordance with the emerging City Plan and the National Planning Policy Framework (NPPF). It was noted that the provision of affordable housing was below the 40% threshold, but the applicant had submitted a viability report; this had been assessed by the District Valuer who found it to be acceptable. Partly due to the need to deliver the scheme the applicant had agreed to an additional affordable unit on the site; increasing the provision to 22%; the level of affordable housing could also be revisited if the scheme had not reached an agreed stage of completion in the three years follow an approval. In relation to amenity all the units were set back and it was felt there would be no significant harm in relation to neighbouring amenity. The provision of parking was also acceptable, and the travel plan had been assessed and it was not felt it would create unacceptable demand in the area. All the proposed residential units would meet Code for Sustainable Homes level 4 and the commercial building would be BREEAM 'excellent'. The application was recommendation to be minded to grant for the reasons set out in the report.

Public Speakers and Questions

- (4) Mr Scott Bartha spoke in opposition to the application in his capacity as a local resident, and explained he was speaking on behalf of other local residents. He stated that residents had little objection to the concept of the scheme, but had particular concerns in relation to the close proximity of the proposed flats to another higher

density building adjacent to the site in Franklin Road. It was felt the proposed flats could be moved elsewhere on the site which would be more sympathetic with regard to that area of the site as any smaller houses there would not be objected to.

- (5) The Deputy Development Control Manager noted that Members had to consider the scheme before then, any material change would constitute a new application.
- (6) In response to a query from Councillor Carol Theobald it was confirmed by Mr Bartha where he lived in relation to the site.
- (7) Mr Steven Brown spoke in support of the application in his capacity as the agent acting on behalf of the applicant. He noted that the application was recommended for approval, and there had been no objection other than the now withdrawn objection in relation to affordable housing. The application had also been the subject of an extensive pre-application process; during this time the application had evolved and included major changes as part of the pre-application process. The proposals included a high quality design that respected the area and made efficient use of the land; as well as being highly sustainable and meeting lifetime homes standards. The application would provide much needed housing in the city with sufficient parking, and would secure £150k of infrastructure improvement. The scheme also focused on providing family homes with private amenity space. In closing Mr Brown asked the Committee to approve the application.
- (8) Councillor Robins asked about the provision of affordable housing, and in response Mr Brown confirmed that the Housing Team had accepted the position of the District Valuer. The Deputy Development Control Manager confirmed that the Housing Team now found the level of affordable housing proposed in the scheme to be acceptable.

Questions for Officers

- (9) It was confirmed for Councillor Carol Theobald that the distance between the buildings referenced by Mr Bartha was 2.4 metres; however, it was also noted that there would be no windows on this elevation. It was also confirmed for Councillor Shanks that the gardens were between 7 & 10.5 metres in length.
- (10) Councillor Gilbey asked what the s106 monies would be used for, and in response the Case Officer explained the head of terms were outlined in the report and detailed highways infrastructure improvements; open space and educational improvements. In relation to educational improvements it was noted that the money would go into a fund to be used to provide educational provision as close to the site as possible.
- (11) Councillor Gilbey went on to ask about the new access to the site, and how this would work in terms of right of way between cars and pedestrians. In response the Principal Transport Officer, Peter Tolson, explained that the layout was designed to reduce travelling speeds; there would not be priorities, but users would behave accordingly.
- (12) Councillor Carden asked about the funding used for allotments, and it was confirmed the proposed site would be one nearby which was owned by the local authority.

- (13) It was confirmed for Councillor Wells that the proposed consent was for 2 years to encourage the scheme to come forward.
- (14) It was confirmed for Councillor Gilbey that the site had been investigated and appropriate conditions attached to address concerns in relation to contamination and sinkage.

Debate and Decision Making Process

- (15) Councillor Cox stated that he felt this was an excellent scheme; a clever use of the site, and was providing employment space. He added that the houses were appropriate and hoped this would continue to add to the rejuvenation of the local area. The site was close the local transport links, and was suitable for families; he congratulated those behind it.
- (16) Councillor Carol Theobald added that the scheme was very good, and it looked attractive.
- (17) Councillor Hyde noted that she welcomed development with parking, and that had detail such as brickwork and hung tiles. She went on to add that it was good sustainable development, and even the apartment units were in keeping with the wider scheme.
- (18) Councillor Littman stated he was largely of the view it was an excellent scheme; he had concern with the level of affordable housing, but was willing to accept the position of the District Valuer.
- (19) Councillor Robins stated that he was broadly in favour of the scheme, but did have some reservations in relation to office space on the site which he felt was a slight afterthought. He went on to add that there was vacant office space in close proximity to the site; he also stated that it was a disappointment there was no through vehicular access at the whole site, and noted existing traffic problems on Norway Street.
- (20) Councillor Wells noted that he was pleased to see family homes being built, but he also had some concern with the provision of the office space, and he was not sure if there was a need for office space in this location. He stated he would be voting in support of the Officer recommendation.
- (21) Councillor Gilbey stated that she was broadly in favour of the scheme; whilst she appreciated the necessity to provide employment space on the site she noted the close proximity of other vacant office buildings.
- (22) A vote was taken and planning permission was unanimously granted.
- 80.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolved to be **MINDED TO GRANT** planning permission subject to the conditions and informatives in the report and the agreement of a s106 agreement.

D. BH2013/02540 - The Marlborough, 4 Princes Street, Brighton - Formation of beer garden to replace existing garage incorporating blocking up of garage entrance, relocation of toilets and associated works.

- (1) The Area Planning Manager, Nicola Hurley, introduced this application and gave a presentation by reference to photographs, plans and elevational drawings; attention was also drawn to matters on the Late List, and a minor typographical amendment to Condition 4. The site related to a public house with a theatre on the corner of Princes Street and Pavilion Street; the site of the proposal was currently a garage and store room, and there were also proposed changes to the existing toilets and fire escape. Permission was sought for the creation of a beer garden to the rear of the public house, and a garage door to the street would also need to be blocked off; as well as boundary treatment to the west elevation. The main considerations related to the impact on visual amenity on the parent building; the street scene and the wider area. There was also a proposed condition recommending restricting the use of the doorway, and that the new toilet block be finished in painted render. There were neighbour objections due to the potential for increased noise; the proposed hours of use until 0200 hours had been deemed excessive, and the suggested condition now proposed 2200 hours. For the reasons set out in the report the application was recommended for approval.

Public Speakers and Questions

- (2) Mr Roger Rolfe spoke in objection to the application in his capacity as a local resident; he stated there had been a history of noise complaints in the relation the premises, and the addition of the beer garden was likely to have adverse impact on local residents as noise was very difficult to control. Attention was drawn to the Committee report which stated that there would not be a significant impact if the hours were limited until 2200 hours; Mr Rolfe affirmed that the Case Officer had not visited the site in the later hours to realistically assess this. It was felt that the noise reverberation would be worse in the beer garden, and the problem would be moved from the street to the beer garden; residents were at least asking for a site visit for Members to assess the extent of the problems.
- (3) Councillor Davey asked Mr Rolfe if there was a solution to address the problems at the site, and Mr Rolfe explained that currently there was a smoking and drinking area at the front on the premises on the public highway – this area was wider than the proposed width of the beer garden. Moving those smoking outside to the beer garden would allow sound to reverberate in the space, and simply shift the issue from one location to another. Despite there currently being a sign asking patrons to not smoke or drink outside after 2230 hours the activities often went on until the public house closed at 0200 hours.
- (4) Councillor Hyde asked Mr Rolfe if he had been in contact with the Environmental Protection Team and kept noise diaries; in response Mr Rolfe explained that it was difficult to keep a diary due to the sporadic nature of the problem; mostly residents tried to ignore it as best they could.
- (5) Councillor Bowden spoke in objection to the scheme in his capacity as the local Ward Councillor; he stated that the application would shift the noise problem to Princes

Street, and the site of the proposed beer garden was 5.2 metres from residential properties. The high walls of the beer garden would act to make the noise worse, and allow the smoke to rise in the area. There was long history of poor management of tenants by the landlord of the public house, and reference was made to the cost to the city of smoking.

- (6) Councillor Davey asked Councillor Bowden if there was a solution to address the problems at the site; in response Councillor Bowden said that the restrictions at the front of the premises should be enforced and residents should keep noise dairies.
- (7) Councillor Jones asked Councillor Bowden about people smoking at the front of the building, and asked what was being done by the Council to address the problems residents were reporting. In response Councillor Bowden reiterated the history of problems associated with this premises, and the impact moving the smoking area would have on residents. It was also noted that the residents who supported the scheme were those whom would benefit from the relocation of the smokers.
- (8) At this point in the meeting Councillor Hyde proposed that a site visit should take place, and this was seconded by Councillor Gilbey; Councillor Davey noted that he did not always see the benefit of such visits and that the Committee should make their decision on the application before them. A vote was taken and the motion to defer the application for a site visit was not carried on a vote of 5 to 6 with 1 abstention.

Questions for Officers

- (9) Councillor Cox asked for advice on what level of weight Members could place on Councillor Bowden's comments in relation to the conduct of landlords and the public health matters. In response the Senior Solicitor, Hilary Woodward, noted that health matters could be a material planning consideration; in relation to the landlord's conduct there were sufficient powers of enforcement to ensure appropriate action could be taken if conditions were not complied with.
- (10) The Area Planning Manager noted in response to Councillor Wells that she could not answer questions in relation to the direction noise would travel.
- (11) Councillor Shanks asked about the chairs and tables that were currently placed on the public highway; in response it was explained that the Highway Authority would consider the width of the tables and chairs and the space for people to pass, but would not consider noise and amenity.
- (12) Councillor Robins noted his sympathies with the affected residents and queried if the proposals would be a beer garden or a smoking area.
- (13) It was confirmed that after 2200 hours smokers would have to revert to smoking outside of the public house on the highway; as was the current practice.
- (14) In response to Councillor Gilbey the Area Planning Manager explained that she could not answer if people were currently both smoking and drinking outside on the public highway. It was also clarified that Officers in Environmental Protection had concern in

respect of the noise, but the application was recommended for overall approval with mitigating conditions.

Debate and Decision Making Process

- (15) Councillor Davey noted that the Committee needed to make a judgement about the impact in relation to noise; he noted that between 2200 and 0200 hours the current problems would remain due to the conditioned closure of the beer garden. He added that he was concerned a decision could disaffect both sets of residents.
- (16) Councillor Cox noted that this application was quite similar to a number in Church Road in Hove, and went on to add that by and large they worked quite well providing conditions were properly adhered to; the application would also remove the unsightly garage.
- (17) Councillor Wells noted the impact the smoking ban had had on publicans, and noted that businesses needed to try and make a profit. He was satisfied with the Officer recommendation and would support the application.
- (18) Councillor Hyde stated that the decision was difficult, and she would have appreciated a site visit. She asked if it could be possible to grant a temporary consent with a view to reviewing the position; in response the Area Planning Manager stated that this could be considered unreasonable due to the demolition and building works that were involved.
- (19) Councillor Littman noted that the question was whether the application would increase the impact or just move the problem to another location.
- (20) A vote was taken and planning permission was granted on a vote of 8 to 2 with 2 abstentions.

80.4 **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 out in the report.

E. BH2013/01224 - Site of Rottingdean Swimming Pool Undercliff Walk Rottingdean Brighton - Full Planning Permission - Installation of new multisports play arena.

- (1) The Chair asked Members if they required an Officer presentation on this application and it was agreed that they did not. A vote was taken and planning permission was unanimously granted.

80.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

- F. **BH2013/02368 - 12 Court Ord Road Brighton - Full Planning Permission** - Erection of extension to front and rear elevations to facilitate conversion of roof space, incorporating new front porch - Juliet balcony to rear and dormers to south west and north east elevations.
- (1) It was noted that this application had been 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 site related to a detached property with a hipped roof and a flat roof extension. It was noted that a similar application had been refused early in the year under delegated authority in relation to the design, bulk, overlooking and loss of privacy; the major change to this proposal was the removal of a rear terrace and changes to the proposed dormers. The existing bungalow was modest in size, and the application sought consent for significant alternations and front extension adding bulk; it was the view of Officers that this would damage the visual amenity of the building and detrimentally impact on the street scene. There was particular concern in relation to the size, depth and bulk of the proposed dormers; as well as being poorly designed and not relating properly to the fenestration below. For the reasons set out in the report the application was recommended for refusal.

Public Speakers and Questions

- (3) Ms Julie Daniels spoke in support of the application in her capacity as the applicant and stated that the applicant was seeking to extend a family home as it was not currently big enough; the family did not want to move out of the area and Ms Daniels' children attended local schools. Since the previous refusal work had been undertaken to make the scheme more acceptable, and none of the immediate neighbours had objected – there were also letters of support. It was not possible to reduce the size of the roof extension any further without reducing the size of the loft bedrooms. The scheme proposed more suitable materials, and it had been designed by a local architect who had ensured there would be no impact on the streetscene. It was acknowledged that the house would look larger at first floor level due to the conversion. In closing Ms Daniels reiterated that the application would allow more room for her family; neighbours were in support of the scheme and she hoped the Committee could support the application.

Questions for Officers

- (4) In response to Councillor Theobald the existing and proposed plans were confirmed.

Debate and Decision Making Process

- (5) Councillor Theobald stated that she had some sympathy with the resident, but she felt that the proposed design would look overly dominant, and felt it could be acceptable if it were made a little smaller as she did not have any issue with the rear of the design.
- (6) Councillor Gilbey echoed these comments, and stated that she could not support the application due to bulk at the front.

- (7) Councillor Jones also stated he had sympathy with the applicant, but he agreed with the position taken by Officers.
- (8) Councillor Littman stated that he understood the point in relation to design and size, but noted that the neighbours had not objected to the scheme.
- (9) Councillor Robins asked about the personal circumstances of the applicant, and the Senior Solicitor advised that personal circumstances could be capable of being a material planning consideration in exceptional circumstances.
- (10) Before a vote was taken the Deputy Development Control Manager reiterated that the reasons for refusal related to the visual amenity and the impact on the streetscene, not the impact on neighbours.
- (11) A vote was taken and planning permission was refused on a vote of 8 in favour with 3 abstentions.

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

Reason for Refusal

- i. The proposed development, by virtue of its design, size, form and massing would result in visually intrusive and bulky additions to the property, which would be unsympathetic to the design of the existing modest chalet bungalow and as a result would be of detriment to the visual amenities of the parent property and the wider area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

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.

Note: Councillor Hyde was not present during the consideration and vote on this application (see minute 75.2).

G. BH2013/02685 - 6 Cornwall Gardens - Householder Permission - Alterations to front boundary wall. (part-retrospective)

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained that the wall had recently been rebuilt, and the application now proposed flint detailing to mirror other examples in the street. It was noted that a late objection had been received from Councillor Shanks. The main considerations related to the impact on the surrounding

area. The application was recommended for approval for the reasons set out in the report.

Questions for Officers, Debate and Decision Making Process

- (2) Mr Gowans stated that the Conservation Advisory Group (CAG) were recommending refusal, and made reference to the status of the hardstanding at the front of the property which Officers had agreed to look into. CAG regretted the loss of the original wall, and the Heritage Officer had noted that the style was individual to the streetscene. It was also suggested that the design of the piers would be considered incongruous and detracted from the streetscene. It was reiterated that the CAG were recommending refusal of this application. The Area Planning Manager confirmed that the area of hardstanding was permitted development, but they could look into this further at the request of the CAG.
- (3) Councillor Davey emphasised the comments from the CAG, and stated that the wall was visually unattractive, and a destruction of the property frontage in a conservation area.
- (4) Councillor Hyde noted she did not like the loss of the greenery at the front of the premises, but noted that the Committee were not able to consider this. Councillor Jones echoed these comments and noted that he had less concern with the proposed wall. It was confirmed for Councillor Carol Theobald that the front garden could not be conditioned in terms of the greenery, and the driveway had previously been in situ.
- (5) Mr Gowans reiterated that the wall was not as it used to be following the demolition and reconstruction; the issue related to the size of the wall and the widening of the access to the garage.
- (6) It was confirmed for Councillor Gilbey that there was a mix of walls in the streetscene.
- (7) A vote was taken and planning permission was granted on a vote of 9 to 2.

80.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

Note: Councillor Shanks was not present during the consideration and vote on this application (see minute 75.5).

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

81.1 There were none.

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

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

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

- 83.1 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.]

84. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

85. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

86. APPEAL DECISIONS

- 86.1 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 5.18pm

Signed

Chair

Dated this

day of

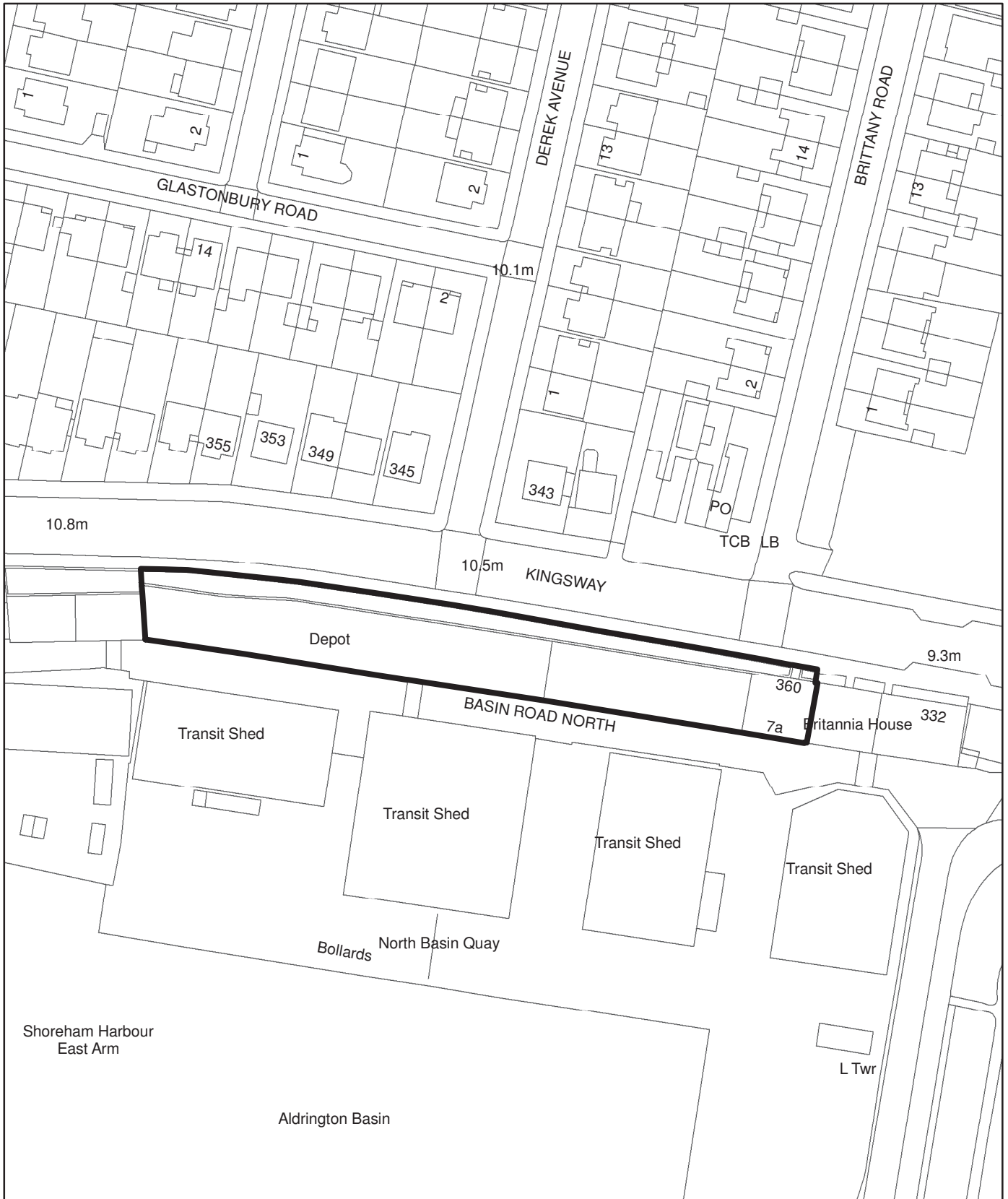
ITEM A

**9-16 Aldrington Basin/Land South of
Kingsway, Basin Road, North Portslade**

**BH2012/04044
Full planning**

30 OCTOBER 2013

BH2012/04044 9-16 Aldrington Basin/Land South of Kingsway, Basin Road, North Portslade



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2012/04044	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9-16 Aldrington Basin/Land South of Kingsway Basin Road North Portslade		
<u>Proposal:</u>	Demolition of business unit to east of Magnet showroom. Erection of new building ranging from 3no to 5no storeys at Kingsway Level and a further one and a half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises (A1, A3, B1, D1) with associated new access and 52 residential units in 6no blocks. Change of use of existing Magnet showroom at Basin Road North level to storage (B8) with associated service area, lorry delivery bay and car parking. (Amended plans and supporting information).		
<u>Officer:</u>		<u>Valid Date:</u>	11/01/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 April 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton		
<u>Applicant:</u>	Harbour View Developments (Sussex) Ltd, Mr Colin Brace, The Paddock, London Road, Hassocks		

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 s106 agreement and the conditions and informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.2 The application site relates to a strip of land, approximately 18 metres x 15.5 metres, between the southern side of Kingsway and Basin Road North. The site forms part of Shoreham Harbour with commercial uses adjoining to the east, west and south. This is in contrast to the north of Kingsway which is characterised by 1930's residential development.
- 2.3 At Basin Road North level the majority of the site comprises a long single-storey commercial building which accommodates a storage / showroom use (currently occupied by Magnet) and adjoining surface car parking. The eastern section of the site comprises a three-storey building providing a reception / sales area at Kingsway level, with two levels of workshop space below fronting Basin Road North. These existing buildings are currently occupied.

3 RELEVANT HISTORY

Application Site:-

BH2010/03739: 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 67 residential units in 6 blocks interlinked by five sets of vertical helical wind turbines. Change of use of existing Magnet showroom at Basin Road North level to storage with associated service area, lorry delivery bay and car parking. Refused 08/03/2012 for the following reasons:-

1. The applicant has failed to demonstrate that the site is an appropriate location for a tall building within the context of existing development to the north and south of the site, and emerging plans for future development at Aldrington Basin. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.
2. The development by reason of its constant and unvarying height and massing would create a sense of bulk that would appear excessively out of scale and create a visually overbearing relationship with adjoining development to the north. The proposal is therefore contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.
3. The application is not accompanied by a robust background noise survey which identifies the appropriate nearest sensitive receptors or a comprehensive acoustic report outlining the noise impact on agreed receptors. The development, in the absence of this information and suitable mitigation measures, has significant potential to expose future residents of the proposed development and neighbouring properties to excessive and unreasonable levels of noise.
4. The proposal would therefore be detrimental to residential amenity and is contrary to advice contained within Planning Policy Guidance 24 (Planning and Noise), Planning Policy Statement 22 (Renewable Energy) and its Companion Guide (Planning for Renewable Energy), the principles outlined in ETSU-R 97, and policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. The development, in the absence of sufficient justification for a development of this scale in this location, would result in a loss of light that would be both significant and harmful to living conditions for occupiers of neighbouring properties on Kingsway fronting the application site. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

M/18187/73: Rebuilding of existing depot. Approved.

Britannia House, Kingsway (*adjoining site to the east*)

BH2011/03300: Application to extend time limit for implementation of previous approval BH2006/03628. Approved 08/11/2012.

BH2006/03628: Construction of 2 full floors and 1 half floor of nine new apartments over existing office building and change of use from A2 to B1 at ground floor. Approved 28/02/2007.

Mackley's Wharf, Basin Road North (*adjoining site to the south*)

BH2010/02484: Amendment to condition 1 of approval BH2002/01978/FP to extend the temporary B2 use of the site for a further 3 years until 30 September 2015. Approved 05/10/2010.

BH2002/01978/FP: Change of use of existing B1/B8 use (light industrial/storage) unit to B2 use (general industrial) involving welding and metal fabrication and open storage of industrial gases. Approved 03/09/2002.

4 THE APPLICATION

- 4.1 Planning permission is sought for redevelopment of the site and the creation of a new frontage to Kingsway. The proposal would create a two-storey base element fronting Basin Road North comprising warehousing, servicing facilities, a car park with spaces for up to 58 vehicles and a Class B1 workshop. At Kingsway level, a series of 6 detached buildings are proposed.
- 4.2 The proposed buildings are lozenge shaped, orientated on a south-west / north-east axis, and vary in height from 3 to 5-storeys (plus a mezzanine level). The 3-storey buildings would measure approximately 11.8 metres in height, the 4-storey buildings approximately 15 metres in height, and the 5-storey buildings approximately 17.8 metres in height. These heights are all taken from Kingsway level, with Basin Road North approximately 6 metres below Kingsway.
- 4.3 In general terms each building would comprise a commercial use at ground and mezzanine floor levels with residential accommodation at upper floor levels. The development would provide a total of 52 residential units, of which 20 would be affordable.
- 4.4 At Kingsway level outdoor recreation space and viewing areas would be provided between each building. This space would be covered by a canopy structure. The southern elevations and roof areas of each building would accommodate extensive areas of solar photovoltaics. The supporting information outlines that the development has been designed to achieve Code for Sustainable Homes Level 6.
- 4.5 Amendments have been received as part of the application to omit biomass from the proposal and increase the amount of photovoltaic panels to the roof. Neighbours have been re-consulted on these changes.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:** Representations have been received from the following addresses:-

Basin Road North	Mackleys Wharf, Pennys Wharf, Maritime Atlantic (Maritime House)
Benett Drive	2
Brittany Road	20, 23, 24, 41 (x3)
Derek Avenue	2, 7, 10, 16, 31, 36, 55, 63
Errol Road	5
Glastonbury Road	2, 4, 6, 10, 18 (x2)
St Kenya Avenue	1, 6, 14, 15, 26, 28, 36
St Leonards Avenue	15, 33, 75
St Leonards Gardens	14
St Leonards Road	11, 25, 52, 65
Kingsway	313, 321 (flat 20), 331 - Vega Building (Southern Housing Group and flats 7, 30 & 35), 341, 343, 345, 347, 353, 355, 357, 359, 367, 375, 397, 399
Middleton Avenue	4, 19
New Church Road	Pembroke Court (flat 16)
Roman Road	2, 3, 20
St Leonards Road	81
Western Esplanade	2A
3 letters of no address	

Objecting to the proposal for the following reasons:-

Design

- The building heights are too high and would loom over neighbouring buildings. The proposals should match existing (single-storey) building heights south of Kingsway;
- The shortest buildings within the proposal exceed the height of the Vega Building (on the former Caffyns site);
- The heights of the development should be given in metres as well as storeys; the storey heights of the proposal are well in excess of the new Vega building;
- The development would be better sited to the south-western side of the harbour;
- The site is not suitable to accommodate tall buildings;
- Residents do not want a version of East Croyden-on-sea for the site;
- The buildings are too close to the pavement and would loom over Kingsway;
- The development would separate Shoreham Harbour from the residential area to the north, the two areas have always been integral to one another;
- Linking the buildings with PV canopies would cut off the harbour from Kingsway and adds to the oppressiveness of the development;

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- The design is unattractive, out of keeping with adjoining properties and would neither reflect nor enhance adjoining development to the north of Kingsway, including the recently completed Vega building;
- A tired art deco building would be better for the site as the lozenge shape is not necessary in the absence of helical wind turbines;
- The removal of wind turbines should trigger a redesign for development on the site;
- The scheme would present an overbearing and dominant façade to Basin Road North;
- The presence of south facing solar panels would prejudice future development on adjoining sites (to the south);
- Future potential access through the site to Aldrington Basin should be secured through condition and / or a legal agreement;
- The green wall (at Basin Road North level) would need to be carefully design due its location alongside a busy road and the maritime climate;

Amenity

- There are significant discrepancies between the submitted assessments showing the impact of the refused application and the current application (whereby the current, lower, application is shown as having a greater impact than the, taller, refused application). At best this is professional incompetence;
- The impact on light would give rise to detrimental physical and mental health issues;
- Loss of light, particularly in the winter; there is very little difference between the impact of the previously refused application and the current proposal;
- The development would reduce the power generated by solar panels to adjoining properties by at least 75%;
- The site is too noisy for residential accommodation, with road traffic noise an issue for existing residents, and no measurements have been provided for the western part of the application site;
- Loss of privacy;
- Loss of view;
- The gaps between buildings, previously used to funnel wind, would act as a wind tunnel. There is no analysis of wind flow as part of the current application;
- The presence of development on the site and the proposed biomass would worsen local air quality and there is inadequate information on this aspect of the proposal;
- The developer proposes to construct the project one block at a time so residents would be expected to endure construction activity for 5 years or more;
- Loss of habitat.

Transport

- The development would create more vehicular traffic than the area can tolerate;
- Additional demand for parking would spread onto surrounding roads. The submitted parking beat survey was prepared during the (2011) summer holiday and cannot be valid;
- There is no footway on Basin Road North for pedestrians;

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- The car park off Kingsway (connected to a commercial unit) is in a dangerous location;

Other

- Without the wind turbines it is not clear the development could be zero-carbon;
- The application pre-empts Shoreham Harbour development briefs, and is not in accordance with the consultation draft of the document;
- The development would prejudice development of adjoining sites within Shoreham Harbour;
- The development would set an undesirable precedent for future applications;
- The area does not need additional retail units or more social or private housing and the influx of people would be detrimental to the area;
- The community consultation has not taken into account the views of local residents;
- There would be no benefits to the local community;
- There is inadequate infrastructure provision in the surrounding area and the development would impose additional stress, in particular gas and water;
- Insufficient time in which to make comments;
- Loss of property value.

5.2 **16** representations have been received from the addresses listed below:-

Clarendon Villas	48 (FFF)
First Avenue	44 (flat C)
Gaymore Road	50 (Kidderminster)
Kingsway	349
St Michaels Road	12
Pembroke Court	2
Port Hall Road	41A
Richmond Terrace	Old College House (40)
Rochester Gardens	50
Ruskin Road	19
Saxon Road	22
Vernon Terrace	5B (x2), 17 (flat 2)
2 letters of no address	

Supporting the application for the following reasons:-

- The proposal is the type of development that should be encouraged in the City;
- The design is well thought out in terms of fitting in with other modern seafront development and would retain sight lines to the sea;
- The development is pioneering in terms of sustainability and should be encouraged;
- There is an urgent need for new housing in the City on brownfield sites;
- The visitor centre would encourage people to come to this part of the City;

- The newly completed Vega building finished the street scene and the area is already changing.
- 5.3 A representation has been received from **114 Holmes Avenue** commenting that a proportion of units are shown as 'shared ownership' but no housing association is associated with the development. The affordable units are in small blocks with lifts. Installing and maintaining the lifts would significantly increase costs and be a burden for occupants, these costs are incompatible with affordable housing. As a consequence it is unlikely that the scheme would deliver affordable housing, and there would be a later application to dispense with this provision.
- 5.4 **Cllr Peltzer-Dunn** objects – see attached letter.
- 5.5 **Cllr Pissaridou** objects – see attached letter.
- 5.6 **BRE (Buildings Research Establishment):** Comment. The closest dwellings are at 33-357 Kingsway (odd). Loss of daylight to all windows of these dwellings would meet BRE guidelines. Loss of sunlight to the windows would also meet the guidelines in every case.
- 5.7 Three of these houses have solar panels at roof level. Loss of solar radiation to these panels would be very small.
- 5.8 Although the BRE does not identify front gardens as having a specific requirement for sunlight the applicant has analysed loss of sun to the front gardens of houses in Kingsway, and shown that they would all easily meet BRE guidelines for sun on ground. There would be minimal loss of sunlight to the back gardens as the shadow of the new development would not reach them on March 21, the key date for assessment.
- 5.9 Loss of daylight and sunlight to other dwellings would be even less. The Vega building would be less affected as its opposite one end of the development, while houses in St Kenya Avenue, Derek Avenue, Brittany Road and Glastonbury Road are much further away.
- 5.10 **Brighton Society:** Object. The application goes some way towards addressing previous reservations about the wind turbines and the visual impact on the character and scale of residential areas to the north. The Draft Consultation Brief for Shoreham Harbour states that new buildings should be four storeys or less and should maintain the maritime atmosphere and ensure public access to views across the harbour. The proposed development is considerably higher than the stated maximum height and as gaps between blocks provide private entrances, which may be used for storage, views across the harbour may be minimal. There are concerns that the aims of the Brief would not be met by the proposals.
- 5.11 Recognise that the scheme is a serious attempt to create buildings which are genuinely sustainable and set new standards of energy use and low carbon performance. However, there are genuine concerns with regards the mass and height of the buildings. As the proposal does not comply with certain

aspects of the draft Brief it would be premature to make a decision, which could set a precedent before the final version of the Brief.

- 5.12 **East Sussex Fire & Rescue Service:** Comment. The submitted plans do not appear to indicate satisfactory access for fire appliances for fire fighting purposes where the Building Regulations require there should be a vehicle access for a pump appliance to blocks of flats to within 45 metres of all points within each dwelling; fire hydrant provision should also be shown on the plans. Recommend the installation of sprinkler systems.
- 5.13 **Environment Agency:** No objection, subject to conditions requiring details of surface water drainage and land contamination remediation, and conditions preventing infiltration of surface water drainage and piling of foundations.
- 5.14 **Kingsway and West Hove Residents Association (KAWHRA):** Object for the following reasons:-
- The height and massing of the development would create a sense of bulk that would appear out of scale in local street scenes and appear visually overbearing in relation to adjoining development to the north;
 - The development fails to have any regard to its adjoining context on the southern side of Kingsway;
 - The development would damagingly overshadow two-storey houses on Kingsway for an extensive period in winter;
 - The development would be inappropriate and incongruous to the local context, which is no longer considered an appropriate location for tall buildings;
 - The application does not accord with the Development Brief for the area;
 - The orientation of the blocks and structures and activities between them would preclude opportunities for views between buildings;
 - There is inadequate assessment of the effect of the development on sea winds;
 - There is no justification for reducing light to neighbouring properties;
 - The Transport Assessment is out of date;
 - The proposal attempt to cram too many uses onto a cramped site;
 - There has not been meaningful engagement with the local community.
- 5.15 **Regency Society:** Support. The proposal is in a long tradition of innovative and unusual buildings in Brighton & Hove, from the Royal Pavilion and the City's seafront squares to the piers, Embassy Court and Saltdean Lido. The curving, contemporary style echoes many of our Regency buildings and will be a fresh counterpoint to existing buildings in the immediate area. The development would provide 52 much needed homes, replacing redundant industrial buildings on a site few would consider. The proposal sets a positive example for future development that would help to address the City's housing shortage and pressing issues of energy conservation and sustainable design.
- 5.16 **Southern Water:** Comment. There are no surface water sewers in the area to serve the development, details of surface water drainage should be secured through condition. A water supply and foul sewerage disposal can be provided to service the development.

5.17 **Sussex Police:** Comment in relation to secure by design guidelines.

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

Internal:

5.19 **Access Officer:** Comment. The development should provide 3 wheelchair accessible units; question whether units would be suitable for such a use due to space requirements. The scheme should meet Lifetime Home standards and amendments would be required to achieve this.

5.20 **Economic Development:** Support. The applicant has provided employment levels for the variety of commercial uses based on the offPAT employment densities however revised employment density figures have been released and these new figures increase the amount of employment generation from the proposal to 66 jobs which is again welcomed and supported.

5.21 A contribution through a S106 agreement for the payment of £48,175 towards the Local Employment Scheme (LES) is sought in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy, with the developer committing to using 20% local employment during demolition and construction phases of the development.

5.22 **Education:** Comment. The closest primary school to the development is St Peters Community Infant School which currently has no surplus capacity. The next closest community primary schools are West Hove Infant and Junior Schools, St Marys RC Primary, Benfield School, St Nicolas C E Primary, Portslade Infant School and Peter Gladwin Primary School. It is expected by the DfE that we should maintain between 5% and 10% surplus places to allow for parental preference. Taking the most local primary schools mentioned above there are a total of 2,326 primary places available in this part of the city and currently there are 2,224 children on roll. This gives an overall surplus of just 4%. A development of 52 residential units will significantly eat into this surplus capacity leaving parents with no choice whatsoever. In terms of secondary schools this development is in the catchment area for Blatchington Mill and Hove Park Schools, both of these schools are full and oversubscribed.

5.23 It is therefore entirely appropriate to request a sum of money for primary and secondary education in respect of this development. A contribution of £103,873 is sought.

5.24 **Environmental Health:** No objection, subject to conditions relating to external lighting, soundproofing, land contamination, ventilation and rainwater harvesting.

5.25 **Housing Strategy:** Comment. Housing Strategy is committed to maximising the provision of affordable housing in the City. We therefore welcome this scheme as it will assist us to achieve our aims of achieving mixed, balanced and sustainable communities to deliver high quality affordable housing for

local people in housing need. We are pleased to see that the developer is offering 40% of the units for affordable housing which equates to 20 units.

- 5.26 We would expect that 2 of these units (10%) should be built to fully wheelchair accessible standards in line with our affordable housing brief. These units should be owned and managed by one of our Registered Providers of affordable housing.
- 5.27 Our affordable housing brief reflects the very pressing need for affordable homes in the City. We currently have over 12,000 people on the joint housing register waiting for affordable rented housing and 676 people waiting for low cost home ownership.
- 5.28 **Planning Policy: No objection.** The principle of a mixed use highly sustainable development in this location is welcome and consistent with the Council's regeneration aspirations for the area. The applicant has addressed the issues which resulted in the previous application for development of the site being rejected. The scheme is considered to be in conformity with the Strategic Objectives of the Development Brief for this area. The central blocks of the development are greater in height than the Vega building, contrary to an amendment to the Brief. The Brief is not a statutory planning document but is nonetheless a significant material consideration. Although it is recognised that the scheme does not accord with the height limit set out in the Brief, it is considered that the overall benefits of the scheme in contributing to the wider aims of the Brief, JAAP and City Plan justify an exception in this case.
- 5.29 **Sustainability: No objection.** All aspects of local sustainability policy set out in Local Plan SU2, SU16 and SPD08 have been addressed or are exceeded.
- 5.30 The scheme represents the first development in Brighton & Hove to seek Code for Sustainable Homes (CfSH) Level 6 for residential development, and the first non residential development to seek a BREEAM 'Outstanding' standard. These significantly exceed the expected standards of CfSH Level 4 and BREEAM 'Excellent' that would be expected under current local policy. The proposed standards would also meet those set out in the 'Submission City Plan Part 1' providing an exemplar scheme which has potential to significantly raise the bar for sustainable building in Brighton & Hove. The scheme embodies the City Plan's adopted One Planet principles and the 'PortZED Concentric Circles of Sustainability' philosophy embeds these principles within the design, construction and ongoing operation.
- 5.31 Positive aspects of the scheme include: zero carbon design target; advanced thermal fabric efficiency; passive solar design; significant renewable technology provision via a biomass fuelled district heating scheme, photovoltaic panels, solar thermal panels, air source heat pumps; climate adaptation including solar shading, passive ventilation, passive cooling e.g. via use of thermal mass; sustainable materials; water efficiency plus rainwater harvesting in each building; including intention for on site composting; ecological foot-printing approach informing resident, user and visitor engagement in behaviour change; ongoing energy and water

monitoring; visitor centre; sustainable transport; sustainability caretaker; and 135m2 'edible' green wall (herbs).

- 5.32 **Sustainable Transport: No objection.** The Transport impacts would be acceptable subject to a s106 contribution and conditions relating to a car park management plan; disabled parking provision; cycle parking facilities; a travel plan for future occupants; and the proposed crossover to Kingsway.

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.
- 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
TR4	Travel Plans
TR7	Safe Development
TR8	Pedestrian routes
TR14	Cycle access and parking

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TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
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
QD4	Design - strategic impact
QD5	Design - street frontages
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing - 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units
EM7	Warehouses (B8)
EM9	Mixed uses and key mixed use sites
EM12	Shoreham Harbour - mixed uses
SR2	New retail development beyond the edge of existing established shopping centres
SR3	Retail warehouses

Supplementary Planning Guidance

SPGBH4	Parking Standards
SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space (draft)
SPGBH15	Tall Buildings

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
DA8	Shoreham Harbour

Shoreham Port Masterplan (2010)

Shoreham Port Authority has published a Port Masterplan, which the Department for Transport recommends for ports (in England and Wales) handling at least 1 million tonnes per annum. The Masterplan is not a statutory planning document. As such although of limited weight it represents the intentions of the Port Authority and should be considered as part of the planning application process.

Shoreham Harbour - Interim Planning Guidance (2011)

The Interim Planning Guidance provides a summary of the existing planning policy framework for the Harbour and an overview of the future development priorities for the Shoreham Harbour regeneration area during an interim period (2011-2013) whilst detailed policies are prepared and adopted.

South Portslade Industrial Estate and Aldrington Basin Development Brief (2013)

The Development Brief acts as guidance in relation to the policies that it is anticipated will eventually emerge in an adopted Joint Area Action Plan (JAAP) (as referenced in City Plan policy DA8). The brief is regarded as a significant material consideration and can be afforded weight in the determination of planning applications within the brief area.

8 CONSIDERATIONS & ASSESSMENT

8.1 The key considerations in the determination of this application relate to:-

- i) Principle of development
- ii) Housing (type, size, mix and quality)
- iii) Design, Character and appearance
- iv) Impact on neighbouring amenity
- v) Transport
- vi) Sustainability

Principle of development

8.2 The application site immediately adjoins Shoreham Harbour which includes local plan allocations for industrial and business use (policy EM1); a key site for major mixed use development (policy EM9); and a harbour specific policy which seeks to avoid development that would prejudice regeneration of the port area in anticipation of more detailed policy documents emerging in the future (policy EM12).

8.3 The City Plan Part One (submission document) identifies Shoreham Harbour, through Policy DA8, as a broad location for future development with potential to accommodate 400 new residential units and 7500 sq metres of

employment floorspace. The application site lies within the Aldrington Basin area of Shoreham Harbour where policy DA8 states that the balance of future land uses, including appropriately located mixed-use residential development, will be determined in accordance with a future development brief that will form part of a Joint Area Action Plan (JAAP).

- 8.4 The Development Brief for the South Portslade Industrial Area and Aldrington Basin identifies the application site as a residential-led redevelopment opportunity. The brief identifies that the site could be developed for employment uses at Basin Road North level with mixed employment / residential rising above the Kingsway level. The brief acknowledges that new residential development appropriately set-back from Kingsway will provide a key role in providing a more domestic scale and attractive character to the street, and states new residential development would only be considered acceptable above the Kingsway level subject to 'guiding principles' on design and form as set out within the brief.
- 8.5 The Brief's key guiding principles (on design and form) for Aldrington Basin are set out below:-

SO9: Place making and design quality, to promote high design quality and improve townscape.

- SPAB27: Development form
"Mixed employment and residential uses with a dual frontage onto Kingsway (residential / mixed commercial activities up to four storeys above Kingsway) and Basin Road North (employment uses)."
- SPAB29: Building Height and townscape considerations
"New development fronting the Kingsway will have a significant impact on the character of the local street scene and image of the entrance to the Harbour / Port. Building heights of up to four storeys above the Kingsway (six storeys above Basin Road North) are generally considered to be acceptable subject to high quality design and being suitably orientated to accommodate generous views between new buildings to maintain a sense of openness and promote views through wherever possible."

"Kingsway currently benefits from an open maritime brightness and the overall scale and mass of new proposals should respond to this. The scale of development should provide a positive impact on the street environment along Kingsway and in order to protect the amenity of the West Hove townscape any development shall not exceed the height of the recently built Vega flats."

(The Vega building, 331 Kingsway, measures approximately 11.5 metres in height above street level)

- 8.6 There is no objection to the principle of development on this site. The relationship between the Development Brief and the development proposed by this application will be revisited in the relevant sections of this report.

Housing

- 8.7 The Development Brief for Aldrington Basin identifies the application site as being suitable for residential-led redevelopment, with the formation of new residential units contributing towards the 400 proposed by City Plan Policy DA8. The principal of residential-led development on the site is therefore acceptable and the delivery of additional housing in the City weighs in favour of the proposal.

Affordable Housing

- 8.8 Local plan policy HO2 refers to affordable housing on windfall sites and states 'where a proposal is made for residential development, capable of producing 10 or more dwellings, the local planning authority will negotiate with developers to secure a 40% element of affordable housing'. The development proposes 52 units of which 20 would be affordable, equating to 38% of the total accommodation. This level of provision is therefore in accordance with the level sought by policy HO2. The affordable housing provision could be secured through condition.

Housing mix and size

- 8.9 In its entirety the development would provide 14-1-bed units, 28x2-bed units and 10x3-bed units which would meet, or exceed, minimum internal space standards for affordable housing. The size and overall mix of units is therefore considered to be acceptable in relation to current housing requirements and adopted Local Plan policies HO3 and HO4. There are no reasons why the development could not be built to Lifetime Home standards and this is confirmed in the Planning Statement submitted with the application.

Living conditions

- 8.10 The application site is located between Kingsway and Old Shoreham Road and future residents would be exposed to both road traffic noise and operational noise from harbour based commercial activities, in addition to potential noise from the proposed ground floor uses. The applicant has submitted a noise assessment which outlines a series of measures to ensure future occupants are not exposed to unacceptable levels of noise or disturbance. These measures include triple and quadruple glazing and alternative means of ventilation (to provide air flow in the event of windows being shut), with soundproofing in excess of that required by Building Regulations between ground and first floor levels. The Environmental Health Team considers that these measures are sufficient to protect future residents against elevated levels of background noise. The proposal therefore complies with Local Plan policy SU10
- 8.11 Whilst there would be a degree of inter-visibility between balconies and roof terraces this would not be unusual for higher density schemes and would not lead to a poor standard of amenity for future occupants; particularly given the positive findings in respect of unit sizes.

Private amenity space

- 8.12 Local Plan policy HO5 requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The scheme makes provision for the majority of units to have access to roof terraces or balconies. Whilst a number are

relatively small they would be of sufficient size to allow for outdoor seating and potential planting and any conflict with policy HO5 would not warrant refusal of the application.

Outdoor recreation space

- 8.13 Policy HO6 requires the provision of suitable outdoor recreation space in housing schemes split appropriately between children's equipped play space, casual / informal play space and adult / youth outdoor sports facilities.
- 8.14 The proposed development includes approximately 239 sq metres of communal amenity space in the form of casual / informal play space between each building at Kingsway level. The outdoor space would be partly enclosed by a canopy structure (between each building) which the applicant has advised that this would be translucent. The submitted acoustic report indicates acoustic protection, in the form of 1.5 metre high clear screens, to the outdoor spaces and this has been accepted by the Environmental Health Team as providing sufficient noise attenuation.
- 8.15 The soundproofing measures and nature of the canopy structure would make the space as welcoming as is possible in this location, and it would be a matter of choice for future residents as to whether they choose to make use of the space. Whilst there are concerns that the space(s) would be sited between Kingsway, Shoreham Harbour and adjoining buildings the provision of on-site space is preferable to its omission. The impact of these spaces, and associated means of enclosure, on the character and appearance of the development is considered under a separate section of this report.
- 8.16 There is a shortfall in equipped play space, casual / informal play space and youth outdoor sports facilities and it is not feasible for this to be addressed on-site. The applicant proposes to address this shortfall through a contribution towards the improvement and enhancement of existing facilities in the locality of the site. This contribution, based on draft SPGBH9, would amount to £126,421 and would need to be secured through a s106 agreement.
- 8.17 It is considered that Hove Lagoon and to a lesser extent Wish Park would be well placed to provide for the needs of a range of future occupants, and not just the demand for equipped play. As such whilst there are concerns regarding the nature quality of on-site recreation space this could be overcome through contributions to fund improvements to suitable alternative sites.

Commercial uses

- 8.18 The application site incorporates two existing commercial buildings; a single-storey building at Basin Road North level (currently occupied by Magnet) comprising elements of retail, storage and distribution; and a three-storey building comprising a reception / sales area at Kingsway level with two levels of workshop space below to Basin Road North.
- 8.19 The proposed development would replace the existing Magnet unit at the westernmost part of the site with storage at Basin Road North level linked to a (retail) showroom, with ancillary office / staff facilities, at Kingsway level.

There is already an element of retail on the site and the proposal would essentially formalise this arrangement; the warehousing space would be attached to the retail element of the use and is considered acceptable on this basis. A condition would be needed to restrict the retail use to the sale of 'bulky goods' in order to protect the vitality and viability of established Shopping Centres.

- 8.20 To the east of the showroom each building incorporates a commercial use at Kingsway level, including a visitor centre, a café (Class A3), a retail unit (Class A1) and office (Class B1) / community use (Class D1) uses. The eastern section of the Basin Road North frontage would incorporate a two-storey workshop unit which would be appropriate to Shoreham Harbour and retain an employment generating Class B1 use on the site.
- 8.21 There is no objection to commercial uses at Kingsway level which would provide services for the local community and potentially create an active frontage to the development. The presence of commercial units at Kingsway level, with residential above, accords with the Development Brief, which identifies the site as suitable for residential-led redevelopment.

Design, character and appearance

- 8.22 The prevailing built form of the immediate surroundings comprises low-rise buildings of two to three storeys in height. Whilst within this there is some variation, such as Saxon Court and the Vega building (which are four-storey in height), the scale and form to the north of the application site is broadly consistent.
- 8.23 As previously stated, the recently adopted Shoreham Harbour South Portslade Industrial Estate and Aldrington Basin Development Brief sets out the following 'guiding principles':-

"New development fronting the Kingsway will have a significant impact on the character of the local street scene and image of the entrance to the Harbour / Port. Building heights of up to four storeys above the Kingsway (six storeys above basin Road North) are generally considered to be acceptable subject to high quality design and being suitably orientated to accommodate generous views between new buildings to maintain a sense of openness and promote views through wherever possible."

and:-

"The Kingsway currently benefits from an open maritime brightness and the overall scale and mass of new proposals should respond to this. The scale of development should provide a positive impact on the street environment along Kingsway and in order to protect the amenity of the West Hove townscape, any development shall not exceed the height of the recently built Vega flats."

- 8.24 The proposed 3 to 5-storey buildings would measure between 11.8 and 17.8 metres in height above Kingsway, and between 17.2 and 23.2 metres

in height above Basin Road North. The proposed height conflicts with the Development Brief.

- 8.25 A key issue is the townscape impact of the development on Kingsway and the immediate surroundings. This stretch of Kingsway provides a good opportunity for distinctive new buildings and this is a site where traditional design need not be replicated. In principle the creation of a new frontage along Kingsway is welcomed. The pavilion approach would retain the potential for viewing corridors to the south of Kingsway from adjoining streets to the north.
- 8.26 The applicant considers that the proposed development would form a positive feature with regard to the character and appearance of the surrounding area, and as a consequence the aims and objectives of the development brief are met.
- 8.27 It should though be noted that in respect of Shoreham Harbour SPG15 states that 'a further planning study will be required to clarify the capacity of the entire harbour area to absorb tall development'. However the Development Brief for the area had a different purpose and was not intended to meet this requirement. The Brief is founded on a desire to develop a viable and deliverable spatial plan that responds to the marine character of the area, that promotes high quality innovative design alongside high levels of sustainability and with careful consideration of environmental issues and infrastructure implications.
- 8.28 The proposed development, and primarily the central 4 and 5-storey buildings, would represent a significant change in height from adjoining development to the north of Kingsway. The brief, in addressing the need to improve streetscape, outlines a design approach which would provide a more attractive character along Kingsway. The visual impact of the central height would be softened by the variation in building height, which would provide transition from surrounding development. Nonetheless the proposed height of the development is a significant issue.
- 8.29 At the time of determining the preceding application it was considered that in views from the south the proposed scheme would be viewed as a stand alone development. This was not though considered to be detrimental to the visual amenities of the area, given the difference in levels between Kingsway and Basin Road North and the form and uses of existing development to the south. This view remains relevant to the current application. It is also noted that the Basin Road North frontage would incorporate an active workshop use which would contribute to the longer term employment within Aldrington Basin.
- 8.31 As envisaged by the emerging City Plan policy DA8 the Brief informs the balance of land uses within the Shoreham Harbour allocation, which includes the application site at Aldrington Basin. This residential-led development proposal complies with the intentions of policy DA8, the land uses outlined in the Development Brief, and would make a meaningful contribution towards the identified housing requirement for the area. Particular aspects of the Brief with which this scheme complies include:

- Strategic Objective SO1. Sustainable Development: To promote sustainable development;
- Strategic Objective SO4. Housing and Community: To provide new homes to address local needs: To address shortfalls in local housing provision through delivering new homes of a range of sizes, tenures and types, including affordable and family homes;
- The Brief proposes development on this site of mixed employment and residential uses with a dual frontage onto Kingsway (residential) and Basin Road North (employment);
- The intention of improving the streetscape along Kingsway A259 corridor;
- The encouragement of schemes with a variation of height and scale.

8.32 On balance, the general conformity between the application and policy allocation is, in this instance, considered to outweigh the one outstanding townscape issue which stems from the central height of the development. Whilst there would clearly be a visual impact on Kingsway and adjoining streets to the north the combination of the separation between buildings at upper floor levels together with the reduced height and scale to the east and west providing a transition with adjoining development.

Impact on amenity

8.30 It was considered as part of a previous application on the site (ref: BH2010/03739) that due to a lack of justification on the proposed scale and massing the resulting loss of light to adjoining properties was a cause of concern. This view acknowledged that whilst the majority of window openings to adjoining properties would continue to meet BRE guidelines the loss of light would be significant and harmful to the living conditions of neighbouring residents. The impact of the development on light to adjoining properties is therefore a key consideration of this current application.

Loss of light

8.31 The properties to the north of the site on Kingsway benefit from a largely unobstructed southerly aspect with high levels of natural light. The proposed development would clearly impact upon amenity for occupants of these neighbouring properties. In addition a number of adjoining properties have solar panels affixed to their front roof slopes (fronting the application site).

8.32 The applicant has submitted a Daylight & Sunlight Report assessing the impact of the proposed development. The report concludes that whilst the impact of the proposed development would be noticeable the overall level of light to affected properties / rooms remains good. These conclusions have been reviewed by the BRE.

8.33 The BRE have advised that loss of daylight and sunlight to adjoining windows would meet their guidelines in every case; loss of solar radiation to adjoining properties would be very small; and, the development would meet guidelines for sun on ground, with the shadow of the development not reaching rear gardens on March 21st (the key date for assessment).

- 8.34 It is acknowledged that the proposed development represents a significant change for adjoining properties to the north and that a reduction in light levels would result. The resulting levels of light would though continue to meet recognised guidelines set out by the BRE and widely used in the assessment of development proposals. On this basis it is considered that refusal of the application on the basis of loss of light would not be warranted and would be a difficult position to sustain at appeal. Whilst the development would result in a loss of light the impact on neighbouring amenity would not therefore be significant.
- 8.35 This view is consistent with a separate report prepared by the BRE as part of the Development Brief. This report advised that higher development heights could be achieved on land south of Kingsway, including the application site, if enough light came around the side of buildings.
- 8.36 It should be noted that an assessment on the impact of overshadowing from the development submitted as part of the preceding application on the site was inaccurate, and misrepresented the impact on adjoining properties. This has been resolved as part of the current application with the submission considered reflective of the likely impact of the development proposals.

Outlook

- 8.37 The scale of existing development on the application allows an unobstructed outlook from adjoining properties (on the northern side of Kingsway) over Aldrington Basin. Whilst the proposed development would clearly impact upon outlook this is not a reason to refuse the application provided amenity for adjoining residents is not materially harmed.
- 8.38 It is considered there would remain space around window openings to adjoining properties, the additional height at upper floor levels proposed by the application would not be so apparent from internal rooms as to appear oppressive or overbearing. Furthermore the separation between existing buildings and the proposed building line would ensure that the development, when viewed from within adjoining properties, would not appear oppressive or lead to a harmful sense of enclosure.
- 8.39 The loss of view is not a material planning consideration in the determination of this application.

Overlooking

- 8.40 The development would introduce new window openings and balconies to the Kingsway frontage, directly south of existing residential properties. It is though considered that the separation across Kingsway between building forms, which is a minimum of approximately 27 metres, would prevent any intrusive overlooking from the proposed development.

External lighting

- 8.41 The application is not accompanied by details of external lighting proposals. It is though considered unlikely that external lighting in this location would result in significant harm for occupants of adjoining properties. Further details of external lighting throughout the development could be secured through condition.

Adjoining Harbour uses

- 8.42 On the basis that the proposed residential units would incorporate adequate soundproofing (see para. 8.9) it is considered that the future operation of the port would not be prejudiced by the introduction of residential development on the application site. This view is supported by the Port Masterplan and the Shoreham Harbour Development Brief, both of which identify the application site as being suitable for residential development. Accordingly, there is considered to be no conflict with Local Plan policies which, in part, seek to protect existing activities within Shoreham Harbour.

Proposed commercial uses

- 8.43 If necessary conditions controlling opening hours, delivery times, permitted uses within each unit and soundproofing would adequately protect amenity for future occupants of the development and occupants of adjoining properties.

Construction activity

- 8.44 In recognition that the application site is in close proximity to both residential and commercial properties a Construction Management Environmental Plan (CEMP) is required as a head of term for the s106 agreement. The CEMP would ensure that suitable and sufficient risk assessments are undertaken with a view to limiting, where practicable problems such as noise, dust and vibration. This approach would minimise the potential for short-term disruption as a result of construction activity at the site.

Transport

- 8.45 Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling.
- 8.46 The Sustainable Transport Team has advised that there are no significant existing problems in the local area and that the likely increased volume of traffic associated with the proposal, which would peak at 47 two-way journeys, would not be expected to cause congestion problems, even when the cumulative impact with neighbouring development is considered. It is also noted that signalised junctions along this section of the A259 have recently been improved by the installation of improved signalling (to increase capacity as part of the South Coast bus corridor scheme) and there are no local patterns of accidents which may be worsened by the extra movements.
- 8.47 The development would incorporate 58 parking spaces accessible from Basin Road North (below the level of Kingsway) of which 15 would be disabled accessible. This level of on-site parking is within the maximum standards outlined in SPGBH4 and is considered acceptable provided that no displaced parking problem to adjoining streets arises. A car park management plan, outlining how spaces would be allocated and shared between the proposed uses, and detailed disabled space layouts could be secured through condition.
- 8.48 There is potential for displaced parking to occur as this section of Kingsway, and associated residential streets to the north, are not within a Controlled

Parking Zone. The submitted Transport Statement (TS) incorporates an estimate of the amount of displaced parking which would result from the development proposals, with the maximum amount of displaced parking likely to peak at 40 vehicles. A parking survey of nearby residential streets accompanies the TS and indicates that within 5-6 minutes of the application site an average 309 on-street spaces were available overnight (5-6 am), with 348 available during the day (10-11 am). The methodology behind the displaced parking estimates has been accepted by the Council's Sustainable Transport Team and there is no evidence to suggest the parking beat surveys are unrepresentative of surrounding streets.

- 8.49 The development makes provision for 118 cycle parking places, within the car park and at Kingsway level, and this exceeds the minimum requirement of 96 as outlined in SPGBH4. The nature and layout of this provision could be secured through condition.
- 8.50 The applicants propose initiatives to promote sustainable modes of transport and discourage displaced parking, including a management plan for use of the on-site parking, the provision of a car club bay on Kingsway and a travel plan for future occupants. These measures could be secured through condition.
- 8.51 A S106 contribution of £19,650 for improvements to sustainable transport infrastructure has been requested by the Sustainable Transport Team. The contribution would provide a real time information sign for the Tandridge Road (eastbound) bus stop and improvements, to include dropped kerbs and tactile paving, to local footways. The contribution would need to be secured through a s106 agreement.

Conclusion

- 8.52 The proposed parking and cycling is acceptable in terms of standards outlined in SPGBH4. The development would not result in the harmful generation of vehicular movements to or from the site and displaced parking can be accommodated in surrounding streets without harm to existing residents. The development would not result in a harmful demand for travel.

Sustainability

- 8.53 Local Plan policy SU2 requires development proposals demonstrate a high standard of efficiency in the use of energy, water and materials.
- 8.54 Supplementary Planning Document 08, sustainable building design, requires a residential development of this scale to achieve Level 4 of the Code for Sustainable Homes (CfSH), zero net annual CO₂ from energy use and a feasibility study on rainwater harvesting and grey water recycling systems. The submitted energy strategy outlines an efficient airtight building fabric supplied with space and water heating from solar thermal with electricity generated renewably from photovoltaics. The development is aspiring to achieve CfSH Level 6; a CfSH pre-assessment has been submitted with the application outlining how this would be achieved. This is the highest level that can be achieved and reflects the predicted achievement of zero carbon residential development, with no net annual carbon emissions resulting from the development.

- 8.55 Supplementary Planning Document 08, sustainable building design, requires the commercial element of the proposal achieve BREEAM 'excellent' with 60% in the energy and water sections. It is though proposed that the commercial / non-residential elements of the scheme would be built to BREEAM 'outstanding'. Whilst no BREEAM pre-assessment has been submitted there would be considerably overlap with the CfSH methodology and this is sufficient to provide reassurance that the stated standard could be met.
- 8.56 The Council's Sustainability Officer has commented on the application and advised that the predicted performance is at a level of ambition not seen before in the City in a development of this scale; and the development, if approved and built, would raise the bar for sustainable development in the City.
- 8.57 The attainment of CfSH Level 6 and BREEAM 'outstanding' is a key component of the proposed development and a lower level would not necessarily fulfil the ambitions of either this application or the wider regeneration plans for Shoreham Harbour. It would therefore be reasonable and necessary to ensure the development achieves CfSH Level 6 through conditions.
- 8.58 The easternmost building would incorporate a temporary visitor centre / information hub which, the supporting information outlines, would provide exhibitions / displays and meeting space on sustainability and the proposed development. The proposed visitor centre would potentially create a focal point for the sustainable aspirations of the development and to promote sustainable practices elsewhere in the City.

Flood Risk

- 8.59 The Brighton & Hove Strategic Flood Risk Assessment indicates that the application site is within an area of potential flood risk (Flood Zone 3). In recognition a comprehensive assessment of flood risk assessment (FRA) has been submitted with the application. The FRA provides an adequate appraisal of the risks to the proposed development. The issue of safe dry access for residential and commercial occupants has been addressed via the main access points from Kingsway and there is a commitment to advise residents about the flood warning system and actions to take in the event of a flood. In the event of a flood a barrier across the Basin Road North entrance and exit lanes would prevent vehicles floating out into the harbour area.
- 8.60 The Environment Agency have raised no objections to the proposal and have recommended conditions relating to surface water drainage to prevent the risk of on-site and off-site flooding. It is considered that the proposed development meets the relevant tests in national planning policy regarding flood risk and avoiding vulnerable uses in high risk areas. The development is considered to meet the aims of local plan policies SU4 and SU7.

Contaminated Land

- 8.61 In recognition of the commercial use of the site a (Phase I) Contaminated Land Desk Study has been submitted with the application. The study concludes that further works are necessary to categorise the site for both gas and water monitoring. The Environmental Health Team has reviewed the study and advises that if planning permission is approved a scheme for further site investigation works (to determine any required appropriate remediation works) would need to be secured through condition. Similarly a scheme for the piling of foundations would need to be agreed, through condition, to prevent the mobilisation of any contaminants. This would ensure the proposal complies with Local Plan policies SU3, SU4 and SU11.

9 CONCLUSION

- 9.1 The development would make effective and efficient use of land within the built up area and would provide key elements of employment and residential uses with 40% affordable housing. The proposed mix of uses is acceptable subject to conditions relating to the proposed floorspace.
- 9.2 The development would not cause significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance. The development would make highly efficient use of resources and meets the demand it creates for infrastructure, including transport, education and open space.
- 9.3 The height and scale of the development would impact on the adjoining area. Although the proposed scheme is not in strict conformity with the Brief in this respect, the overall benefits of the scheme in contributing to the wider aims of the Brief, JAAP and City Plan are considered to outweigh the concerns over the height requirements within the brief and, on balance, justify an exception in this case. The reduced height and scale to the east and west of the site coupled with the separation between buildings would provide a transition with adjoining development. In this instance, and on balance, the proposed design is considered sufficient to address the local context.
- 9.4 Furthermore, early development of this site is highly desirable to provide a catalyst for further regeneration of the Aldrington Basin area in order to achieve the overarching aims of the Brief, in particular its aim of promoting “high quality innovative design alongside high levels of sustainability” and providing “a series of sustainable, mixed-use developments”.

10 EQUALITIES

- 10.1 The development would be built to lifetime home standards and makes provision for wheelchair accessible housing.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Heads of terms

- 11.1 Section 106 agreement to secure:-

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- A contribution of £19,650 towards improving sustainable highway infrastructure in the area;
- A contribution of £103,873 towards educational improvements in the area;
- A contribution of £48,175 towards the Local Employment Scheme (LES);
- An employment strategy to secure at least 20% local labour during construction of the project;
- A contribution of £126,421 towards open space improvements in the area;
- A Construction Environmental Management Plan;

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.

<i>Drawing nos. to be updated on the Late List.</i>

- 3) The affordable housing shall provided in accordance with the Affordable Housing Provision on drawing no. 150/4/135 Rev C which secures 20 affordable units.
Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.
- 4) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation 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.
- 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 and staff 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) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained

thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

- 7) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 8) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 9) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the ground floor of 'lozenge 1 & 2', as identified on drawing no. 150/1/100 Rev B & 150/2/200 B, shall not be used for the sale of any goods other than those within the following categories:-

- (i) Electrical goods and other domestic appliances;
- (ii) Bathroom suites – furniture and accessories; kitchen units - furniture and accessories, floor and wall tiles;
- (iii) DIY products, materials, tools and machinery for the repair, maintenance or improvement of the home, the garden and motor vehicles;
- (iv) Motor and cycle goods; and
- (v) Furniture, bedding, floor coverings, soft furnishings and textiles

Reason: To protect the vitality and viability of established shopping centres from significant harm, to ensure that the range of goods sold is appropriate for the site's location and layout and to control the character of the development and to comply with policies SR1, SR2, TR1 and QD27 of the Brighton & Hove Local Plan.

- 10) The ground floor of 'lozenge 1 & 2', as identified on drawing no. 150/1/100 Rev B & 150/2/200 B, shall remain as a single retail unit and at no time be sub-divided into smaller units.

Reason: To ensure that the unit remains suitable for the sale of bulky goods and does not harmfully compete with existing established shopping centres and to comply with policies SR1, SR2 and SR3 of the Brighton & Hove Local Plan.

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- 11) No additional floorspace shall be created within 'lozenge 1 & 2', as identified on drawing no. 150/1/100 Rev B & 150/2/200 B, by the insertion of a mezzanine floor without the specific grant of planning permission.
Reason: To enable the local planning authority to assess the impact of additional floorspace on the vitality and viability of existing centres, on existing highway and access conditions and on-site car parking availability, and to comply with policies SR2, SR3, TR1, TR7 and TR19 of the Brighton & Hove Local Plan.
- 12) The ground and mezzanine floors of 'lozenge 3', as identified on drawing no. 150/3/300 A & 150/3/300.1 A, shall only be used within Class A1 (retail) 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 in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 13) The ground and mezzanine floors of 'lozenge 4', as identified on drawing no. 150/4/400 A & 150/4/400.1 A, shall only be used as a restaurant / café within Class A3 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 in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 14) The ground and mezzanine floors of 'lozenge 5', as identified on drawing nos. 150/5/500 B & 150/5/500.1 B, shall only be used for consulting rooms only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: 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 in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 15) The ground and mezzanine floors of 'lozenge 6', as identified on drawing nos. 150/6/600 B & 150/6/600.1 B, shall only be used for Class B1 use 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

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of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 16) The ground and mezzanine commercial unit to the easternmost section of Basin Road North, as identified on drawing no. 150/4/100 H, shall only be used for purposes within Class B1 use 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 in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 17) No commercial deliveries or waste collection shall occur at Kingsway level except between the hours of 08:00 and 19:00 on Monday to Fridays and 09:00 and 17:00 on Saturdays, 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.
- 18) The uses hereby approved at Kingsway level (including the associated mezzanine level) shall not be open or in use except between the hours of 08:00 to 19:00 Monday to Fridays and 09:00 and 17:00 on Saturdays, 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.

Pre-Commencement Conditions:

- 19) No development shall commence until a scheme for the details of the provision of affordable housing, as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:
- i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
 - iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team
- For the purposes of this condition 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.
Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.
- 20) Two units shall be built to wheelchair housing standards. No development shall commence until details of the wheelchair accessible units have been submitted to and approved by the Local Planning

Authority in writing. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

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

- 21) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 22) No development shall commence until elevations and sections at a scale of 1:20 of the balconies and associated balustrading, windows and their reveals, solar panels and their method of fixing, the canopy and its method of fixing and the roof detail 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 and be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.
- 23) No development shall commence until elevations and sections of the Basin Road North frontage, below the level of Kingsway, 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 and be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.
- 24) No development shall take place until drawings at a scale of 1:20 of the shopfronts to ground and mezzanine floor commercial units at Kingsway level have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD5 and QD10 of the Brighton & Hove Local Plan.
- 25) 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.

Reason: To safeguard the amenities of future occupants of the development and occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 26) No development shall commence until details of screening to outdoor amenity space at Kingsway level, as identified on approved drawing no. 150/4/140 C, has been submitted to and approved in writing by the Local Planning Authority. The screening shall be erected in accordance with the approved details prior to first occupation of the development.

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

- 27) No development shall commence until a scheme for sound insulation between ground and first floor level to each building has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until construction has been completed in accordance with the agreed details. The development shall be retained as such thereafter.

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

- 28) No development shall commence until a scheme for the soundproofing of the building, as recommended by the submitted 7th Wave Acoustics report (dated 24th July 2012 and received on the 20th December 2012), 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 future occupants of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 29) No development shall commence until details of the ventilation strategy for the development, including details of heat exchanger units to be fitted to each residential unit, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of future occupants of the development, ensure the efficient use of resources and to comply with policies SU2, SU10 and QD27 of the Brighton & Hove Local Plan.

- 30) Notwithstanding the submitted plans no development shall commence 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.

- 31) The new crossover and access to Kingsway shall be constructed prior to the first occupation of the development hereby permitted and 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 TR1 and TR7 of the Brighton & Hove Local Plan.

- 32) No development shall commence until a Scheme of Management of the vehicle parking has been submitted to and been approved in writing by the Local Planning Authority. The submitted scheme shall include details of how each car parking space will be allocated and any necessary measures to ensure that each car parking space is secured for the use of its allocated owner. The approved scheme shall be implemented prior to the first occupation of the building and thereafter retained at all times.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

- 33) Notwithstanding the submitted plans no development shall commence until details of disabled car parking provision for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

- 34) 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 6 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.

- 35) No non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 'Outstanding' for all non-

residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 36) Notwithstanding the submitted plans no development shall commence until details of compliance with Lifetime Homes standards have been submitted to and approved prior to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 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.

- 37) No development shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.

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

- 38) (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 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,

- (b) 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) (b) above that any remediation scheme required and approved under the provisions of (i) (b) 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:

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

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

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.

- 39) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm would not exceed the run-off from the underdeveloped site following the corresponding rainfall event. 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.

- 40) No development shall commence until details of the rainwater harvesting system have been submitted to and approved in writing by the Local Planning Authority. The details shall include which properties the system will serve, any associated treatment and a maintenance and monitoring plan. The system shall be installed in accordance with the agreed details and be maintained as such thereafter.

Reason: To ensure safeguards are in place to protect public health and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 41) 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.

Pre-Occupation Conditions:

- 42) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a timetable for the submission of 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 6 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.

- 43) None of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Outstanding' 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.

- 44) A Travel Plan shall be submitted to the Local Planning Authority within three months of the first occupation of the development. The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. The measures shall be implemented within a time frame as agreed with the Local Planning Authority and should be subject to annual review.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1 and TR4 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 development would make effective and efficient use of land within the built up area and would provide key elements of employment and residential uses with 40% affordable housing. The proposed mix of uses is acceptable subject to conditions relating to the proposed floorspace.

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- (iii) The development would not cause significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance. The development would make highly efficient use of resources and meets the demand it creates for infrastructure, including transport, education and open space.
 - (iv) The height and scale of the development would impact on the adjoining area. On balance the general conformity between the application and policy allocation is though considered to outweigh the townscape concerns. The reduced height and scale to the east and west of the site coupled with the separation between buildings would provide some form of transition with adjoining development.
3. The applicant is advised in respect of condition 27 that soundproofing between ground and first floor levels should be at least 5dB greater than that specified in Approved Document E of the Building Regulations.
 4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
 5. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.
 6. 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

PLANNING COMMITTEE LIST- 30TH OCTOBER 2013

294429, email: ehl.safety@brighton-hove.gov.uk, website:
www.brighton-hove.gov.uk/licensing).

In giving my views I have taken into consideration the changes which have been made in respect of height, numbers of units and the removal of the wind turbines contained within a previous application. With regards to the current application I am of the view that the density of units within such a limited site is too great. I consider the heights of the centre pairs of block to be too high. They will dominate the street scene and in my view would present significant shadowing problems for the properties sited to the north of the Kingsway opposite the site in question. This in turn could result not only in loss of amenity for the residents but a substantial negative effect upon sustainable fuel solutions at present in some of the properties.

I am not satisfied that serious problems will arise within the neighbouring roads due to the proposed commercial/residential user proposed within the application. I am of the view that the likely traffic generation of the proposal has at best been understated. I am of the view that the design of the buildings will encourage substantial wind speeds (through the gaps between the blocks) which could lead in this exposed elevated site to possible dangers for users of the A259. I consider that there could well be a substantial danger to cyclists (there is no dedicated path at this point). If and when this application is considered by the Planning Committee I would wish to use my rights to address the Committee in person. Can this request be logged and placed before the Chairman when appropriate.

Thank you.

Councillor Garry Peltzer-Dunn

Planning Reference: BH2012/04044

11th February 2013.

Dear Mr Everest

Objection to the latest application for “PORTZED”

I would like to place on record my objection to the above planning application. In my opinion this application does not overcome the reasons that the first application was refused permission to develop.

Reasons for refusal. “No 1The applicant has failed to demonstrate that the site is an appropriate location for a tall building...”

- The height of the lowest buildings will be similar to the height of the new Vega building on the north side of Kingsway (around 12 metres). This is significantly higher than the low density two-storey houses immediately to the north, the Blue Lagoon pub to the east and the one-storey buildings of Pets Corner, Woodies Diner and Ocean Sports to the west. The three and a half storeys of PortZED are thus equivalent to the four storeys of Vega, but will appear even higher as they will not be set back from the pavement as Vega is, but will loom over it. The extra height of the PortZED buildings, due to the extra height of the ground floor, means that the highest buildings will appear more like six-storey buildings. The development is out of keeping with the area; it will completely overpower the existing houses and buildings in the neighbourhood.
- The existing structure, schools, traffic (parking) will not support the influx of people, cars, lorries, etc the development will bring.
- The technology, i.e biomass boilers, involved is untried and its effects on health, noise, emissions etc are not known.

Reason for refusal no. 4. “The development, in the absence of sufficient justification for a development of this scale in this area, would result in a loss of

Tel: (+44) 01273 291153 B/berry: (+44) 07557 197 593
Email anne.pissaridou@brighton-hove.gov.uk
Labour & Co-Operative Member for Wish Ward
and Labour Lead Spokesperson for Adult Social Care

light that would be both significant and harmful to living conditions for occupiers of neighbouring properties on Kingsway fronting the application site. Despite the modification of the plans this will not change the scale and size sufficiently to avoid this adverse effect on the residents".

- The quality of life of the people living on Kingsway and the adjacent roads will be adversely affected by loss of light and sunlight and over shadowing.
- The development is completely out of character for the area, and will have a dominating effect.

The Kingsway and West Hove Residents Association have entered detailed reasons why they object to the proposed development which I endorse

Yours sincerely

Anne Pissaridou

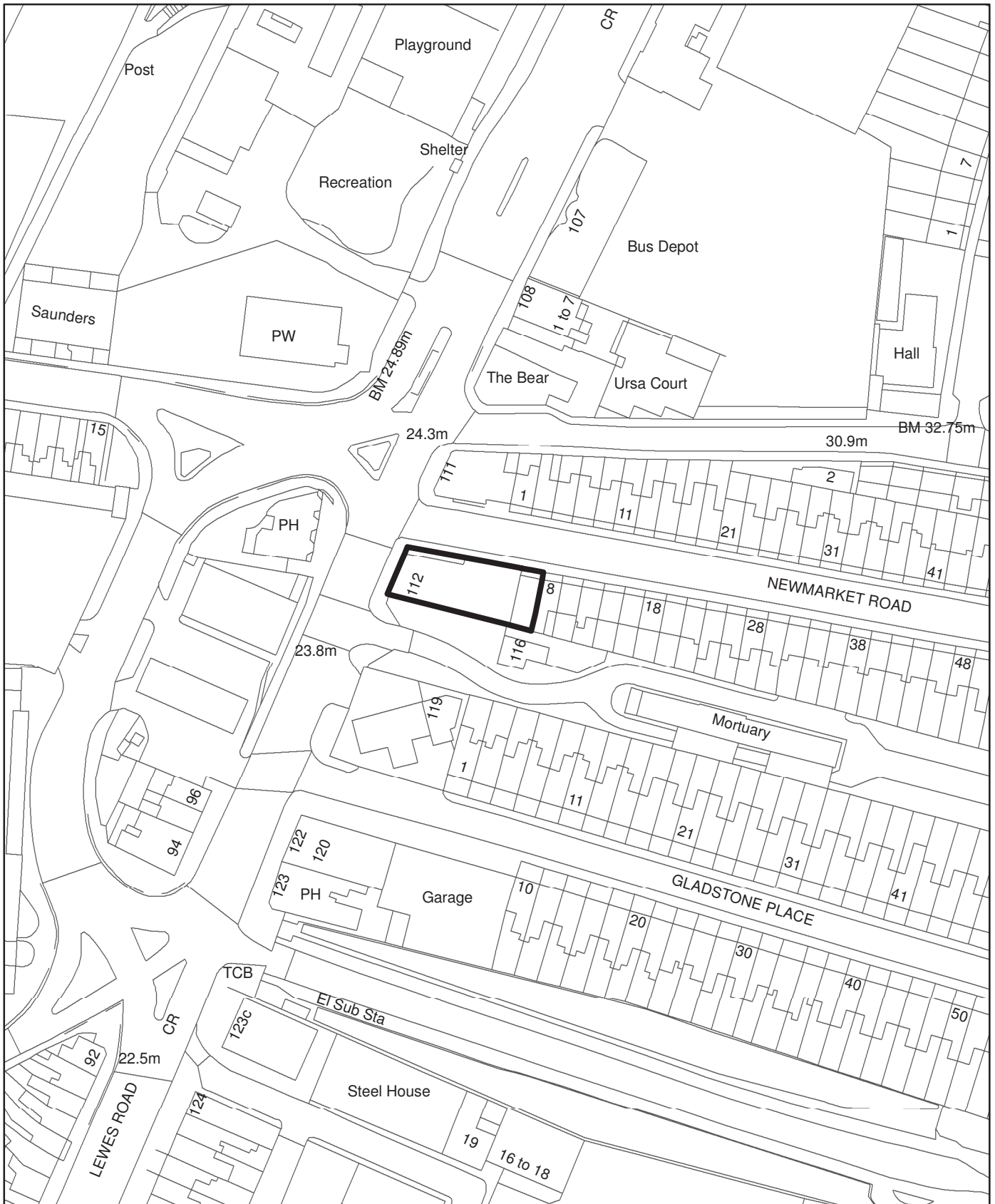
ITEM B

112-113 Lewes Road, Brighton

BH2013/00908
Removal or variation of condition

30 OCTOBER 2013

BH2013/00908 112-113 Lewes Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/00908	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	112-113 Lewes Road Brighton		
<u>Proposal:</u>	Application for variation of condition 28 of application BH2010/01824 (Erection of four storey building providing retail floor space on ground and first floors and student halls of residence (39 units) on ground and upper floors) to allow for internal alterations including a reduction in commercial floor area, alterations to ground floor layout and an additional 5 bedspaces.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	22/04/2013
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	22 July 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	LDS Associates, 41 Hornbeam Road, Reigate, Surrey, RH2 7NN		
<u>Applicant:</u>	Mr Chester Hunt, C/O LDS Associates, 41 Hornbeam Road, Reigate, Surrey, RH2 7NN		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves that it is **MINDED TO GRANT** planning permission subject to a deed of variation to the section 106 Agreement dates 13th July 2011 and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is situated to the east of the Lewes Road gyratory, to the south of Newmarket Road and to the north of the access to the crematorium. The surrounding development is a mix of commercial and residential uses, with the commercial uses focused around the Lewes Road area. The surrounding residential development is characterised predominantly by terraced properties, those on Newmarket Road being two storey dwellings with basement level accommodation. There is a large flatted development to the north of the site, sited around The Bear public house, on Bear Road known as Ursa Court. The surrounding development is predominantly two and three storeys in height, however Ursa Court has a 5 storey frontage onto Lewes Road and the Sainsbury's supermarket is a large prominent building.
- 2.2 The site is currently occupied by a two storey warehouse style building with a pitched roof. The elevations are clad with blue metal weatherboarding and render. The building is currently vacant and there is a small service yard to the eastern end accessed via Newmarket Road, adjacent to the residential accommodation.

3 RELEVANT HISTORY

BH2010/01824: Erection of four storey building providing retail floor space on ground and first floors and student halls of residence (39 units) on ground and upper floors. Approved 19/07/2011.

BH2009/01811: Erection of 4 storey building providing retail on ground and first floors and 12 self contained flats on ground and upper floors. Finally Disposed Of.

BH2009/00036: Demolition of existing building with redevelopment to provide for replacement of 2 no. retail units on ground floor and 16 self-contained flats on ground, first, second, third and fourth floors. Refuse and recycling at ground floor level. Refused 07/05/2009.

BH2008/01612: Demolition of existing building with redevelopment to provide for replacement retail unit on ground floor and lower ground floor and 17 self contained flats on first, second, third and fourth floors. Refuse and recycling at ground floor level. Withdrawn by the applicant 07/10/2008.

BH1999/00319/FP: Change of use to sale of motorcycles and accessories with repairs/servicing of motorcycles (variation to condition 2 of permission BH1998/02429/FP to allow the shop to be opened on Sundays and Bank Holidays). Approved 28/04/1999.

BH1998/02428/FP: Change of use of motorcycles and accessories with repairs/servicing of motorcycles. Elevational Alterations. Approved 28/01/1999.

95/1202/FP: Erection of garage in rear yard. Approved 27/11/1995.

4 THE APPLICATION

4.1 Planning permission is sought for the variation of condition 28 of application BH2010/01824 which requires the development to be carried out in accordance with the approved drawings. The application seeks to substitute the proposed floorplans and elevations to allow for internal alterations including a reduction in commercial floor area and further alterations to ground floor layout. The application also proposes an additional five student bedspaces through the re-configuring of the internal floorspace.

4.2 The application proposes alterations to the pattern of fenestration to the elevations and also a small area of additional built form to the top floor.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Nineteen (19)** letters of representation have been received from **3, 5A, 11, 14 (x2), 42 (x2), 43, 52, 53, 57, 58A Newmarket Road, 42, 43**

Gladstone Place, 2, 26 Ursa Court, 108 Lewes Road, 110C, 116, 180A Lewes Road objecting to the application for the following reasons:

- The building is too high for the area
- Increase parking pressure from the numbers of students
- This area is already overrun by students
- Increased traffic congestion
- Overshadowing and loss of daylight
- Increased overlooking
- There is already a high number of commercial units in the area which are vacant no more is required
- Increased number of students in the area has led to the loss of local sense of community
- Anitsocial behaviour including increased noise and disturbance and littering
- The Vogue Gyratory is very polluted and the health of residents needs to taken into consideration

5.2 **Southern Water:** Comments made in relation to application BH2010/01824 remain.

Comments made in respect of BH2010/01824:-

All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water.

In order to protect water supply apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

5.3 **Southern Gas Networks:** No objections to the proposal.

5.4 **Sussex Police:** No objections to the scheme, make recommendations with regard to the standard of external glazing and entrance doors.

5.5 **UK Power Networks:** No objections to the proposal.

5.6 **Environment Agency:** No comment.

Internal:

5.7 **Environmental Health:** No Comment.

5.8 **Planning Policy:** Comment. It is considered that the application's amendment to remove the first floor retail floorspace and convert to a student common room does not raise any policy conflicts in terms of retail. The remaining ground floor retail floorspace is considered usable in the context of the unit's location within the Lewes Road District Centre and is considered to leave sufficient space for storage and staff facilities.

- 5.9 **Sustainable Transport: No Objection**. Previously commercial floor space was provided at this level now it is intended to provide a student common room. The Highway Authority has no objections to this application and it is considered that these arrangements will not have a negative impact upon the highway network.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development

TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
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
SR5	Town and district shopping centres

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

Supplementary Planning Guidance Notes

SPG BH4	Parking Standards
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Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
CP21	Student Housing and Housing in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The principle of the redevelopment scheme has been established by the original permission BH2010/01824. The main considerations in the determination of this application relate to the amendments proposed, namely the loss of commercial

floorspace, the provision of an additional 5 student bedspaces, and the external alterations proposed to enable the internal reconfiguration.

- 8.2 Planning policy and guidance with regard to the considerations raised by this application has not changed significantly since the original scheme was permitted, with the NPPF and Brighton & Hove City Plan Part One (submission document) broadly having the same policy emphasis. The site is located within the Lewes Road Development Area allocated under policy DA3 of the Brighton & Hove City Plan. Policy DA3 identifies the Lewes Road as the city's academic corridor and supports developments to improve education provision within the area, sustainable transport infrastructure, and environmental improvements. Within the policy there is also support for additional student accommodation within the corridor, which the scheme seeks to provide.

Loss of commercial floorspace:

- 8.3 The premises lies within the secondary retail frontage of the Lewes Road district shopping centre where policy SR5 applies which permits change within the A uses class provided that A1 uses predominate but states that 'a change of use at ground floor level to residential in a shopping frontage will not be permitted. The proposed change is at first floor level of the permitted scheme and the loss of commercial floorspace would equate to 86sqm. The retaining floorspace at ground floor level would be 145sqm of retail floorspace.
- 8.4 The applicant has submitted supporting information from a local agent which puts forward a case for the loss of the retail floorspace. The Planning Policy team have accepted this argument and consider that the resultant space is sufficient to provide a usable floor area with sufficient space being retained for storage and staff facilities. In relation to the floorspace provided the Policy Team also considered that this would be comparable to the provision within the surrounding context and its location within the Lewes Road District Centre.
- 8.5 As such the loss of the retail floorspace at first floor level is considered acceptable in this instance.

Additional Bedspaces:

- 8.6 The application proposes a change in the layout of the previously approved rooms. The original application proposed 39 student bedrooms which would share communal facilities such as kitchens and general living areas. The revised scheme proposes a change to that mix and seeks to provide 7 units which would benefit from communal areas such as kitchens and living rooms. The remainder of the units would be self contained studio rooms which have been designed in line with the University of Brighton to provide accommodation which is highly sought after by students. On average the room sizes would be circa 19sqm provide en-suite bathroom facilities, as with the original application, and a small kitchenette within the room. The overall size of the rooms has been slightly increased to accommodate these additional facilities.

- 8.7 These changes including the removal of smaller common areas, this and the loss of the commercial floorspace have resulted in an additional 5 bed spaces being provided and a larger common room located on the first floor. It is therefore considered that the standard of accommodation provided would not have a material impact upon the amenity of future occupiers of the scheme, in accordance with Local Plan Policy QD27.
- 8.8 The proposed additional bedspaces would result in the intensification of the permitted use, whilst still being contained within the approved building envelope. A deed of variation to the Section 106 Agreement relating to the original permission has been drafted which requires a site management plan to be submitted to the Local Planning Authority and a condition is recommended to ensure that all party walls are adequately acoustically insulated, over and above that required by Building Regulations, likewise for units above noise sensitive areas, such as the laundry, refuse/recycling and cycle storage areas.
- 8.9 It is therefore considered that the intensification of the use would not result in a detrimental impact upon the amenity of the neighbouring occupiers.

Impact on Design

- 8.10 In terms of alterations to the design of the approved scheme, the application proposes additional built form to the southern elevation of the development, replacing a roof terrace area at third floor level. The proposed built form follows that of the existing four-storey element of the development. Whilst the proposed built form to the third floor southern elevation would not match that of the north facing elevation, as the southern elevation is read as single element it is considered that the proposed design is acceptable in relation to the overall development.
- 8.11 The application also proposes an alteration to the pattern of fenestration to all elevations. These amendments include the enclosing of balconies, and a revised window layout at first floor level to match the pattern of fenestration of the upper floors to the west (front) facing elevation, and also minor alterations to the positioning of windows to both the north and south elevation. In the context of the approved development these amendments are considered minor and would not compromise the original design concept or resulting appearance of the development.
- 8.12 In relation to the proposed impact upon neighbouring amenity the proposed alterations to the fenestration are considered to raise no additional impact upon neighbouring amenity in terms of overlooking and loss of privacy. The application does propose an increase in built form to the southern elevation at fourth storey level. This built form replaces a raised external terrace and represents an increase in height by 2m. This increase in bulk is considered to be acceptable and would not adversely impact on the sense of enclosure and light levels enjoyed by neighbouring occupiers. The application is therefore considered to be in accordance with policy QD27 of the Brighton & Hove Local Plan.

Highways

- 8.14 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.
- 8.15 The Sustainable Transport team has reviewed the information and considers that the potential impact upon the highways network created by the additional bedspaces created as part of the development would be offset by the loss of the commercial floorspace.

Conditions

- 8.16 As part of a S73 application, the existing conditions imposed on the original permission require assessment to ensure they are up to date and relevant. Also new conditions relating to the amendment now sought can be imposed if required. None of the existing conditions have been complied with and as such will be re-imposed as per the original consent. As previously mentioned a deed of variation to the Section 106 Agreement will be required which seeks the same restrictions as previously sought in relation to financial contributions towards open space provision and maintenance, a contribution towards public art, a site management plan, amendment to the existing TRO on Newmarket Road and a restriction that the units shall only be occupied by students attending The University of Brighton.

9 CONCLUSION

- 9.1 The principle of the scheme has been established by the original permission, which has not as yet been implemented. The amendment proposed would not harm the vitality or viability of the Lewes Road Shopping Centre, nor would it result in undue impact of amenity to the adjoining occupiers subject to appropriate conditions. The proposal would not have a detrimental impact upon highway conditions or safety. Therefore, the proposal is considered to be in accordance with development plan policies.

10 EQUALITIES

- 10.1 The development would need to accord with current Building Regulation standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106:

Deed of variation to the original Section 106 Agreement to refer to this application ref BH2013/00908.

- 1) The development hereby permitted shall be commenced before 19 July 2014.

Reason: To accord with the original permission and to ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 2) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

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

- 3) The student accommodation hereby approved shall not be occupied until the refuse and recycling 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) No development shall take place until a scheme for the storage of refuse and recycling in association with the retail unit hereby approved 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 retail unit and the facilities shall be thereafter 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 SR1 of the Brighton & Hove Local Plan.

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

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

- 6) The commercial unit on the ground floor shall be used as Class A1 retail only.

Reason: To maintain the vitality and viability of the Lewes Road District Centre and to comply with Policy SR5 of the Brighton & Hove Local Plan.

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

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2

of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 8) Unless otherwise agreed in writing with the Local Planning Authority, no student accommodation shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for the student accommodation has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 9) Unless otherwise agreed in writing with the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 10) Unless otherwise agreed in writing with the Local Planning Authority, none of the student accommodation hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the student accommodation built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 11) 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) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall

thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

- 13) The use of the retail unit hereby permitted shall not be open to customers except between the hours of 08.00 and 20.00.

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

- 14) 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.

- 15) 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.

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.

- 16) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a)

and, unless otherwise agreed in writing by the local planning authority,

(b)

Such scheme shall include nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of part (b) above that any remediation scheme required and approved under the provisions of part (b) 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;

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under part (b) above.

- Reason:** To ensure that there is no risk to people, animals or the surrounding environment and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 17) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 18) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To ensure that there is no risk to people, animals or the surrounding environment and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 19) 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.
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.
- 20) No development shall commence until a scheme detailing the glazing methods for the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details.
Reason: To protect the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 21) No development shall commence until a scheme detailing additional sound insulation measures to the noise sensitive areas of the building, those being the party wall with no. 6 Newmarket Road, and between the retail unit, above the entrance, refuse and cycle stores and the laundry room, have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details.
Reason: To protect the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 22) The retail unit hereby approved shall not be occupied until a full deliveries management plan for the retail premises has been submitted to and approved in writing by the Local Planning Authority. The Plan must include full details of the proposed delivery times, delivery method, route and

location. Deliveries shall be undertaken in full compliance with the approved document in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the neighbouring residential occupiers and to ensure there is no increased risk to the users of the local highway network and to comply with policies QD27 and TR7 of the Brighton & Hove Local Plan.

- 23) Prior to first occupation of the development, or any subsequent change of use hereby permitted by this permission a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the student accommodation shall be submitted to the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met, and the council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is show that monitoring targets are not being met.

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

- 24) No servicing or deliveries to or from the retail premises hereby approved shall occur outside the hours of 08.00 and 22.00 Monday to Saturday.

Reason: To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 25) Prior to the commencement of development, detailed drawings, including levels, sections and construction details of improvements to the surrounding pavement including reinstatement of the existing dropped kerbs on Newmarket Road and Lewes Road which directly adjoin the site shall be 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: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

- 26) Prior to the commencement of development, full details of the proposed ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details and retained as such thereafter and the passive ventilation shall be fully operational prior to the first occupation of any of the flats hereby approved.

Reason: To ensure the occupants of the units do not suffer from adverse air quality and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

- 27) 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			14/06/2010
Site Plan	05		14/06/2010
Building as Existing	13		14/06/2010
Elevations	52	B	14/06/2010
Mechanical Ventilation	55	A	20/07/2010
Elevations	0203/P/150		13/09/2013
Plans	03		21/03/2013

11.2 Informatives:

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

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

 - (ii) for the following reasons:-
The principle of the scheme has been established by the original permission, which has not as yet been implemented. The amendment proposed would not harm the vitality or viability of the proposed retail unit or the Lewes Road Shopping Centre, nor would it result in undue impact of amenity to the adjoining occupiers subject to appropriate conditions. The proposal would not have a detrimental impact upon highway conditions or safety. Therefore, the proposal is considered to be in accordance with development plan policies.

- 3) The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org and www.breeam.org/eco homes). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

- 4) The applicant is advised that 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.

- 5) The applicant is advised to contact Southern Water to agree the measures to be taken to protect/divert the public water supply main. Southern Water can be contacted via Atkins Limited, Southern House, Capstone Road, Chatham, Kent, ME5 7QA, 01634 824103, www.atkinsglobal.com.
- 6) 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

ITEM C

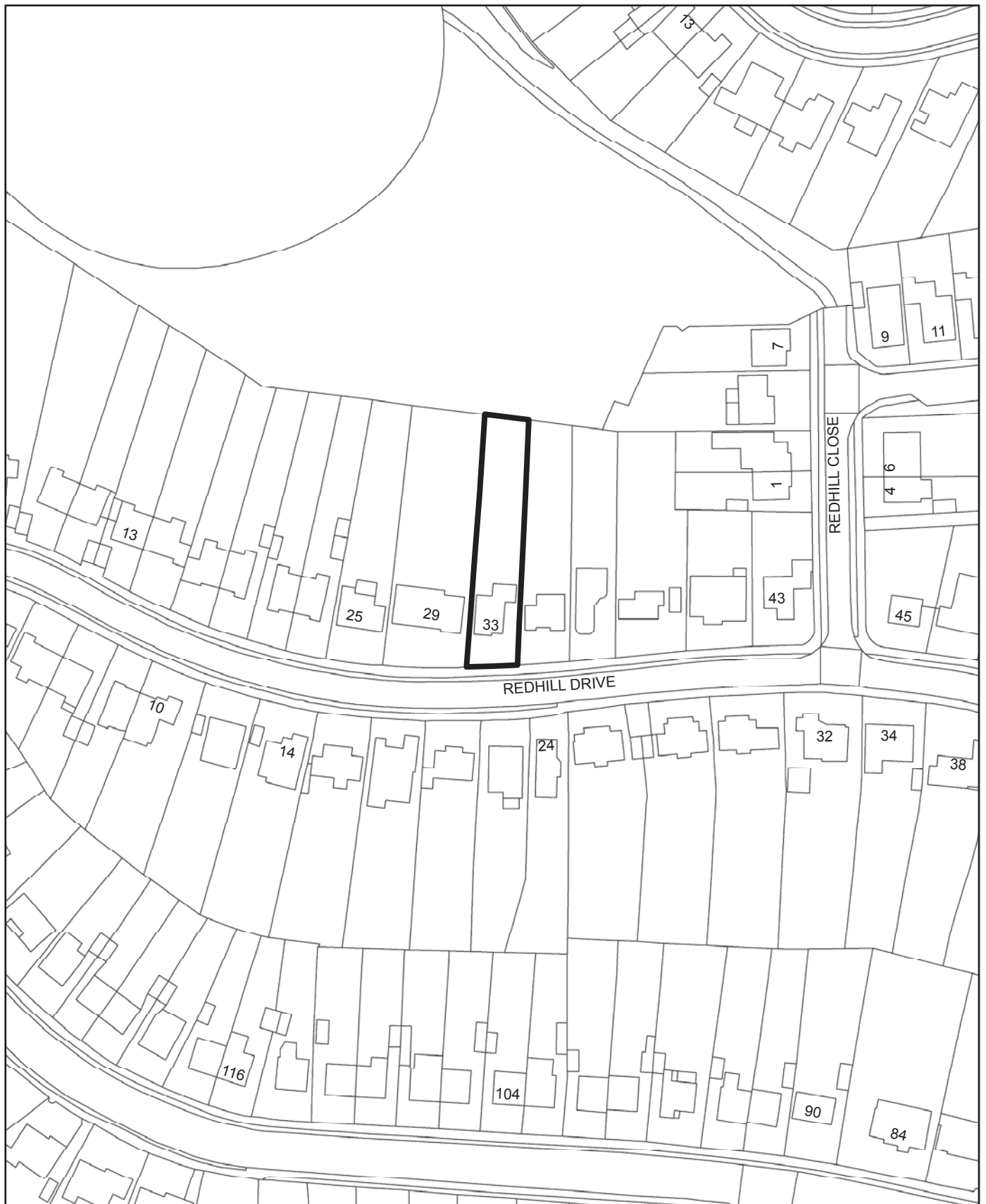
33 Redhill Drive, Brighton

BH2013/02475

Householder planning consent

30 OCTOBER 2013

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		

This application was deferred at the 18 September meeting for members to conduct a site visit.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **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 proposal fails to meet the 45 degree rule
- 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)

SS1	Presumption in Favour of Sustainable Development
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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 additional living 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 both the horizontal and vertical 45 degree lines when measured from the centre of the nearest habitable room window within No. 29. BRE guidance set out in '*Site Layout Planning for Daylight and Sunlight*' states that a significant loss of skylight is likely to occur if both the vertical and horizontal 45 degree lines from the centre of the nearest main window are exceeded. In this instance the first floor of the extension would sit at approximately 50 degrees from the centre of the rear window to the garage in the horizontal plane, and approximately 37 degrees in the vertical plane. The windows within the main part of No.29 are set further away from the site and would comply with both the horizontal and vertical 45 degree rule. As such it is not considered that the scale of the proposed extension would have a significantly harmful impact on daylight to No.29 Redhill Drive
- 8.13 It is noted that the main external garden space to No.29 Redhill Drive is located to the western half of the plot, 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 the 45 degree lines 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

11.1 Regulatory Conditions:

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

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

Plan Type	Reference	Version	Date Received
Site plan, proposed block plan and existing plans and elevations	0131-SO1	A	18/07/2013
Proposed plans and elevations	0131-PO1	A	18/07/2013

- 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.

11.2 Informatives:

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

PLANNING COMMITTEE LIST – 30th OCTOBER, 2013

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.

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 D

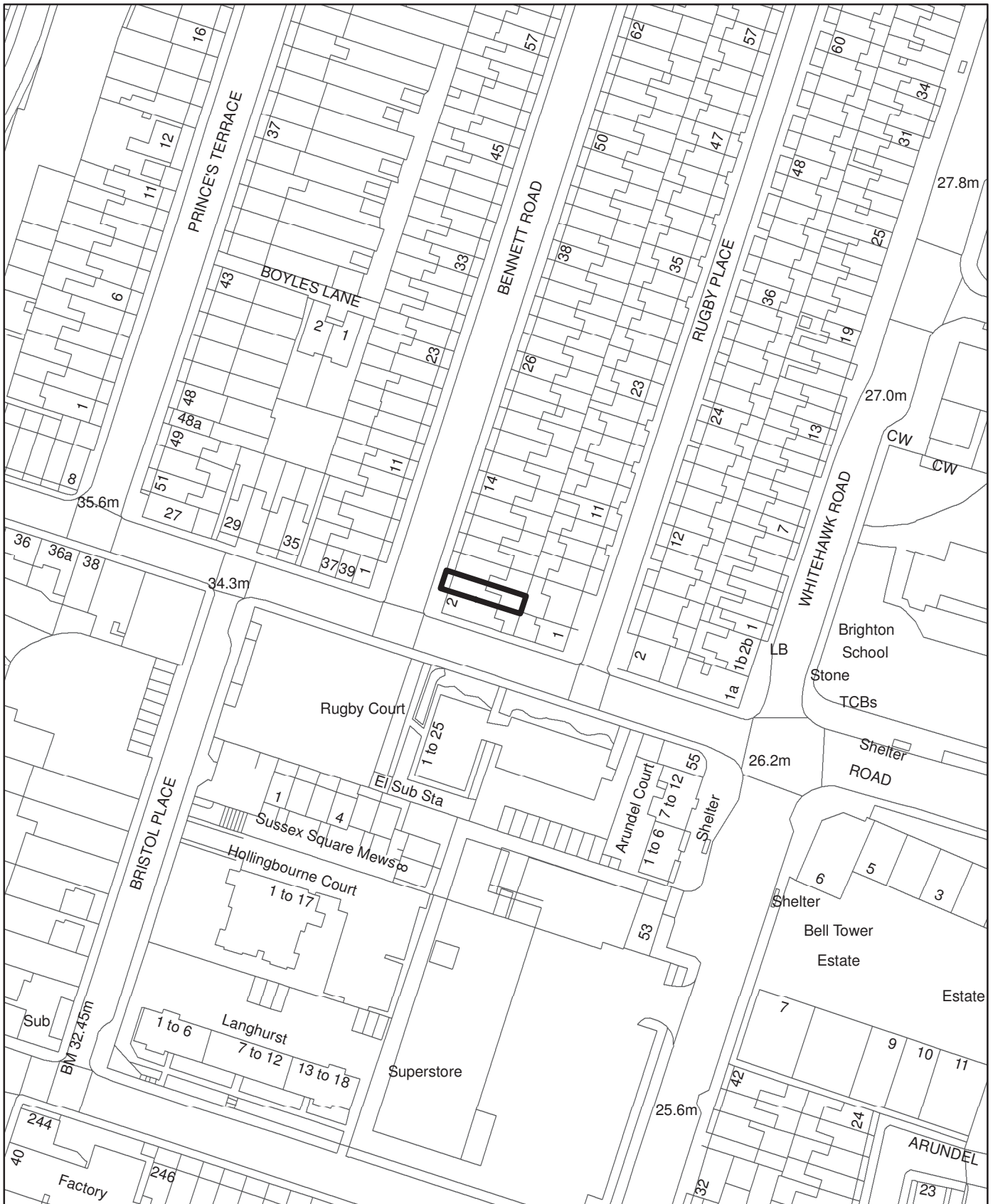
4 Bennett Road, Brighton

BH2013/02364

Householder planning consent

30 OCTOBER 2013

BH2013/02364 4 Bennett Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02364	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	4 Bennett Road Brighton		
<u>Proposal:</u>	Retention of enlarged rear porch to replace pre-existing, incorporating external steps to garden level (Part Retrospective).		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	05/08/2013
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	30 September 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	BPM, 31 Boundary Road Hove BN3 4EL		
<u>Applicant:</u>	Mrs Helen Lyons, 4 Bennett Road Brighton BN2 5JL		

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 two storey terraced property situated on the eastern side of Bennett Road. The application site has a relatively small rear garden at lower ground floor level. Consequently the rear of the property is at an elevated level.
- 2.2 A porch with external steps and decking has been constructed at the side of the rear outrigger which replaced a pre-existing porch. The steps lead down providing access into the rear garden. The pre-existing porch matched the existing smaller porches found on some of the neighbouring properties along the terrace. Some of the windows on the porch have now been obscured.

3 RELEVANT HISTORY

BH2013/00962 Formation of enlarged rear porch to replace existing incorporating external steps and timber decking (Part Retrospective) – refused 21/05/2013

BH2012/03611 Formation of enlarged rear porch to replace existing incorporating external steps and timber decking (Retrospective) – refused 20/02/2013; appeal dismissed 30/05/13

4 THE APPLICATION

- 4.1 Planning permission is sought for the retention of an enlarged rear porch to replace the pre-existing porch, incorporating new external steps to garden level. This is a part retrospective application.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One (1)** letter of representation has been received from **6 Bennett Road** objecting to the application for the following reasons:
- The failed applications and dismissed appeal demonstrate that the structure does not have planning consent;
 - This is substantially the same application as the previous refusal;
 - The appearance and size of the structure is inappropriate;
 - The footprint is at least twice the size of the existing structure;
 - The materials are not of a high quality;
 - The overbearing structure results in overlooking and loss of privacy to the rear garden and rear window;
 - The structure is a fire hazard;
 - No enforcement action has taken place following the Inspector's decision.
- 5.2 **Cllr Chaun Wilson** objects to the application, a copy of the email is attached to the agenda.

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:

- QD2 Design – key principles for neighbourhoods
QD14 Extensions and alterations
QD27 Protection of Amenity

Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

- SS1 - Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in this application are whether the proposal is acceptable in terms of its design and appearance in relation to the recipient building and surrounding area and whether the proposal is appropriate in terms of its impact on the amenity of nearby neighbouring properties.

Background

- 8.2 A previous application (BH2012/03611), for the formation of an enlarged rear porch to replace the pre-existing porch incorporating external steps and timber decking (Retrospective), was refused in February 2013 for the following reason:
- 8.3 *The rear porch with steps and decking, due to its elevated height, bulk, massing and its design, represents an un-neighbourly and overbearing addition for nearby residents by reason of an increased sense of overlooking, a loss of privacy and a loss of outlook, which is to the detriment of residential amenity. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.*
- 8.4 A subsequent appeal (Appeal Ref: APP/Q1445/D/13/2195833) was dismissed in May 2013 on grounds of overlooking from the door, windows and deck platform. The Inspector did however note that obscure glazing could address overlooking from the windows and door, but the harm caused by the deck platform could not be mitigated.
- 8.5 Before the appeal decision, a resubmission of the application (the width of the proposed porch was reduced by 0.35m and the width of the proposed decking has been reduced by 0.5m) was refused in May 2013.

Design and Appearance

- 8.6 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.
- 8.7 The porch is located at the rear of the property and so it is not visually prominent on the street scene, although the rear wall is visible from Bristol Gardens. The elevated height of the structure means that it is a prominent feature at the rear of the building and is visible from a number of residential properties and gardens.
- 8.8 The structure replaces a pre-existing porch that matched the porch directly to the north on the neighbouring property (no. 6 Bennett Road), and it appears that this design can be found on other neighbouring properties further up the street.
- 8.9 The new porch has a larger footprint than the pre-existing one, taking it closer to the side boundary and extending up to the rear outrigger wall. The mono-pitch roof takes a similar form but is set higher than the pre-existing porch. The proposed steps would remove the existing elevated decked platform, and the new steps would lead directly down into the garden in a similar form to the pre-existing steps rather than the existing arrangement of being located across the rear wall of the outrigger.
- 8.10 In the appeal decision of the previous application (BH2012/03611), the Inspector stated: *'Whilst it is larger than the neighbouring property's porch (No 6), as it would generally be similar in form, of appropriate materials and design, would relate satisfactorily to the main house, and would be in a relatively secluded location, I consider that it would generally be acceptable in this respect'*.
- 8.11 The subsequent adoption of SPD12: Design Guide for Extensions and Alterations is not considered to change the reasons set out by the Inspector.
- 8.12 The proposed steps would reduce the bulk of the existing structure by removing the elevated decked platform. Given this amendment, and taking into account the Inspector's reasons, it is considered that the porch and proposed steps would not be significantly detrimental to the character and appearance of the existing property and the locality.

Impact on Amenity

- 8.13 Policy QD14 states that 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.

- 8.14 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.
- 8.15 The porch is situated close to the side boundary and rear garden of the adjoining neighbouring property at no. 6 Bennett Road, which is the property most impacted upon by the structure. This property has a porch and steps that matched the pre-existing on the application site. There is a rear facing ground floor dining room window that faces towards the porches.
- 8.16 The extended width of the porch, in comparison to the pre-existing, has reduced the gap in between the structure and the neighbouring porch that provides outlook for the rear dining room window of no. 6 Bennett Road.
- 8.17 In respect of the issue of the impact of outlook from this window, the Inspector noted that: *'Whilst the proposed porch would be larger, higher and closer to the boundary than the pre-existing porch, thereby slightly closing the gap between the two, the effect of the additional bulk, even though at a raised level, would not cause material harm to the outlook from that room.'*
- 8.18 The overall dominance of the development would be reduced in part due to the proposed removal of the elevated decked platform. With regard the dominance of the porch itself, the Inspector stated: *'even though it would be in an elevated position, the structure would not appear as overbearing, in comparison to the previous porch, when viewed from the rear garden of No 6.'*
- 8.19 There is a rear balcony directly to the east at no. 3 Rugby Place, and the gardens are relatively small, and so some mutual overlooking is to be expected. However the existing raised decked platform provides views into the rear garden of no. 6 Bennett Road, as well as the properties at 2 Bennett Road and 1 & 3 Rugby Road.
- 8.20 When dismissing the appeal of the previous application on grounds of overlooking, the Inspector stated that the views into the rear garden and dining room were from the elevated decked platform and the windows and doors of the porch. In this proposal the elevated decked platform has been removed.
- 8.21 With regard to the windows and door of the porch, the Inspector noted that a condition to obscure glaze the windows and door of the proposed porch may overcome the harm, however as the appeal failed for other reasons relating to overlooking from the raised platform it could not be considered.
- 8.22 Now that these other reasons have been rectified in this proposal (by removing the elevated decked platform), it is considered that a condition to fully obscure glaze the windows and door would be necessary in this instance.
- 8.23 Taking into account the Inspector's reasons in the appeal, the proposed removal of the raised decked platform, and the use of a planning condition to ensure the

obscure glazing of the door and windows of the porch, its is considered that the proposal would not result in significant harm to the occupiers of surrounding properties.

9 CONCLUSION

9.10 The proposed rear porch and steps would not significantly harm the appearance of the recipient building or surrounding area and would not result in a significant impact on the amenity of any adjacent residential properties.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 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
Pre-existing floor plans, elevations & section	1019/01		15 July 2013
As-existing floor plans, elevations & section	1019/02		15 July 2013
Proposed floor plans, elevations & section	1019/03		26 July 2013
Site plan	n/a		15 July 2013

- 2) All windows and the glazed door of the porch hereby approved shall be shall be obscure glazed within 3 months of the date of this permission and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 3) The existing steps and raised deck as shown on drawing No. 1019/02 received on 15 July 2013 shall be removed and the steps hereby approved and shown on drawing No. 1019/03 received on 26 July 2013 shall be erected within 3 months of the date of this permission.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the

PLANNING COMMITTEE LIST- 30TH OCTOBER 2013

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 rear porch and steps would not significantly harm the appearance of the recipient building or surrounding area and would not result in a significant impact on the amenity of any adjacent residential properties.

18th September 2013

Hi Wayne,

Further to our discussion earlier today and various email correspondences with your colleagues regarding the recent planning application relating to 4 Bennett Road, Brighton; I wish to register a formal objection on the basis that this is one of several applications relating to a structure already identified as being an unauthorised development.

The structure itself has been the cause of significant distress to neighbours who are now overlooked as a result of the design, size and proximity of the building to their boundary.

The complex history of this case, in my opinion, warrants close scrutiny and I would therefore request that the matter be referred to the planning committee for consideration as soon as possible.

Kind regards,

Councillor Chaun Wilson
Labour & Cooperative Member for East Brighton Ward
Spokesperson for Housing Strategy
Spokesperson for Equalities
Overview and Scrutiny Committee

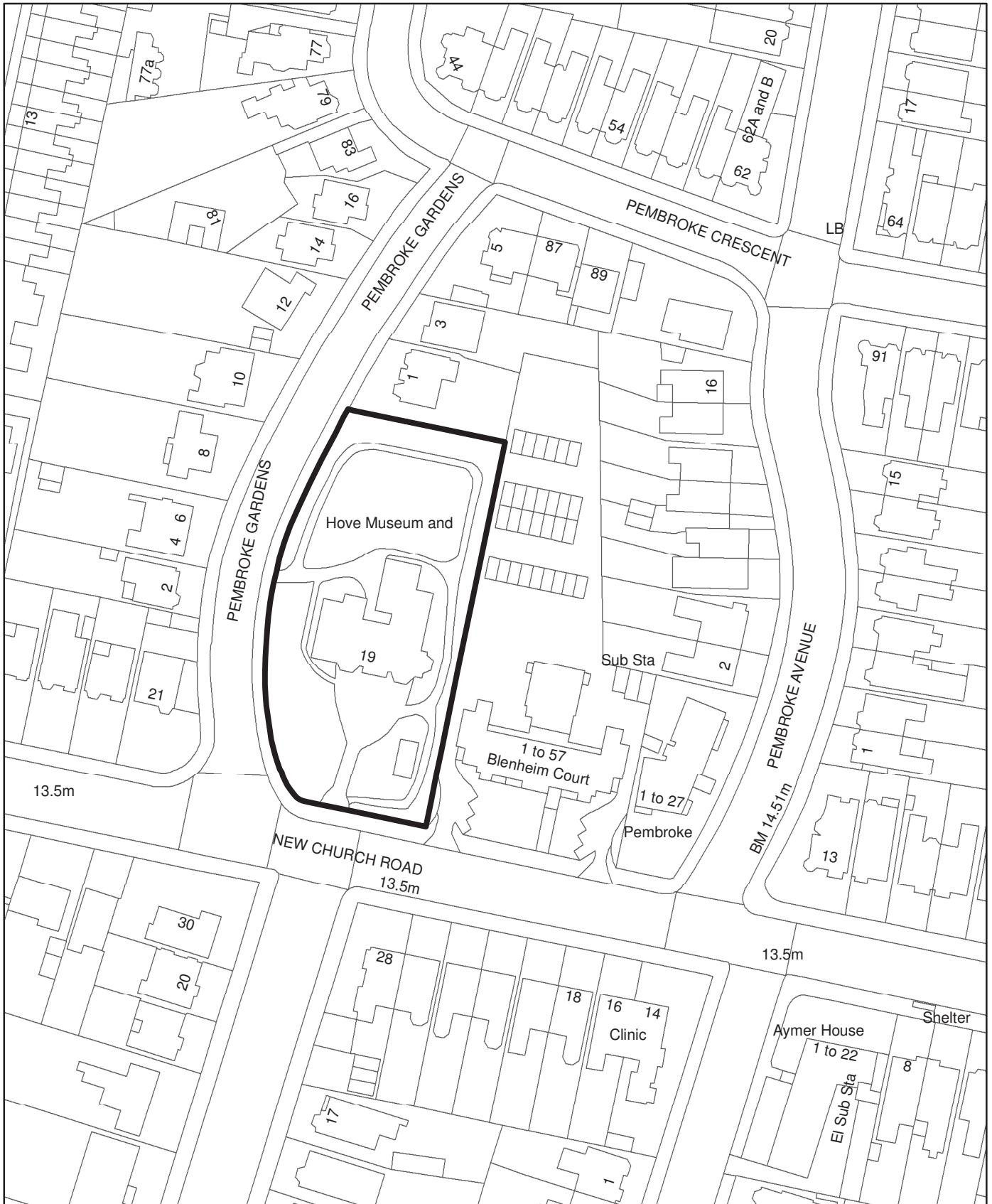
ITEM E

Hove Museum, 19 New Church Road, Hove

**BH2013/02823
Council Development**

30 OCTOBER 2013

BH2013/02823 Hove Museum, 19 New Church Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02823	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Hove Museum 19 New Church Road Hove		
<u>Proposal:</u>	Creation of terrace incorporating new low level perimeter wall.		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	16/08/2013
<u>Con Area:</u>	Pembroke and Princes Area	<u>Expiry Date:</u>	11 October 2013
<u>Listed Building Grade:</u> Grade II Listed Jaipur Gate			
<u>Agent:</u>	Baqus Group PLC, Midland House 1 Market Avenue Chichester West Sussex PO19 1JU		
<u>Applicant:</u>	Brighton & Hove City Council , Royal Pavilion Museums 4-5 Pavilion Buildings Brighton BN1 1EE		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is occupied by a large two and three storey detached Victorian Villa on a corner plot at the junction between New Church Road and Pembroke Gardens.
- 2.2 The building is set back from the road behind a front garden which is bounded by low walls and railings. To the rear of the building there is a public park/garden.
- 2.3 The building is not listed, but it is a building designated as being of Local Interest. The Buildings of Local Interest document (26 April 2012) describes the building as follows:-
- 2.4 *New Church Road, Hove Art Gallery and Museum. Impressive yellow brick mansion, originally Brooker Hall, built in 1873 for the Vallance family, (Lords of the Manor of Hove). Designed by T. Lainson, it is a fine Victorian villa with Italianate features. Set in garden which emphasizes the formal layout of the area, with handsome rendered piers and cast iron railing, reinstated in 1994.*
- 2.5 The Jaipur Gate at the front of the site is Grade II Listed. The application site lies within the Pembroke and Princes Conservation Area.

3 RELEVANT HISTORY

BH2013/01122 – Creation of terrace incorporating low level perimeter wall, demountable canopy and fixed timber benches. Withdrawn 29 July 2013.

BH2005/05553 – Relocation of Jaipur Gate to south west position and associated conservation works. Approved 28 November 2005.

BH2005/05551 – Conservation works and relocation of the Jaipur Gate. Approved 6 March 2006.

BH2001/01632/CD/ - Erection of rear extension to provide lift for the disabled. Approved 12 October 2001.

4 THE APPLICATION

- 4.1 Planning permission is sought for an external seating area and terrace to the west side of the building connected to the existing museum tea room on the ground floor. Access to the terrace would be via two existing doors on the western flank elevation of the building towards the rear, which provide direct access to the existing tea room inside the building.
- 4.2 The terrace area would be approximately 43 square metres and would be surfaced using re-claimed York stone. The terrace would be sited alongside the flank wall of the museum building and would come out 3.2m, approximately in line with an existing pathway around the building. The terrace would have a perimeter wall along the side of the terrace, made from gault brick to match the existing building and to a height of 600mm. Alongside the wall a planted border is proposed.
- 4.3 The plans submitted indicate up to 22 seats on the proposed terrace, of which four tables and 16 chairs would be removable and the other fixed.
- 4.4 The terrace would be situated between 8m and 9m from the boundary of the museum gardens and from the façades of the nearest residential dwellings of 1 Pembroke Gardens and 2 Pembroke Gardens, 50m and 30m respectively.
- 4.5 The terrace would be 15.5m away from the Grade II Listed Jaipur Gate in the front corner of the museum gardens.
- 4.6 The application is a revised proposal following the withdrawal of a previous application, ref. BH2013/01122. The previous scheme sought provision of up to 53 additional seats on a 90 square metre terrace, that being more than twice the size of the current proposal. The previous application sought to extend the terrace in front of the main building and also sought planning permission for the erection of a 6m long timber pergola with removable canvas canopy. The current application does not propose a pergola.
- 4.7 The proposed opening hours for the café are 10am until 4.30pm Monday, Tuesday, Thursdays, Fridays and Saturdays; 2pm until 4.30pm Sundays and Bank Holidays; and closed on Wednesdays.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours: Six (6)** letters of representation have been received from **1, 2, 4 and 10 Pembroke Gardens; and 21 and 23 New Church Road, objecting** to the application for the following reasons:

- Café use will become dominant over museum use of the building.
- Reduction in green space in residential area.
- Shift from residential to commercial area.
- City centre type use not in keeping with quiet residential area.
- Permanent hard landscaping and terrace not in keeping with the gardens, Jaipur Gate or the conservation area.
- In February a Licence was granted allowing the premises to open until 11pm up to 24 times per year.
- The new café leaseholder, Peyton & Byrne, runs restaurants and cafes throughout London, including parties, weddings and corporate events.
- Neighbours were not notified of the Licensing application.
- Inadequate publicity of liquor licence application.
- A by-law for the museum gardens states no person shall cause or permit any noise which is so loud or so continuous or so repeated as to give reasonable cause for annoyance to other persons.
- The tea rooms used to put out tables and chairs and parasols onto the gardens and these were put away after hours. This would be considered acceptable.
- Increased traffic volumes.
- Increased parking problems.
- Increased noise in gardens.
- Increased disturbance.
- Increased deliveries and servicing.
- Increased night time noise and ballgames.
- People ignore the signage and play ball games in the museum gardens.
- The terrace surface and walls will be used to play football and basketball when the café is closed.
- Increased likelihood of use by night time drinkers and increased chance of anti-social behaviour.
- Will create a rendezvous for drinkers, children, winos and druggies.
- Loss of privacy.
- Loss of trees.
- Free access to gardens at any time of day as they are not fully walled in.
- The museum may become a large restaurant, bar or night club.

5.2 **Councillor Denise Cobb objects** to the application (letter attached).

5.3 **Sussex Police: Comments awaited.**

Internal:

5.4 **Heritage: No objection.**

There is no objection in principle to a terraced seating area and the extent and footprint of the proposed terrace is appropriate in size and shape, with a formality that relates well to the historic building itself. The terrace would be

paved with re-claimed York stone, which is an appropriate traditional material, and the low border wall would be of gault brick to match the Museum building. Subject to approval of materials it is considered that the proposals would preserve the appearance and character of the conservation area and would preserve the settings of both the Museum and the Jaipur Gate.

5.6 Arboriculture: No objection.

A condition is recommended for the protection of the Cherry tree during the course of development.

5.7 Sustainable Transport: No objection.

The proposals to create a terrace for outside seating are not considered to increase trips significantly above existing levels. It is also noted that the proposals are supplementary to the main use and attraction of the site of an art gallery and museum.

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
TR14 Cycle access and parking
TR19 Parking standards
SU10 Noise nuisance
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within and affecting the setting of conservation areas
HE10 Buildings of local interest

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features

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 design and appearance; the impact on neighbour amenity; and the impact on transport.
- 8.2 The neighbour comments in respect of the future use of the museum tea room are noted. Presently the tea room is ancillary to the primary use of the building as a museum, falling into Use Class D1. Should the tea room use intensify in future, an assessment as to whether a material change of use has occurred would be undertaken. Any future proposals to change the use to a bar (Use Class A4) or a nightclub (*Sui Generis*) would require planning permission in their own right.

Design and appearance-

- 8.3 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 shop fronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.
- 8.4 Policy HE10 of the Local Plan states the planning authority will seek to ensure the retention, good maintenance and continued use of buildings of local interest. Whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these buildings should be of a high standard compatible with the character of the building.
- 8.5 The proposed palette of materials, including use of gault brick and York stone paving, is considered acceptable and in keeping with the character of the museum building.
- 8.6 The proposed hard surfaced terrace area would result in a minimal loss of garden and the terrace would come little further into the garden area than the existing pathway around the side of the building. The siting of the terrace along the side elevation of the museum is considered appropriate and sympathetic both to the character of the building and its setting. The area of terrace would be set well back from the street and the Jaipur Gate such that the setting of the latter structure, which is Grade II Listed, would not be compromised. The development would not detract from the setting and appearance of the listed Jaipur Gate in the front corner of the museum gardens.
- 8.7 The Heritage Team raises no objection to the proposal.
- 8.8 In accordance with policy HE6 of the Local Plan the proposal reflects the scale and character or appearance of the area, the museum gardens, and the spatial character and layout of open areas in the conservation area which contribute to its character or appearance.
- 8.9 The proposed development is considered compatible with the locally listed status of the museum building in accordance with Local Plan policy HE10, which states the planning authority, will seek to ensure the retention, good maintenance and continued use of buildings of local interest.
- 8.10 The proposal is not likely to have an adverse impact on the existing trees within the site. However, the cherry tree nearest the proposed terrace has a life expectancy of up to 10 years and the Council Arboriculturalist raises no objection

subject to this tree being protected. As no trees would be lost or adversely affected by the proposed development, a condition requiring replacement planting is not required. Accordingly, the proposal does not conflict with either policies QD15 or QD16 of the Local Plan.

Neighbour amenity-

- 8.11 At present the existing tea room is ancillary to the primary use of the building as a museum (Use Class D1). It is understood from neighbour comments that on occasions a small number of tables and chairs are put outside and taken in again when the tea rooms are closed. The proposed terrace would formally enlarge the size of the tea rooms by way of a permanent hard surface and low boundary wall on the long edge. The proposal would not result in a material intensification of the existing use that would be harmful to neighbour amenity. The small area of the terrace, which could provide for a maximum of 22 seats (reduced from 53 seats in the previous application), in the location proposed and at the opening times proposed (closing at 4.30pm the majority of the time), would not give rise to undue noise or disturbance for neighbouring properties. Neighbour concerns in respect of private views and late night refreshment until 11pm twice per month, as permitted by the Premises' Licence, are noted. Refreshments are often provided at private views. However, such activities are likely to take place inside the building where exhibits and works are displayed and the applicant is proposing to use the outdoor terrace only until 4.30pm. When considering the current planning application for the external seating terrace it is not considered appropriate to seek to control existing uses and activities undertaken inside the museum building as part of the function of that building as a community use.
- 8.12 It is not anticipated that the small size and nature of the proposed terrace would have a marked impact on ball games which are understood to be already played on the larger and more open area of the gardens to the rear of the museum.
- 8.13 Neighbour comments in respect of privacy are noted. There is a relatively wide road (Pembroke Gardens) in between the museum site and the residential properties opposite. Normally, protection of privacy for the front, street facing elevations of dwellings is not sufficient to justify the refusal of planning permission. These elevations front a public highway. In addition the proposed terrace would be at least 30m away from the nearest residential façade. For these reasons the refusal of planning permission on this basis is not considered to be justifiable.
- 8.14 Neighbour comments in respect of late night anti-social behaviour in relation to the use of the proposed terrace are noted. These concerns are part of a wider issue which cannot be solely addressed under planning legislation and which should not necessarily compromise or stifle development. It is considered the benefits of the proposal to improve the museum facilities for visitors and the community outweigh the above concerns which are better addressed by other means and through other agencies. Sussex Police have been consulted on the application and their comments will be reported at Committee.

- 8.15 For the above reasons the proposal is considered acceptable in respect of the potential impact on neighbour amenity, and the application complies with policy QD27 of the Local Plan whereby development will not be permitted if it would cause material nuisance and loss of amenity to neighbouring residents.

Transport-

- 8.16 In order to comply with policy TR1 of the Local Plan, the development should provide for the demand for travel generated. The application is not for a change of use but the capacity of the existing tea rooms would be extended. The applicant does not propose any additional off-street parking within the site. Neighbour comments in respect of increased parking are acknowledged.
- 8.17 However, the site is in a sustainable location in terms of transport: within a few minutes walk of Hove centre and fronting New Church Road along which there are frequent bus routes throughout the day and night. On-street parking is controlled by permit which applies between 9am and 8pm and there are pay-and-display parking spaces alongside the application site. Many of the neighbouring dwellings have off-street parking and are not therefore reliant on street parking. On conducting the site visit it was noted there are several free on-street parking spaces during the day and the proposal to provide an additional 22 seats on the external terrace is not considered likely to materially worsen existing highway conditions.
- 8.18 The absence of any off-street parking provision within the museum grounds complies with SPGBH4: Parking Standards because this contains maximum standards rather than minimum standards. In any case, for museums, SPGBH4 does not require any on-site parking provision.
- 8.19 In terms of cycle parking there is ample space within the site to provide for the minimum of 2 cycle parking spaces set out in SPGBH4 and, if approval was to be granted, details of such facilities would be secured by condition.
- 8.20 Sustainable Transport raises no objection to the application.

9 CONCLUSION

- 9.1 The proposed development is considered acceptable in terms of design, appearance, scale and external materials and finishes, and would be sympathetic to the character of the museum building and its garden setting and would not detract from the setting of the Grade II Listed Jaipur Gate or the appearance of the wider Pembroke and Princes Conservation Area.
- 9.2 The scale and siting of the development together with the hours of usage proposed is not considered likely to have a significant adverse impact on neighbour amenity or existing parking and transport conditions.
- 9.3 Accordingly approval is recommended.

10 EQUALITIES

10.1 The external terrace would be at ground level. However, there would be steps between the terrace and the interior of the museum tea rooms.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

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

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

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

Plan Type	Reference	Version	Date Received
Site Plan and Block Plan	001A		16 Aug 2013
General Arrangement Plan	02-01	J	16 Aug 2013
Existing Exterior Elevations	09-01		16 Aug 2013
Proposed Exterior Elevations	09-02	A	16 Aug 2013

3) The external seating terrace hereby permitted shall not be occupied by customers except between the hours of 10.00 and 16.30 on Mondays to Saturdays and between the hours of 14.00 and 16.30pm 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.

11.2 Pre-commencement Conditions:

4) 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.

5) 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.

- 6) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

11.3 Informatives:

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

2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed development is considered acceptable in terms of design, appearance, scale and external materials and finishes, and would be sympathetic to the character of the museum building and its garden setting and would not detract from the setting of the Grade II Listed Jaipur Gate in front of the museum or the appearance of the wider Pembroke and Princes Conservation Area.

The scale and siting of the development together with the hours of usage proposed is not considered likely to have a significant adverse impact on neighbour amenity or existing parking and transport conditions.

11th September 2013

Hello Christopher,

I will be speaking against this application and in line with residents concerns as set out in the attached letter from the resident at 2 Pembroke Gardens.

Best wishes,

Denise

ITEM F

17 Goldstone Crescent, Hove

BH2013/02613
Full planning

30 OCTOBER 2013

<u>No:</u>	BH2013/02613	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17 Goldstone Crescent Hove		
<u>Proposal:</u>	Demolition of existing three bedroom single dwelling and erection of part three/part four storey block of 7no flats.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	05/08/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30 September 2013
<u>Listed Building Grade:</u> N/A			
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	JB Howard Properties Ltd, Mr Caveh Sobhanpanah 43 Preston Street Brighton BN1 2HP		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a detached bungalow with a basement level garage located on the east side of Goldstone Crescent. The bungalow sits on a triangular plot that rises to the rear of the site. To the north is a public footpath with detached houses beyond whilst a three storey block of flats (Hove Park Manor) sits to the south set on higher ground level. Hove Park sits opposite. A number of trees sit along the eastern and southern site boundaries.
- 2.2 The site is not in a Controlled Parking Zone however there are three hour parking bays along Goldstone Crescent.

3 RELEVANT HISTORY

- 3.1 19 Goldstone Crescent:
BH2012/00396- Erection of new dwelling behind existing garage fronting Goldstone Crescent. Relocation of vehicular access from side of garage to front. Approved 11/04/2012.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the bungalow and the erection of a part three, part four storey building comprising six two-bedroom flats and one three-bedroom flat. The application is supported by a Planning Statement, Arboricultural Report, and an Ecological Appraisal.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **10 Hove Park Gardens; 19 & 57 Goldstone Crescent; 15 Gannet House, Goldstone Crescent; 22 Mill Drive; and 96 Old Shoreham Road**, objecting to the application for the following reasons:

- Overdevelopment of the site in an area of mainly single family houses
- Inappropriate height, scale, density and design of the building. There is no indication on the plans of its height but it is calculated to be 3m taller than the existing bungalow
- Increased density from a three-bedroom bungalow to a block of flats that could house up to 28 persons
- The building does not increase the visual quality of the built landscape and makes a visual negative impact in terms of scale and height.
- The prevailing characteristic of the area is single houses, of which No. 17 is in keeping. A three/four storey block of flats would not be in keeping
- Town cramming leading to reduced quality of life
- Another set of flats will ruin the features of the road
- The building will look incredibly ugly and too modern to go with the existing buildings in the street
- Loss of sea views
- Loss of privacy, outlook, sunlight and amenity from the roof terrace and north and east facing windows
- Increased traffic congestion
- Any decision should be delayed until the traffic impacts of the new flats on Goldstone Crescent and the new free school have been assessed.
- Any building should have 2 parking spaces per dwelling and additional parking for visitors
- Impact on wildlife
- Noise and disturbance from construction work on top of that currently experienced from the development at 1 Hove Park
- There is a covenant on 17 Goldstone Crescent stating that only 1 or 2 bungalows can be built on the land
- The application fails to acknowledge the impact of the development on the property currently under construction at 19 Goldstone Crescent
- The applicants have not sought the views of neighbouring residents

- 5.2 **Environment Agency: No objection**

Internal:

5.3 **Ecology:** No Objection

There is some evidence that the site is used by badgers (snuffle holes and latrines). Badgers are protected under the Protection of Badgers Act 1992. It is recommended that prior to works commencing, a pre-construction survey be carried out to determine the extent of use and to inform appropriate mitigation (e.g. retention of badger paths).

5.4 **Environmental Health:** No Comment

5.5 **Housing:** No Comment

5.6 **Sustainable Transport:** No Objection

No objection subject to a contribution of £4,500 towards sustainable transport infrastructure in the vicinity of the site.

5.7 **Arboricultural:** No Objection

The application proposes the felling of thirteen of the seventeen trees on site. These trees are all of poor form, have little public amenity value or are structurally defective and therefore are unworthy of Tree Preservation Order (eg, Box Elder, Cypress, Magnolia, Handkerchief Tree etc). The Arboricultural Section does not object to the loss of these trees, however, replacement specimens should be the subject of a landscaping scheme. The four trees remaining on site are on a landscaped / terraced area to the rear of the site and should be protected during the course of the development.

5.8 **Access:** No Objection

Some areas of the common ways scale less than the required 1200mm wide. The proposals are satisfactory otherwise.

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
- TR7 Safe development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU4 Surface water run-off and flood risk
- 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
- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Document:

- SPD03: Construction and Demolition Waste

SPD06: Trees and Development Sites
SPD08 Sustainable Building Design

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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to loss of views, covenants on land and noise from construction work are not material planning considerations. The main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the street scene, the amenities of adjacent occupiers, the standard of accommodation to be provided, sustainability and transport issues.

Planning Policies:

- 8.2 Policy QD1 of the Brighton & Hove Local Plan 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.” Furthermore, the policy advises that “unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged”. Policy QD2 states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings. Policy QD3 states that new development will be required to make efficient and effective use of a site, incorporating an intensity of development appropriate to the locality and/or prevailing townscape; the needs of the community; the nature of the development; and proposed uses.
- 8.3 Developments of higher densities are promoted by both policies QD3 and HO4, with policy QD3 suggesting higher development densities will be appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities. The Design and Access Statement accompanying the application includes a list of public transport links in close proximity to the site and the local services and facilities which are within the local area. Policy HO4 of the Brighton & Hove Local Plan states that full and effective use should be made of land and that residential densities will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal includes a mix of dwelling types and sizes, is well served by public transport and local services and respects the capacity of the local area to accommodate additional dwellings.

Design and Appearance:

- 8.4 The site as existing forms a three bedroom bungalow with a basement level garage. Larger blocks of three storey flats (Hove Park Mansions and Gannet House) sit to the south and rear of the site, with construction work on Park House, a five storey block of 71 flats, under way beyond at the junction of Goldstone Crescent with Old Shoreham Road. To the north, a public footpath separates the site from a variety of two storey detached houses. A new two-storey dwelling is currently under construction adjacent at 19 Goldstone Crescent.

- 8.5 The character of Goldstone Crescent is predominantly that of detached houses completed in a variety of materials and forms. However, the application site and footpath adjacent to the north marks the boundary between this largely suburban character and a quadrant of larger blocks of flats to the south and rear. The replacement of No.17 Goldstone Crescent with a block of seven flats would sit directly adjacent to the existing blocks of flats at Hove Park Mansions and Gannet House and would not be out of keeping in this immediate context. Likewise the increase in density that would result would not be out of keeping with the higher density developments to the south and rear, and would represent a more efficient and effective use of this site.
- 8.6 In terms of appearance, the building would comprise two flat roofed elements, a brick finished four storey element set broadly in line with the building line formed by Hove Park Manor, the new dwelling at 19 Goldstone Crescent, and 21 Goldstone Crescent, and a three storey projecting element to the north side completed in render. The use of these materials would reflect those in the immediate area, with the brickwork reflective of the Park House development under construction, and the render reflective of the new dwelling under construction adjacent at No.19 Goldstone Crescent.
- 8.7 In terms of scale and massing, the building would be set back in the site with a height of 11.3m above street level. This compares favourably with the height of Park House and Hove Park Mansions to the south of the site (approximately 14.5m and 12m above street level respectively) and 19 Goldstone Crescent to the north (approximately 9.5m above street level), with the flat roofed design approach reflective of each of these buildings. Within this context the scale, form, design and materials of the proposed building would complement those of the surrounding area and suitably bridge the transition between the houses to the north and the blocks of flats to the south, in accordance with policies QD1, QD2 & QD3 of the Brighton & Hove Local Plan.

Landscaping:

- 8.8 In terms of landscaping, the frontage of the bungalow and adjacent Hove Park Mansions is currently dominated by raised lawns which contribute positively to the character of the street. The proposal has sought to retain this character as far as possible with the retention of the lawns to the north side of the site frontage, with the remaining parking area fronting the building to be softened with the introduction of trees. A detailed landscaping plans is requested by condition to ensure that the proposed measures are suitable secured prior to the occupation of the building, in accordance with policy QD15 of the Brighton & Hove Local Plan.
- 8.9 In order to facilitate the development a number of small trees and plants are to be removed. These are largely located on the rear and side boundaries of the site. An Arboricultural Report has been submitted which identifies that the trees to be remove (thirteen in total) are of poor form with little amenity value. The Council's Arboriculturalist has raised no objection to this assessment and has confirmed that excavation and foundation works would not substantially impact on the

stability of the remaining trees given the existing land changes and terraces present along the southern and eastern site boundaries.

- 8.10 A condition is recommended to ensure that all works are carried out in accordance with the arboricultural method statement contained within the submitted Arboricultural Report, with all trees identified for retention to be protected to British Standard 5837 (2005) for the avoidance of doubt, along with replacement tree planting for those lost. Subject to this condition the development will accord with policy QD16 of the Brighton & Hove Local Plan.
- 8.11 An ecological appraisal has been submitted that identifies evidence of the garden being used by badgers, however no setts were found onsite. The evidence of badgers being present is consistent with recent applications elsewhere in the vicinity of the site. The report raises no objection to the development subject to a further survey being carried out to determine the presence or otherwise of badgers prior to works commencing. This conclusion is supported by the County Ecologist and is secured by condition. With regard other protected species, the report identifies that the site provides a limited habitat for bats, reptiles and breeding birds. Subject to the proposed condition regarding the presence of badgers, the proposed development would not result in ecological harm, in accordance with policy QD18 of the Brighton & Hove Local Plan.

Standard of Accommodation:

- 8.12 The proposed two-bedroom flats would have internal floor areas of between 70sqm and 79sqm, with each room being of a good size with access to natural light and ventilation. The top floor three-bedroom flat would have an internal floor area of approximately 117sqm with all rooms again being of suitable size with good access to natural light and ventilation. The two-bedroom flats would each have a good sized front balcony to provide outside amenity space in accordance with policy HO5, with the ground floor flats also having access to individual rear patios gardens. The top floor three-bedroom flat would have access to a larger private roof terrace set on the roof of the three storey wing. This provision of private amenity space is considered appropriate to the scale and character of the development.
- 8.13 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. Although no precise details have been provided to demonstrate that the development will accord with all 16 standards, the accompanying Design and Access statement does detail that the development has been designed to meet these standards. The Access Officer has raised no objection to the proposal, but notes that the corridors are too narrow in places. Therefore it is considered appropriate that a condition is attached to ensure that the development is built to all Lifetime Homes standards.

Impact on Amenity:

- 8.14 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.

- 8.15 The main impact would be on the future occupiers of 19 Goldstone Crescent to the north of the site. The application proposes two obscurely glazed bathroom windows in the facing north elevation that would offer no amenity harm, however concern has been raised by the owners of No.19 and the occupiers of 10 Hove Park Gardens to its rear that the roof terrace would result in loss of privacy. Amendments have been made to the scheme to include screening to the rear of the roof terrace to prevent views back towards these properties. This, in combination with the trees along the boundary to both 19 Goldstone Crescent and 10 Hove Park Gardens, is considered sufficient to prevent a harmful loss of privacy. The screens have been designed to sit discretely within the parapet roofline such that they would not detract from the overall appearance of the building, and are secured by condition.
- 8.16 Further concern has been raised by objectors concerned that the scale of the building will result in loss of light and overshadowing. Given the separation of the building from the nearest properties to the north and north east (13m and 25m respectively), and the position of 10 Hove Park Gardens on higher ground level, it is not considered that the increase in height of the building would result in a discernable loss of light or overshadowing.
- 8.17 To the rear is a block of garages on higher ground level to the site, with the blank flank wall to Hove Park Mansions to the south, thereby not harming the amenities of the nearest properties.
- 8.18 For the reasons detailed above the proposed development would suitably respect the amenities of adjacent occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 8.19 Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.
- 8.20 The proposal will provide parking for six vehicles onsite, accessed via the existing dropped kerb. Cycle parking for seven bicycles is detailed in a store at ground floor level. The Sustainable Transport Officer has identified that 10 cycle parking bays should be provided for a development of this size rather than the 7 proposed. A condition is therefore attached requiring the submission of a cycle parking scheme that meets the required standard. In terms of parking, the 6 spaces meets the maximum standard set out in SPGBH4 'Parking Standards'.
- 8.21 The Sustainable Transport Officer has requested a management plan for the bays however given the location of the development outside a Controlled Parking Zone, it is considered that any allocation or otherwise of the parking bays would not have a profound impact on parking pressure in the area and is a matter for the applicants/managing agents of the development to manage. A contribution towards the sustainable transport infrastructure in the vicinity of the site has been requested to mitigate the impacts of the development in transport terms, to be

secured by way of a section 106 agreement. Subject to these conditions and the completion of a section 106 agreement, no objection is raised having regard policies TR1, TR7, TR14 & TR19 of the Brighton & Hove Local Plan.

Sustainability:

- 8.22 Policy SU2 and SPD08 requires efficiency of development in the use of energy, water and materials and recommends that developments of this size on previously developed brownfield land should achieve Level 3 of the Code for Sustainable Homes (CSH), whilst developments of this size on previously developed greenfield land should achieve Level 5 of the Code for Sustainable Homes .
- 8.23 The application is supported with a Sustainability Checklist and is detailed to meet level 3 of the Code for Sustainable Homes, including specific measures such as a green roof, dual flush toilets, and rainwater butts. However, as part of the footprint of the building falls on previously undeveloped Greenfield garden land, it is considered appropriate that level 4 of the Code for Sustainable Homes is sought in this instance. This has been agreed with the applicants and is secured by condition. Suitable refuse and recycling storage is detailed within a compound to the front of the site. Subject to conditions securing level 4 of the Code for Sustainable Homes, the proposed development will meet the sustainability criteria set out in policy SU2 and SPD08.

9 CONCLUSION

- 9.1 The development would make an efficient and effective use of the site. The design, height and bulk of the proposed building would relate well to the existing buildings in the surrounding area without having a detrimental impact on neighbouring amenity in respect of loss of privacy or loss of light. The development would provide for an appropriate mix of housing with each unit achieving Level 4 for Code for Sustainable Homes as minimum and providing a good standard of accommodation with access to outside amenity space, parking and cycle storage space.

10 EQUALITIES

- 10.1 All of the proposed units should meet Lifetime Home Standards in accordance with Policy HO13 of the Brighton & Hove Local Plan.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms:

- £4,500 towards sustainable transport infrastructure.

11.2 Regulatory Conditions:

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

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

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

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	TA725/01	-	31/07/2013
Existing floor plans	TA725/02	-	31/07/2013
	TA725/03	-	31/07/2013
	TA725/04	-	31/07/2013
Existing elevations and sections	TA725/05	-	31/07/2013
	TA725/07	-	31/07/2013
	TA725/08	-	31/07/2013
Proposed block plan	TA725/09	B	25/09/2013
Proposed site layout	TA725/10	B	25/09/2013
Proposed floor plans	TA725/11	-	31/07/2013
	TA725/12	-	31/07/2013
	TA725/13	-	31/07/2013
	TA725/14	B	25/09/2013
Proposed elevations and sections	TA725/15	B	25/09/2013
	TA725/16	B	25/09/2013
	TA725/17	B	25/09/2013
	TA725/18	B	25/09/2013
	TA725/19	B	25/09/2013
	TA725/20	B	25/09/2013
Proposed street context	TA725/21	B	25/09/2013

- 3) Other than the balcony areas identified in the approved drawings, access to the flat roofs to the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs 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 policy QD27 of the Brighton & Hove Local Plan.

- 4) The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

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

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

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- 6) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 7) The development hereby permitted shall not be occupied until the privacy screens to the roof terrace as detailed on drawing no.TA725/14 rev B received on 25 September 2013 have been installed. The screens shall be retained at all times.
Reason: In order to protect adjoining properties from overlooking and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 8) The development hereby permitted shall at all times be undertaken in accordance with the arboricultural method statement contained within the Arboricultural Report received on the 25 September 2013. All trees identified for retention within the submitted Arboricultural Report shall be protected to BS5837 (2005) in accordance with the approved method statement throughout all development works.
Reason: To ensure the adequate protection of the protected trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 9) The windows in the north elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 10) 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 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.
A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 11) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 12) 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 including replacement tree planting, indications of all existing trees to be retained 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) 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) No development shall commence until a survey of the site to identify the presence or otherwise of badgers been submitted to and approved in writing by the Local Planning Authority in accordance with the details submitted in the Preliminary Ecological Appraisal received on 31 July 2013. The survey shall be carried out no earlier than six months prior to the commencement of works and in the event badger setts are found to be present within the site no development shall commence until a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved mitigation strategy.

Reason: To ensure the protection of any protected species and to comply with Policy QD18 of the Brighton & Hove Local Plan.

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

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 16) 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.

- 17) No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

11.4 Pre-Occupation Conditions:

- 18) 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 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.

- 19) 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.

- 20) 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.

11.5 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:

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- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The development would make an efficient and effective use of the site.
The design, height and bulk of the proposed building would relate well to the existing buildings in the surrounding area without having a detrimental impact on neighbouring amenity in respect of loss of privacy or loss of light. The development would provide for an appropriate mix of housing with each unit achieving Level 4 for Code for Sustainable Homes as minimum and providing a good standard of accommodation with access to outside amenity space, parking and cycle storage space.
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
 4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
 5. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites:
www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and
www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
 6. The applicant is advised that a minimum of 10 cycle parking spaces should be provided to satisfy the requirements of Condition 16.

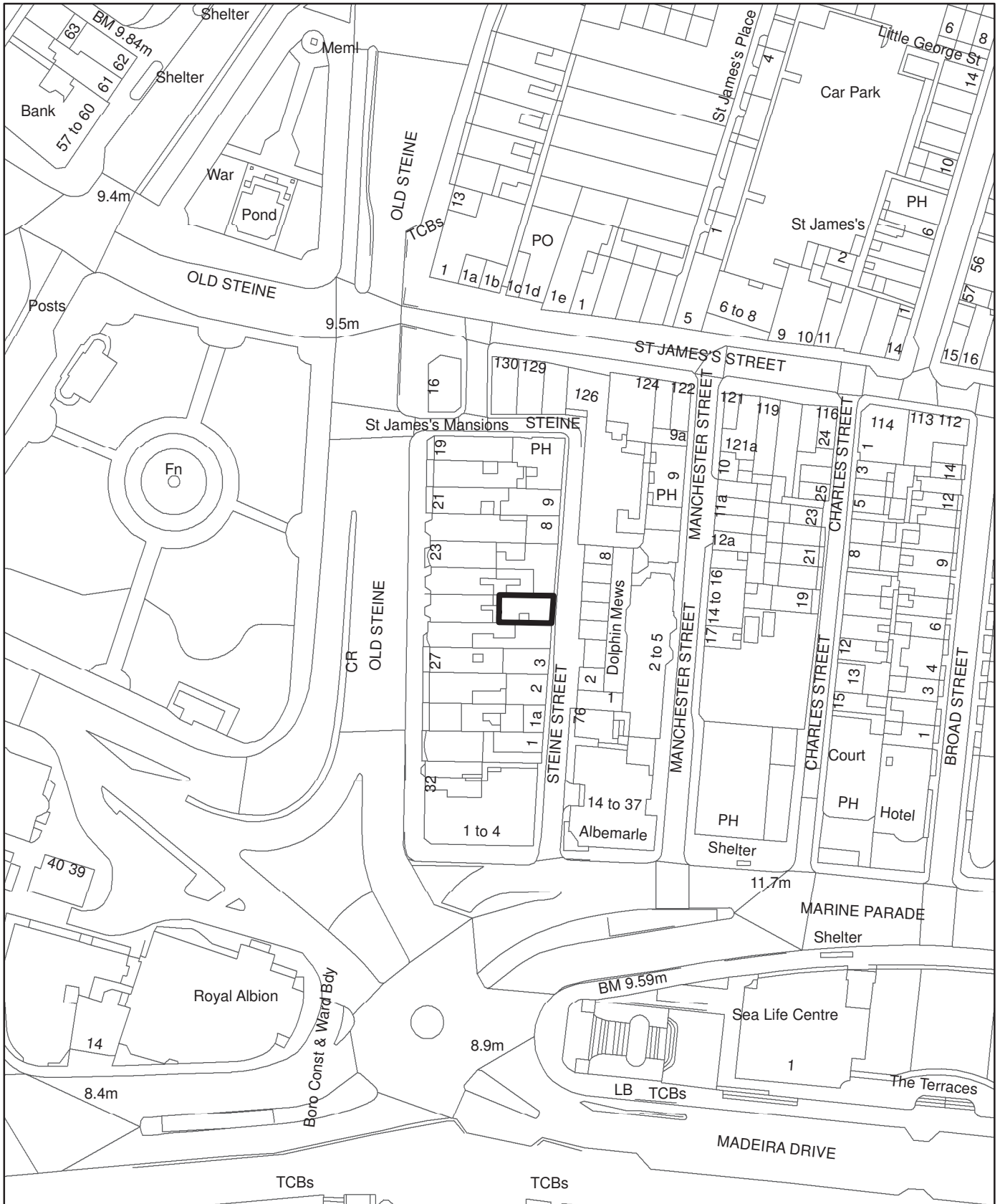
ITEM G

5 Steine Street, Brighton

BH2013/02747
Full planning

30 OCTOBER 2013

BH2013/02747 5 Steine Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02747	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	5 Steine Street Brighton		
<u>Proposal:</u>	Change of use from nightclub (Sui Generis) to 7 unit student accommodation (Sui Generis) incorporating alterations to fenestration and installation of railings to glazed floor panel lightwell.		
<u>Officer:</u>	Jonathan Puplett Tel 292525	<u>Valid Date:</u>	12/08/2013
<u>Con Area:</u>	East Cliff / adjoining Valley Gardens	<u>Expiry Date:</u>	07 October 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Dowsett Mayhew Planning Partnership, Pelham House 25 Pelham Square Brighton BN1 4ET		
<u>Applicant:</u>	Oazo Ltd, c/o Agent		

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 set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a two storey building with a basement level below situated on the western side of Steine Street. The building adjoins single storey buildings to either side, and is also partially connected to no. 25 Old Steine to the rear of the site which is a Grade II listed building. The property is sited within the East Cliff Conservation Area; the border of the East Cliff Conservation Area runs along the rear boundary of the site, with the Valley Gardens Conservation Area to the other side of the boundary.
- 2.3 The property was most recently in use as a venue for music, cabaret and comedy nights; this use commenced in 2011. Prior to this it appears that the property was in use as a bar / nightclub. The most recent permission for the use of the property was for a private members club, granted in 1985. Based upon the available information the established use of the property is considered to be as a bar / nightclub. The current premises licence permits sale of alcohol until 02.00 Monday to Thursday, until 03.00 on Friday and Saturday, and until 00.30 on Sunday. Various licensable activities (musical performance- live and recorded, dancing, exhibition of a film) are permitted until 03.00 Monday to Sunday.

3 RELEVANT HISTORY

- BH2010/01338:** Alterations to frontage (Retrospective). Approved 22/03/2011.
BH2008/01188: Internally illuminated hanging sign (retrospective). Approved 12/12/2008.

- BH2008/01183:** Alterations to frontage (retrospective). Refused 12/12/2008.
BH2007/00693: Display of internally illuminated sign. Approved 17/04/2007.
BH2007/00684: Modifications to frontage and entrance of club. Withdrawn 15/06/2007.
BH2006/03714: Display of internally illuminated hanging sign. Refused 25/01/2007.
BH2005/01778/AD: Display of non-illuminated fascia signs. Approved 10/08/2005.
BH1999/02904/FP: Site 2 no. mechanical extraction motors at rear roof level (retrospective). Approved 23/02/2000.
BN85/832F: Alterations to front elevation to include shutters to all windows and erection of canopy blind. Approved 13/08/1985
BN85/165F: Change of use from restaurant to private members club. Approved 02/04/1985.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the property from a nightclub to an HMO comprising 7 bedrooms with en-suite bathrooms and a communal kitchen / living room at basement level. The proposed use is described as student accommodation.
- 4.2 Alterations to the ground floor front elevation of the building are proposed, a basement lightwell is proposed to the front of the building with a pavement light and railings in front. Blocked up windows to the front side and rear of the building would be reinstated and a small side window is proposed to the northern side of the building just above ground level. It is proposed that both sides of the building would be repaired and re-rendered with a lead capping to the top of the walls.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One (1)** letter has been received from **no. 4 Dolphin Mews** objecting to the application for the following reasons:
- The proposed first floor windows to the front of the building will overlook the properties opposite resulting in a loss of privacy.
 - Future occupiers could congregate outside the front of the building to smoke and this could cause noise disturbance.
 - The air conditioning unit on top of the building should be removed or alternatively should be soundproofed / enclosed.
 - The roof of the property should not be used as a terrace as this would cause overlooking.
- 5.2 **Nine (9)** letters of representation have been received from **nos. 1A and 10 Steine Street. Nos. 2, 3, 6 Dolphin Mews Manchester Street, Brighton Dental Clinic St James's Mansions Old Steine, 'Redroaster' 1d St James's Street, The European School of Animal Osteopathy Ltd 25 Steine Street, and from the Kingscliffe Society** supporting the application for the following reasons:

- The building is at present run-down / in a poor condition. The proposed development would result in a more appropriate appearance.
- Previous uses of the building have failed; the commercial viability in Steine Street has noticeably declined.
- The proposed use would be beneficial for businesses in the neighbourhood.
- The previous use as a nightclub caused noise and disturbance for neighbouring occupiers. The proposed use would not be disruptive to neighbouring occupiers.
- The proposed use will help to address the demand for student accommodation, and specifically could provide housing for students of the European School of Animal Osteopathy.

Internal:

- 5.3 **Heritage (comments based upon the drawings originally submitted):** Object. The proposal to set the ground floor of the property back from the pavement alongside would not be characteristic of the street; a strong building line at the back of the pavement should be maintained. Revisions to the proposals at ground floor level are therefore required. The North elevation of the property is of prominence in the street scene and is in poor condition; the opportunity should be taken to improve the appearance of this elevation. Further details of the proposed windows and their reveals are required and should be secured by planning condition.
- 5.4 **Heritage (verbal comments based upon amended drawing received 10/10/2013):** Support. The revisions to the proposed alterations to the ground floor frontage of the building address the concerns previously raised. The window proposed alongside the entrance door should be set away from the door. All proposed windows to the eastern and northern sides of the building should be set within appropriate reveals, should have traditional cill details, and all windows and doors should be of appropriate joinery detailing. Such details and revised positioning of the window alongside the entrance door should be secured by planning condition.
- 5.5 **Transport:** Comment. The proposed use is unlikely to result in an increased trip generation. The proposed development should be secured as car-free by planning condition to comply with Policy HO7. The proposed cycle storage provision is not ideal, it is however considered acceptable in this case and further details should be secured by condition.
- 5.6 **Private Sector Housing:** Comment. The proposed use would require an HMO licence and would be required to comply with the Council's standards for HMO licensing.

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
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO14	Houses in multiple occupation (HMOs)
SR13	Nightclubs

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD08 Sustainable Building Design
SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issues of consideration in relation to the proposed development are the principle of the change of use from nightclub to HMO, the standard of accommodation which the proposed development would provide future occupiers, neighbouring amenity, visual impact and impact upon the conservation area setting, transport and sustainability.

Principle of development:

- 8.2 The established use of the property is as a private members club / nightclub. Such a use is not protected by local planning policies and the loss of this use is not objected to. The proposed use as a house in multiple occupation must be considered having regard to policy HO14 of the Brighton & Hove Local Plan and policy CP21 of the Brighton & Hove City Plan Part One (submission document).
- 8.3 The Brighton & Hove Local Plan makes specific reference to houses in multiple occupation. The sub-text of policy HO14 details that:

'It is recognised that in some areas of the city, a concentration of HMOs can cause various problems arising from heavy concentrations of people living within a small geographical area. Appropriate policies elsewhere in the Plan aimed at protecting amenities will also be important factors in assessing new proposals in respect of new HMOs and the loss of existing HMOs. Particularly important in this respect are policies QD27 and HO4.'

- 8.4 Policy CP21 of the Brighton & Hove Draft City Plan Part One specifically addresses the issue of changes of use to HMO and states that:

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

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

- 8.5 This policy at present has significant weight as the adopted Local Plan is silent on the issue. The site is located within the recently introduced Article 4 Direction area which removes permitted development rights under Class I (b) of Part 3 of

Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, to change from a C3 (dwellinghouses) Use to a C4 (houses in multiple occupation) Use, which came into effect from 5 April 2013.

- 8.6 A mapping exercise has taken place which indicates that there are 120 separate residential properties which fall within a 50 metre radius of the site. Of these 120 residential properties, 11 have been identified as being in Class C4, mixed C3/C4 or other types of HMO in a sui generis use. This represents a percentage of 9.2%; the proposed HMO use would therefore not be contrary to policy CP21. The existing concentration of HMO uses is not considered to be at a harmful level.
- 8.7 Overall there is no objection to the principle of the loss of the existing use and the proposed HMO use of the property.

Standard of accommodation:

- 8.8 The proposed HMO layout comprises:
- Basement level: Communal kitchen and living room and one bedroom with en-suite bathroom.
 - Ground floor: Cycle and refuse / recycling store and two bedrooms with en-suite bathrooms.
 - First floor: Four bedrooms with en-suite bathrooms.
- 8.9 The bedrooms are annotated in the submitted drawing as 'studios', it does not however appear that self contained units are proposed, future occupiers would share use of the communal kitchen / living room.
- 8.10 Local planning policies do not set out minimum standards for residential accommodation and room sizes. Policy QD27 of the Brighton & Hove Local Plan does however seek to protect the amenity of future occupiers and therefore an assessment of the acceptability of the standard of accommodation which would be provided is required.
- 8.11 At basement level the property currently consists of W.C. facilities and a number of storage rooms. To make the basement level habitable it is proposed that the ground floor level would be raised slightly to provide usable ceiling heights at basement level. The rear basement window faces into a lightwell between the application property and no. 25 Old Steine behind. To the front of the property it is proposed that a lightwell would be excavated to form a pavement light, a very small north-facing high level window is proposed to the side of the building at ground level. The communal kitchen / living room would be reliant upon natural light from these two sources and would not have any significant outlook.
- 8.12 The standard of accommodation which this room would provide is considered to be unacceptably poor. A number of the bedrooms proposed are very small; bedroom sizes proposed (excluding shower rooms) are as follows:
- Basement bedroom: 15.2m².

- Ground floor bedrooms: 9.1 m² and 14.2 m².
- First floor bedrooms: 7.7 m², 7.8 m², 10.2 m² and 11 m².

- 8.13 Future occupiers would therefore be likely to spend a substantial amount of time in the communal room which would not benefit from appropriate natural light levels and the lack of any significant outlook would give the room the feeling of an internal basement store room, representing a poor standard of accommodation leading to a sense of confinement.
- 8.14 In regard to the bedrooms proposed, the basement bedroom and the rear ground floor bedroom are considered to be of a usable size and arrangement. The front ground floor room and the first floor bedrooms proposed are smaller and more awkward. The bedrooms to the front of the building (one at ground floor and two at first floor), and the rear studio with a side window would benefit from acceptable natural light levels and outlook, the three bedrooms solely reliant upon rear windows would have poorer natural light levels and poor quality outlook as they face into a small lightwell with views of the commercial building behind in close proximity.
- 8.15 No private outdoor amenity space is proposed for future occupiers, this is not ideal and does not meet the objectives of policy HO5. It is however accepted that in a city centre location, with a scheme relating to the conversion of an existing building, it is not always possible to achieve such provision. The addition of features such as balconies or roof terrace would be likely to cause harm to neighbouring amenity and would be unlikely to be acceptable in this case.
- 8.16 Cycle storage and refuse / recycling storage are proposed at ground floor level. Access to the cycle store would require going up three steps and through the internal hallway, this is not ideal but is considered acceptable given the constraints of the site.
- 8.17 In regard to access, the proposed layout would not provide compliance with Lifetime Homes Standards. The scheme however relates to the conversion of an existing building rather than a new build, it would not therefore be reasonable to require that such standards be met.
- 8.18 As an overall assessment, having regard to the poor standard of accommodation which the communal basement room would provide, the size and layout of the proposed bedrooms, and the poor quality outlook and light levels available from the rear windows of the building, it is considered that the proposed layout would not provide an acceptable standard of accommodation for future occupiers. The proposal is therefore considered contrary to policy QD27 of the Brighton & Hove Local Plan and warrants refusal on these grounds.

Neighbouring amenity:

- 8.19 In regard to the use which is proposed, a HMO occupied by seven individuals would be an intensive residential use and would be more likely to cause issues such as noise disturbance than a use as a single dwelling would be likely to.

Policy HO14 of the Brighton & Hove Local Plan and policy CP21 of the Brighton & Hove City Plan Part One (submission document) identify that concentrations of such uses in a particular area can cause harm to the amenity of residents.

- 8.20 In this case it has been identified that the concentration of such uses in the vicinity of the application site is not at a level which is considered to be harmful. In isolation, the proposed use is considered to be appropriate; the surrounding area is densely occupied and the proposed use would not be out of character. Refuse and cycle storage is proposed and further details of these provisions could be secured by planning permission were approval to be recommended, these would reduce the possibility of such items cluttering the street in front of the property.
- 8.21 Overall, having regard to immediate neighbours and the wider area, it is considered that the proposed HMO use would not cause significant harm to neighbouring amenity. It is also noted that the current use of the property as a nightclub has the potential to cause significant harm to neighbouring amenity, and that the proposed HMO use is likely to be less harmful than a fully active nightclub use.
- 8.22 In regard to privacy, the reinstatement of windows to the front of the building would not cause harm as they face out over the street and such views would not be harmful to the privacy of residents of the properties on the eastern side of Steine Street. An objection has been received regarding the overlooking which would result, it is however considered that the relationship which would result would be typical of the street and the surrounding area which is of a dense character; significant harm to privacy would not result.
- 8.23 The reinstatement of the north-facing first floor side window would primarily provide views over the roof of no. 7A Steine Street towards the buildings to the north of the site; again harmful overlooking would not result. The proposed small north-facing low level window at floor level window would not cause increased overlooking. To the rear of the property reinstating / uncovering the windows at basement, ground and first floor level would provide views across to the rear of no. 25 Steine Street which is in use as an education facility (The European School of Animal Osteopathy), overlooking of the windows of this property would not cause significant harm.

Visual Impact:

- 8.24 The application property forms a prominent part of the street scene and the East Cliff Conservation Area. As such it is of key importance that external alterations are of a sympathetic nature and that the resulting appearance would preserve / enhance the street scene. At present the building is in poor condition and does not make a positive contribution to the street scene. It is proposed that the building would be renovated and a number of external changes are proposed.
- 8.25 Alterations to the ground floor front elevation of the building are proposed, a basement lightwell is proposed to the front of the building with a pavement light and railings in front. Blocked up windows to the front side and rear of the

building would be reinstated and a small side window is proposed to the northern side of the building just above ground level. It is proposed that both sides of the building would be repaired and re-rendered with a lead capping to the top of the walls.

- 8.26 The alterations now proposed to the front of the building at ground floor level are considered to be acceptable and address the concerns raised by the Heritage Officer in relation to the original drawings submitted. It is proposed that the existing entrance and window would be replaced by an entrance door and window set in a wall which fronts straight on to the pavement, the remainder of the ground floor would be set back to allow for the formation of a pavement light with railings in front. It is considered that this arrangement would sit comfortably in the street scene. The proposed window alongside the front door should be set away from the door rather than being directly alongside, this minor revision could be secured by planning condition were approval to be recommended.
- 8.27 The windows proposed to be reinstated to the front and side of the building are considered to be appropriate subject to being set in deep reveals in a traditional fashion and subject to appropriate joinery details. These details could be secured by planning condition were approval to be recommended.
- 8.28 The proposed works to the side elevations of the property would improve its appearance and would be of benefit to the street scene. The submitted drawings indicate that additions to the building associated with the commercial use of the building such as condenser units to the southern side of the building and at roof level would be removed, which would also be an improvement. The removal of these items could be secured by planning condition were approval to be recommended.
- 8.29 Overall, subject to the application of appropriate conditions, the proposed development would result in an acceptable appearance. The character of the East Cliff and Valley Gardens Conservation Areas and of the setting of the listed buildings to the rear of the property would be preserved.

Transport:

- 8.30 The proposed use, in comparison to the established nightclub use would not result in a significant increase in trip generation. The application property is in a very well connected location with the city centre and public transport links in close proximity. In such a location, as no off-street vehicular parking is proposed, to ensure compliance with policies TR1 and HO7 it would be necessary to secure the development as car free by condition were approval to be recommended.
- 8.31 In regard to cycle storage, as detailed above the proposed provision is not ideal but is considered to be acceptable in this case subject to securing further detail by planning condition.

Sustainability:

- 8.32 Policy SU2 requires that developments demonstrate efficient use of materials, energy and water. SPD08 provides detailed guidance in this regard. For a

commercial development involving an existing building, SPD08 sets out that development should demonstrate efficient use of energy and water; a specific level of sustainability is not required. A sustainability checklist has been submitted which details some measures to meet these objectives; were approval to be recommended further details could be secured by planning condition.

9 CONCLUSION

- 9.1 The principle of the proposed change of use is considered acceptable in this location. The proposed external changes (subject to securing further details which could be required by planning condition) are considered appropriate. No significant harm to neighbouring amenity would result and other matters could be resolved by the application of planning conditions as detailed above.
- 9.2 It is however considered that the proposed internal accommodation, including a basement level communal room with little natural light and very limited outlook, a number of small bedrooms, and rooms to the rear of the property reliant on a lightwell which would provide limited natural light and poor quality outlook, would not be of an acceptable standard. The proposed development would not provide a suitable standard of accommodation, which would be to the detriment of the amenity of future occupiers and would be contrary to policy QD27 of the Brighton & Hove Local Plan. Refusal of planning permission is therefore recommended.

10 EQUALITIES

- 10.1 The proposed dwelling would not provide full compliance with Lifetime Homes Standards, a flexible approach is however required as the development relates to the conversion of an existing building rather than a new-build.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reason for Refusal:

1. The proposed internal accommodation, including a basement level communal room with little natural light and very limited outlook, a number of small bedrooms, and rooms to the rear of the property reliant on a lightwell which would provide limited natural light and poor quality outlook, would not be of an acceptable standard. The proposed development would not provide a suitable standard of accommodation, which would be to the detriment of the amenity of future occupiers and would be contrary to policy QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

PLANNING COMMITTEE LIST- 30TH OCTOBER 2013

Plan Type	Reference	Version	Date Received
LOCATION AND BLOCK PLAN	13-013-100		12/08/2013
EXISTING FLOOR PLANS AND ELEVATIONS	13-013-101		12/08/2013
PROPOSED FLOORPLANS ELEVATIONS	13-013-301	C	10/10/2013

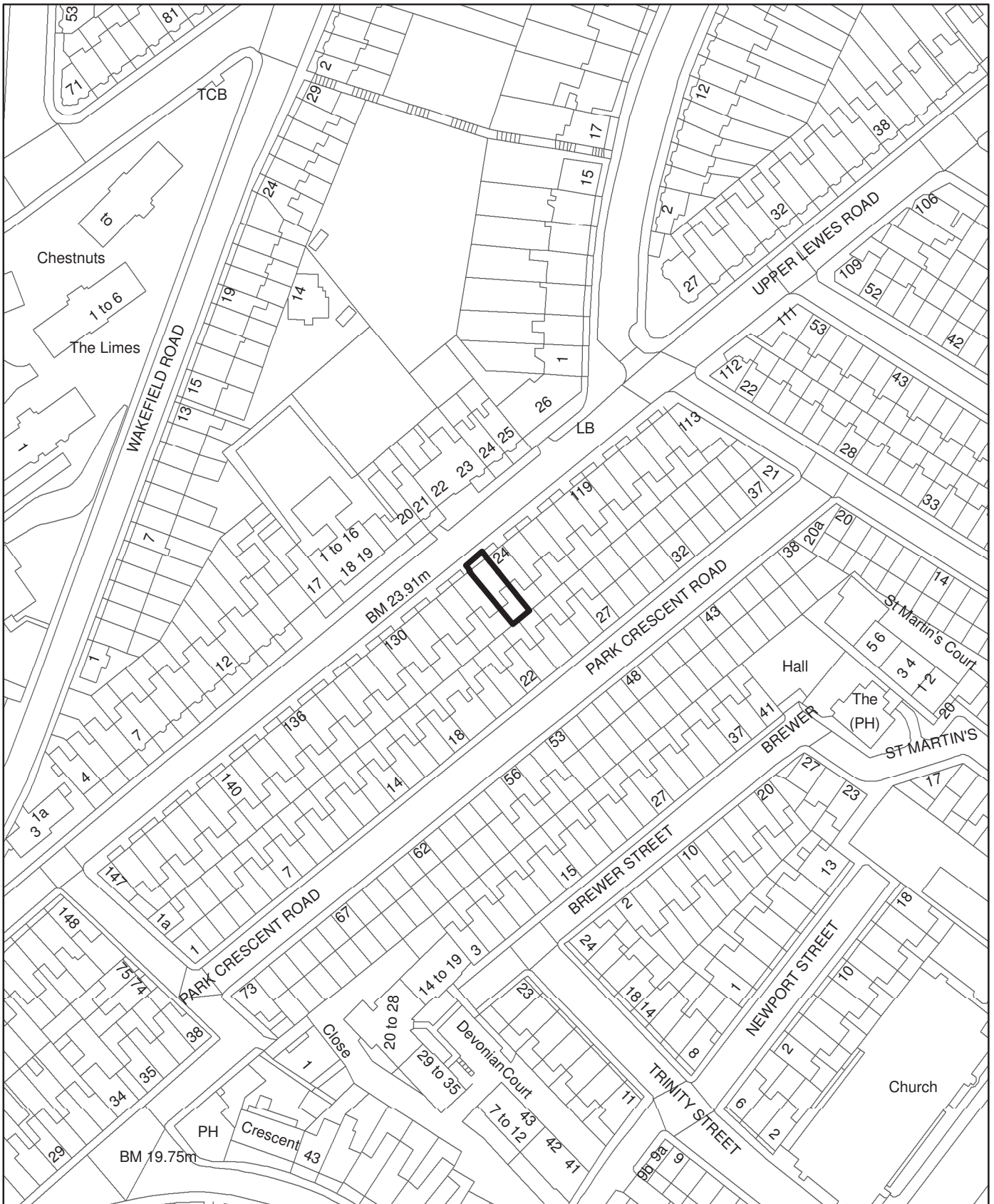
ITEM H

125 Upper Lewes Road, Brighton

BH2013/02231
Full planning

30 OCTOBER 2013

BH2013/02231 125 Upper Lewes Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02231	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	125 Upper Lewes Road Brighton		
<u>Proposal:</u>	Change of use from small House in Multiple Occupation (C4) to large House in Multiple Occupation (sui generis) and erection of first floor rear extension to create additional bedroom.		
<u>Officer:</u>	Sue Dubberley Tel 293817	<u>Valid Date:</u>	10/07/2013
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	04 September 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	The Alexander Partnership, Europa House Goldstone Villas Hove East Sussex BN3 3RQ		
<u>Applicant:</u>	Mr Y Rana, Batchelors Emms Lane Barns Green RN13 0QG		

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 two storey plus basement terraced property located on the south side of Upper Lewes Road. The site is in use as a small House in Multiple Occupation (C4) and registered as such with the Council.
- 2.2 The site is located within the recently introduced Article 4 Direction area which removes permitted development rights to change from a C3 (dwellinghouse) Use to a C4 (houses in multiple occupation) Use, which came into effect from 5 April 2013.

3 RELEVANT HISTORY

None.

121 Upper Lewes Road

BH2006/01582 First floor rear extension. Approved 05/07/2006.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from small House in Multiple Occupation (C4) to large House in Multiple Occupation (sui generis) and erection of a first floor rear extension to create an additional bedroom.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: None received.

- 5.2 **Councillor Pete West:** Objects and requests that the application goes before the Planning Committee. (Full comment appended)

5.3 Internal

Sustainable Transport: Support Recommended approval as the Highway Authority has no objections to this application, subject to the inclusion of the necessary conditions.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD14 Extensions and alterations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO8 Retaining housing
- HO14 Houses in multiple occupation (HMOs)

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed change of use, the design of the proposed alterations, impact upon neighbouring amenity, the standard of accommodation which the proposed use would provide, transport and sustainability.
- 8.2 **Principle of development**
The proposed development is a change of use from a C4 (house in multiple occupation) to a use which would allow occupation of the property as a Sui Generis HMO providing accommodation for more than 6 unrelated individuals (total of 7 bed spaces) who share basic amenities including a kitchen and a bathroom.
- 8.3 The Brighton & Hove Local Plan pre-dates the formulation of the C4 use class, but does make specific reference to houses in multiple occupation. The sub-text of policy HO14 details that:
- 8.4 *'It is recognised that in some areas of the city, a concentration of HMOs can cause various problems arising from heavy concentrations of people living within*

a small geographical area. Appropriate policies elsewhere in the Plan aimed at protecting amenities will also be important factors in assessing new proposals in respect of new HMOs and the loss of existing HMOs. Particularly important in this respect are policies QD27 and HO4.'

- 8.5 Policy CP21 of the Brighton & Hove Draft City Plan Part One specifically addresses the issue of changes of use between use classes C3 and C4 and states that:
- 8.6 *'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*
- 8.7 This policy at present has significant weight as the adopted Local Plan is silent on the issue. The site is located within the recently introduced Article 4 Direction area which removes permitted development rights under Class I (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, to change from a C3 (dwellinghouses) Use to a C4 (houses in multiple occupation) Use, which came into effect from 5 April 2013. The property is already in C4 use and has been since prior to 5 April 2013. The overall concentration of C4/HMOs, within a 50m radius of the site, would not be altered by the proposal and as such in principle the change of use to a Sui Generis HMO is considered acceptable.
- 8.8 The proposal does not give details any provision for refuse and recycling storage and therefore a condition requiring details of these forms part of the recommendation.
- 8.9 **Design and Appearance**
The first floor extension would be sited on the footprint of the existing ground floor kitchen extension, with a monopitched roof. The extension would be rendered with a tiled roof to match the existing building, the roof form and pitch reflects that of the host building. The design of the extension is considered acceptable and in keeping with the host building. On inspection of the site it is was noted that there is a similar first floor extension at no.121 Upper Lewes Road approved in 2006.
- 8.10 **Amenity**
Policy QD14 of the Local Plan seeks to ensure that development would not result in a significant loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use would 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 property currently has 5 bedrooms and the proposal involves the addition of a new bedroom in the proposed first floor extension and the rearrangement of the lower ground floor accommodation to create a further bedroom, giving a total of 7 bedrooms with shared kitchen/diner. In regard to the standard of living accommodation, it is acknowledged that the first floor bedroom which would be created by the extension and the bedroom below this at ground floor (formerly the kitchen area) are small. Overall however the standard of accommodation is considered acceptable and it is noted that the rooms sizes would be regulated by HMO licensing standards.
- 8.12 The use of the property would increase with the potential to accommodate two additional persons living in the house. It is considered that this small increase in occupancy would not have a significant impact in terms of additional noise and disturbance which would warrant refusal on these grounds.
- 8.13 The roof would be pitched away from the neighbour at 124 Upper Lewes Road and set 2.2m from the joint boundary which is considered acceptable in this high density area and would not cause significant harm. However a new window is proposed on the first floor side elevation and it is considered that this window could cause overlooking into the rear garden of the no.124 and a condition requiring this window, which is a secondary window to be obscure glazed, and fixed shut unless the parts of the windows which can be opened are more than 1.7 metres above the internal floor is recommended.
- 8.14 On the opposite side the extension would be located on the joint boundary with no.126 Upper Lewes Road; and would be adjacent to a window. However the window is to a landing and not a habitable room and therefore the impact on this property is considered acceptable in terms of loss of daylighting. While there may be some loss of daylight, given the window serves a landing then refusal on these grounds could not be justified. It is considered that the rear window would provide similar views of neighbouring gardens to the existing fenestration. Due to the distances involved it is not considered that there will be any significant intensification of overlooking of the properties to the rear. It is acknowledged that there will always be some level of mutual overlooking between residential properties in built up residential area such as this.
- 8.15 **Sustainable Transport**
The Traffic Engineer has raised no objections to the application. The proposals may increase trips slightly above existing levels as the number of bedrooms is increasing from 5 to 7. However, the increase is not considered to cause a negative highway impact which would warrant a refusal of planning permission. In light of this and on the basis that the development is below the Temporary Recession Measures the Highway Authority would not look for a S106 financial contribution to off set the impact in this instance.
- 8.16 The applicant could not propose any on-site car parking spaces, which is the same as the existing provision. The forecast level of overspill car parking is not considered to be significant given that the increase in units is by only 2.

- 8.17 The applicant has stated in the application form that there are currently 5 cycle spaces and this would be increased to 7 cycle parking spaces. However, none of the submitted plans indicate cycle parking provision. It is unclear as to where the existing spaces would be located, although the applicant has stated that the front basement area is informally used. While there is a rear garden, access to this space is not ideal as it involves taking the bikes downstairs and through the house. A condition requiring details of cycle parking therefore forms part of the recommendation.

9 CONCLUSION

- 9.1 The proposal for a change of use to a use which would allow occupation of the property as a Sui Generis HMO providing accommodation for more than 6 unrelated individuals (total of 7 bed spaces) is considered acceptable as this small increase in occupancy would not have a significant impact on the residential amenities of the area.
- 9.2 The proposed extension would not significantly harm the appearance of the recipient building or surrounding area and would not result in a significant impact on the amenity of any adjacent residential properties.

10 EQUALITIES

- 10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Block plan	01/1303564		01/07/13
Site plan	02/1303564		01/07/13
Existing floor plans	03/1303564		01/07/13
Existing floor plans	04/1303564		01/07/13
Existing section	05/1303564		01/07/13
Existing elevation	06/1303564		01/07/13
Existing elevation	07/1303564		01/07/13
Proposed floor plans	13/1303564		01/07/13
Proposed first floor plans	14/1303564		01/07/13
Proposed section	15/1303564		01/07/13
Proposed rear elevation - east	16/1303564		01/07/13
Proposed elevation	17/1303564		01/07/13

- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 2) The upper ground floor side window to Bedroom 7 in the east elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 4) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 5) 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.

11.3 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:-

PLANNING COMMITTEE LIST- 30TH OCTOBER 2013

The proposal for a change of use to a use which would allow occupation of the property as a Sui Generis HMO providing accommodation for more than 6 unrelated individuals (total of 7 bed spaces) is considered acceptable as this small increase in occupancy would not have a significant impact on the residential amenities of the area.

The proposed extension would not significantly harm the appearance of the recipient building or surrounding area and would not result in a significant impact on the amenity of any adjacent residential properties.

Dear Sue,

I would like to object to application BH2013/02231 125 Upper Lewes Road Brighton for change of use from House in Multiple Occupation (C4) to Full House in Multiple Occupation (SG08) and erection of single storey rear extension to the first floor to create an additional bedroom.

Upper Lewes Road and the areas surrounding already have a high density of HMO's many occupied by students. The impact of studentification on this neighbourhood has driven many family households away from the area. The manifest problems are well understood including late night noise, waste generation and poor refuse storage, and I would refer you to the scrutiny on studentification that was conducted a few years ago. This application will only add to the negative impacts on the area and further tip the balance of the occupancies here. We need to limit the size and number of HMO in the area, not allow further cramming and overwhelming of the local community. This application does not support this need.

I request that if your recommendation is to grant the application that the decision be taken by the Planning Committee.

I'm copying in Maureen Winder, Chair of the Triangle Community and Annie Rimmington, Chair of the Round Hill Society for their information.

As we are now in the school summer holiday period I will be away on family vacation for the next few weeks, but will endeavour to check my emails periodically when I have access to a connection.

Best regards,

Cllr Pete West

Green City Councillor for St. Peter's & North Laine Ward, Brighton & Hove City Council.
BHCC Committee positions: Chair of Environment, Transport & Sustainability Committee,
Member to Policy & Resources Committee
BHCC appointee to: City Sustainability Partnership, B&H Estates Conservation Trust, Brighton Race Course Trust, LGA Rural Commission, City in Bloom, Southern Regional Flood & Coastal Committee.
Member of the South Downs National Park Authority (BHCC appointee)
SDNPA Committee positions: Deputy Chair of Resource & Performance Committee.

ITEM I

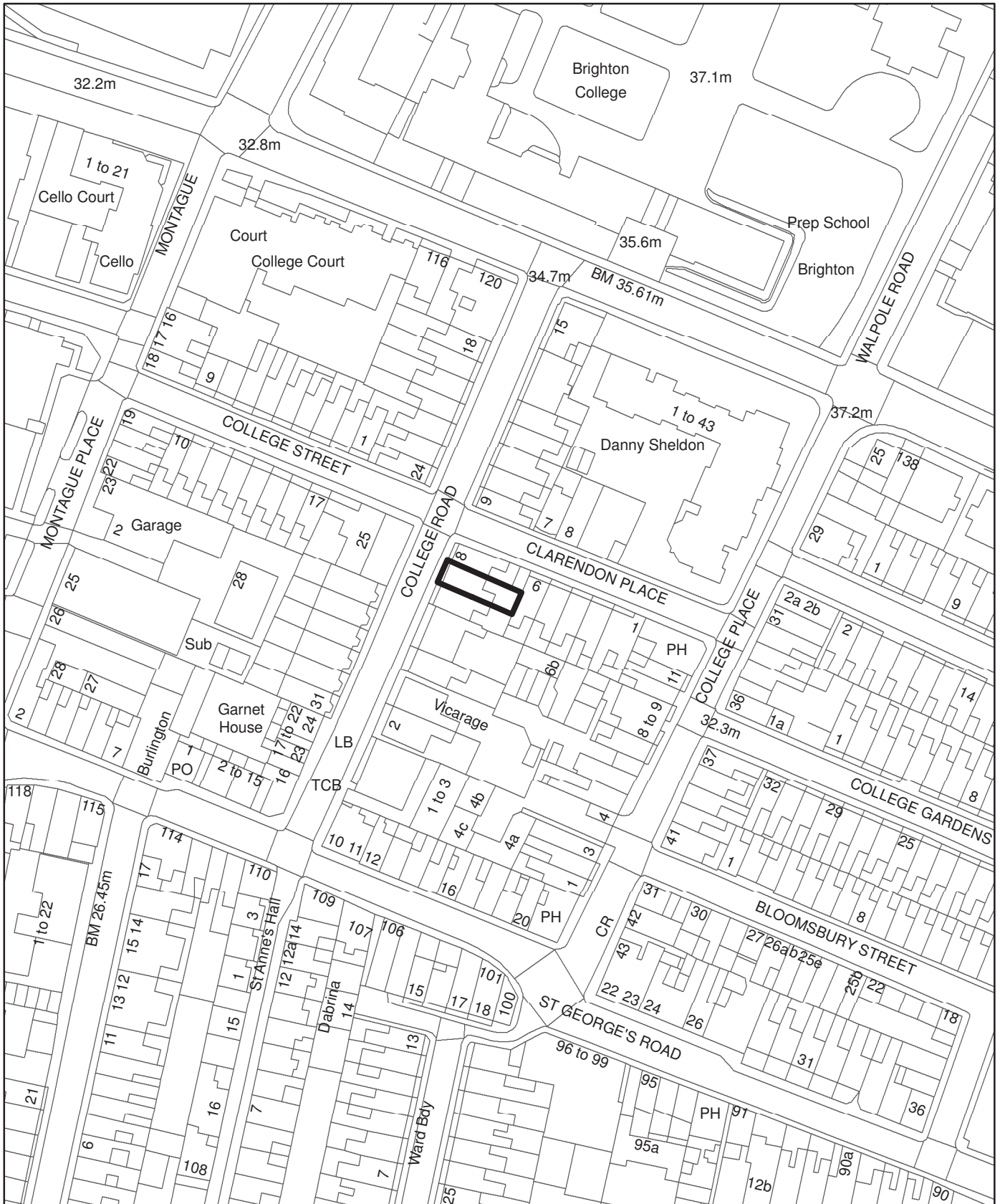
7 College Road, Brighton

BH2013/02591

Removal or variation of condition

30 OCTOBER 2013

BH2013/02591 7 College Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02591	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	7 College Road Brighton		
<u>Proposal:</u>	Application for removal of condition 4 of application BH2006/03056 (Conversion of dwelling into two 1 bed flats and one 2 bed flat) which states that no development shall take place until details of arrangements to ensure the development shall remain genuinely car free at all times have been agreed in writing by the Local Planning Authority.		
<u>Officer:</u>	Kathryn Boggiano, tel: 292138	<u>Valid Date:</u>	30/07/2013
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	24 September 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>			
<u>Applicant:</u>	Dr Jasmin Islam, Flat 3, 7 College road, Brighton, BN2 1JA		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a large three storey terraced building plus basement. The basement does not form part of the application site as it had already been converted into a one bed self contained flat prior to the original planning application BH2006/03056 being submitted. In accordance with the approved plans, the ground, first and second floors have been converted into three self contained units.
- 2.2 The surrounding area is predominantly residential and the majority of the dwellings within the street are three and four storeys and have been converted into flats. The site is within the East Cliff Conservation Area and within Controlled Parking (CPZ) Zone H.

3 RELEVANT HISTORY

BH2006/03056: Conversion of dwelling into two one bed flats and one two bed flat. Approved 15 December 2006.

4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of condition 4 of BH2006/03056 which stated that:

“No development shall take place until details of arrangements to ensure the development shall remain genuinely car free at all times have been agreed in writing by the Local Planning Authority. The agreed measures shall be implemented before any of the units are first occupied unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that two of the units remain genuinely car free in the long term and to prevent an increase to on-street car parking stress, in accordance with Brighton & Hove Local Plan policies TR1, TR7, TR19, HO7 and HO9.”

5 PUBLICITY & CONSULTATIONS

External

- 5.1 An objection has been received from **Councillors Stephanie Powell and Ben Duncan** and is attached to this report as an appendix.

Internal:

- 5.2 **Sustainable Transport:** Recommended approval as the Highway Authority would not recommend refusal of this application.
- 5.3 The proposals are to remove condition 4 of planning permission BH2006/03056 which requires that two of the three units shall remain genuinely car free.
- 5.4 The original application (BH2006/03056) was to convert the existing single residential dwelling into two 1 bed flats and one 2 bed flat. The existing single residential unit at lower ground floor level was retained and unaffected by these proposals. Condition 4 was included on planning permission BH2006/03056 which excluded 2 of the 3 newly proposed residential units from applying for CPZ permits. Therefore only 2 of the 4 residential units within this address could effectively apply for CPZ permits.
- 5.5 The applicant states that they were not aware that the development was car free as the developer did not inform future tenants of the car free nature of the development, as they are required to do so. The applicant also states that they have been in receipt of CPZ permits for the last 6 years.
- 5.6 Given the length of time since the original permission being granted and the length of time the residents have received CPZ permits it cannot be deemed that by refusing this current application and making the residents ineligible for parking permits successfully mitigates the impact of the development as approved; as the residents have been parking on-street within the vicinity of the site within the last 6 years. The impact the original application has had has dissolved into the local area and would not cause a significant highway impact which would warrant refusal of this application.

- 5.7 It should also be noted that there is currently not a waiting list in CPZ H and that car ownership levels are much lower than the average for Brighton, the South East of England and England as a whole. 59% of households in the Queens Park ward have no access to a car compared to 38% in Brighton as a whole, 19% in the South East of England and 26% in England.
- 5.8 Given the intervening years following the granting of the original permission and the mitigation of the impact of the development during that period, a refusal of this application would not be supportable.

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 Car free housing;
TR14 Cycle access and parking;
TR19 Parking standards;
SU2 Efficiency of development in the use of energy, water and materials;
QD2 Design, key principles for development;
QD3 Design – efficient and effective use of sites;
HO7 Car free housing
HO9 Residential conversions and the retention of smaller dwellings;
HE6 Development within or affecting the setting of conservation areas.

Supplementary Planning Guidance

SPGBH4 Parking standards.

Brighton & Hove City Plan

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 on the local highway network including on-street parking stress.
- 8.2 Policy TR1 requires development to cater for the travel demand which it generates. Policy HO7 permits car free housing in locations with good access to public transport and local services where there are complimentary on street parking controls and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term.
- 8.3 In 2006 an application (BH2006/03056) to convert the ground, first and second floors from a three storey maisonette to three self contained units was approved. The basement unit was unaffected by this application and it was already in use as a self contained unit. When the original application was approved a condition was imposed which required that details of arrangements to ensure that the development remained genuinely car free at all times to be submitted and agreed in writing prior to commencement of development. The reason accompanying the condition required that two out of the three units to be car free.
- 8.4 In order to discharge this condition, the applicant signed a Unilateral Undertaking which contained a commitment for the development to be car free and a financial contribution for the Traffic Regulation Order to be amended. The necessary TRO was amended, however, the TRO amendment required that all four flats, rather than just two flats, were in-eligible for a residents permit. In reality residents have been able to obtain permits from the Council from the time of the conversion until March 2013, at which time, the right to a permit for all four flats was removed.
- 8.5 The applicant has submitted a statement which states that the tenants and landlords of the units were unaware that their properties were car free until

March 2013, when they received a letter from the Council's Parking Team which stated that they were no longer eligible for a residents parking permit. The statement contains details of some of the residents' occupations which include doctors and carers and states that they are reliant on their cars for work, especially during evenings and night work when it is more difficult to rely on public transport. The applicant has also submitted information regarding the previous car ownership and it is stated that the previous residents of the three storey unit had two cars, however, the new residents of the three units have four cars which is an uplift of two cars. These figures do not include vehicles associated with the basement unit.

- 8.6 The Council's Highway Officers have commented that there is currently not a waiting list in CPZ Zone H and that car ownership levels are much lower in Queen's Park ward than the average for Brighton, the South East of England and England as a whole. 59% of households in the Queens Park ward have no access to a car compared to 38% in Brighton as a whole, 19% in the South East of England and 26% in England.
- 8.7 The Council's Highway Officers have also commented that given the length of time which has passed since the original permission was granted (7 years) and given the length of time the residents have been in receipt of CPZ permits (6 years), it cannot be deemed that the refusal of this current application and the requirement to make the residents ineligible for parking permits would successfully mitigate the impact of the development as approved. This is because the residents have been parking on-street within the vicinity of the site within the last 6 years. The impact the original application has had has dissolved into the local area and would not cause a significant highway impact which would warrant refusal of this application.
- 8.8 Circular 11/95 contains guidance on the use of conditions and states that they should meet the following tests:
- i. necessary;
 - ii. relevant to planning;
 - iii. relevant to the development to be permitted;
 - iv. enforceable;
 - v. precise; and
 - vi. reasonable in all other respects.
- 8.9 The Circular also states that in considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not be refused, then the condition needs special and precise justification.
- 8.10 In practice, there have been practical difficulties in specifying which units within a building are car free and which are not, and this had led to problems with the conditions meeting the 'enforceable' and 'precise' tests within the Circular. In addition, the additional vehicles generated by the development have been on the network for 6 years and are not considered to have an adverse impact on

the local highway network or parking stress in the immediate surrounding area. Therefore, the condition is no longer considered to be strictly necessary to mitigate the transport impacts of the conversion and therefore it is recommended to remove this condition. The TRO could be amended to reflect this in the next Consolidated Order.

9 CONCLUSION

9.10 It is considered that the additional vehicles which have been generated as a result of the original conversion (approved under BH2006/03056), have not and would not continue to cause a detrimental impact on the local highway network and on street parking levels. Therefore it is considered that the removal of the right to a resident's parking permit, would, in this case, fail to meet the tests of the Circular 11/95, as it would not be necessary in order to make the development acceptable. Therefore it is recommended to approve the removal of condition 4 of BH2006/03056.

10 EQUALITIES

None identified.

11 PLANNING CONDITIONS

11.1 Conditions:

1. The refuse and recycling storage facilities, as shown on approved plan 427/01 submitted 08 September 2006, shall be retained for use 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.
2. The cycle parking facilities as shown on the approved plans, as shown on approved plan 427/01 submitted 08 September 2006, shall be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

11.2 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:-
It is considered that the additional vehicles which have been generated as a result of the original conversion (approved under BH2006/03056), have not and would not continue to cause a detrimental impact on the local highway network and on street parking levels. Therefore it is recommended to approve the removal of condition 4 of BH2006/03056.
3. This decision is based drawing numbers 427/01 and 427/02 received on 8 September 2006.

23rd August 2013

Dear Kathryn,

This is an urgent objection to the application for 7 College Road.

Conditions were placed on this development in 2007 by the Local Planning Authority, to ensure that this converted dwelling remain 'car free'. This was placed in order to discourage care use, and to ensure that the stress on parking doesn't increase as a result of converting units.

We would therefore request as ward Councillors, that this application is heard at Full Planning Committee, for the reasons I have outlined above.

Regards,

Councillor Stephanie Powell & Councillor Ben Duncan
Green Party Councillors for Queen's Park Ward
Brighton & Hove City Council

PLANNING COMMITTEE	Agenda Item 94 Brighton & Hove City Council
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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

Date	Address	Ward	Proposal
19 th Nov 13	BHASVIC 205 Dyke Road, Hove	Hove Park Ward	Construction of a new 3no storey teaching block located on the existing upper car park between College House and the main building on Dyke Road and associated works.
29 th October 13	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
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

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 given after scheduled site visits unless otherwise stated.

			1,716 square metres; 8 No. A3/A4 restaurants/bars totalling 2730 square metres; Exhibition space 232 metres; B1 office units totalling 8,820 square metres; 9 screen D2 cinema of 3,875 square metres. 400 Residential units to be mainly provided at upper levels including 5 tower blocks ranging in height of between 10 and 25 storeys. Car parking for 800 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</p>

			including 12 affordable housing units served by 50 parking spaces access from Norway Street and Franklin Road.
15 th May 2012	<p>1. Brighton Station, Block J</p> <p>2. Woolards Field, Lewes Road</p>	<p>1. St Peters & North Laine</p> <p>2. Moulsecomb & Bevendean</p>	<p>1. The commercial and residential blocks will be developed separately. An amended 6/8 storey mixed use commercial building, plus basement, comprising hotel, office and retail uses, is proposed at the southern end of the site.</p> <p>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.</p>
24 th April 2012	<p>PortZed, 9-16 Aldrington Basin, Land south of Kingsway, Basin Road North, Portslade</p>	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	<p>Anston House, 137-139 Preston Road, Brighton</p>	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 30 October 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****BH2013/01544****18 Overhill Way Brighton**

Certificate of lawfulness for a proposed loft conversion incorporating roof lights to the front and side elevations and sun tunnels to the rear elevation.

Applicant: Mrs Christine Feest

Officer: Louise Kent 292198

Approved on 23/09/13 DELEGATED

BH2013/01819**Mill House Overhill Drive Brighton**

Application for Approval of Details Reserved by Condition 17 of application BH2010/03233

Applicant: Mr Alan Maysey

Officer: Anthony Foster 294495

Approved on 23/09/13 DELEGATED

BH2013/01821**Mill House Overhill Drive Brighton**

Application for Approval of Details Reserved by Condition 17 of application BH2011/03827.

Applicant: Mr Alan Maysey

Officer: Anthony Foster 294495

Approved on 23/09/13 DELEGATED

BH2013/01825**30 Brangwyn Way Brighton**

Erection of first floor side extension with pitched roof.

Applicant: Mr & Mrs Ohara

Officer: Chris Swain 292178

Refused on 24/09/13 DELEGATED

1) UNI

The proposed side extension, by reason of its size, design, bulk, siting and proximity to the side boundary would appear cramped adjacent to the neighbouring property at No.29 Brangwyn Way and would adversely affect the appearance and character of the existing property, the spacious Brangwyn Way street scene and neighbouring residential amenity. Furthermore, the proposed extension in conjunction with the existing extensions to the property would result in a bulky and overextended appearance to the dwelling. The development is therefore contrary to policies QD1, QD2, QD14 and QD27 of the Brighton & Hove

BH2013/02274

Primrose Cottage 126 Old London Road Brighton

Installation of boiler with flue to replace existing boiler in loft, and installation of 3no radiators.

Applicant: Ian John Boutell

Officer: Kate Brocklebank 292175

Approved on 08/10/13 DELEGATED

1) BH01.05

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

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

BH2013/02478

2 Craginair Avenue Brighton

Erection of single storey rear extension incorporating roof lantern. (Part Retrospective)

Applicant: Mr John Snell

Officer: Sonia Gillam 292265

Approved on 23/09/13 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
Existing and proposed elevations and floor plans	JS/2CA/001	REV B	30/07/2013
Block plan	JS-002		19/07/2013
Site plan	JS-003		19/07/2013
Lantern light plan	285812		19/07/2013

BH2013/02501

16 Highview Avenue South Brighton

Erection of raised timber decking to rear incorporating steps to garden level with associated external alterations.

Applicant: Mr & Mrs Jones

Officer: Sonia Gillam 292265

Approved on 25/09/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan			23/07/2013
Existing floor plan, elevations and section	01		23/07/2013
Proposed floor plan, elevations and section	02		23/07/2013

BH2013/02549

6 Ashley Close Brighton

Enclosing existing overhanging eaves to form front porch.

Applicant: Mr & Mrs Weallens

Officer: Sonia Gillam 292265

Approved on 27/09/13 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
Existing front elevation			26/07/2013
Existing west elevation			26/07/2013
Existing floor plan			26/07/2013
Proposed front elevation			26/07/2013
Proposed west elevation			26/07/2013
Proposed floor plan			26/07/2013

Site location plan		26/07/2013
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BH2013/02573

24 Overhill Way Brighton

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

Applicant: Mr Patrick Wallace

Officer: Robin K Hodgetts 292366

Refused on 19/09/13 DELEGATED

1) UNI

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, because the height of the eaves of the proposed development would exceed the height of the eaves of the existing dwelling house.

BH2013/02716

50 Carden Avenue Brighton

Erection of two storey rear extension.

Applicant: Ms J Stevens

Officer: Robin K Hodgetts 292366

Approved on 27/09/13 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 windows in the first floor, north-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

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, roof lights or doors other than those expressly authorised by this permission shall be constructed in 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.

5) UNI

Plan Type	Reference	Version	Date Received
Location & Block Plan	Y074-A01		2 Aug 2013
Existing Basement Floor Plan	Y074-A02		2 Aug 2013
Existing Ground Floor Plan	Y074-A03		2 Aug 2013
Existing First Floor Plan	Y074-A04		2 Aug 2013

Proposed Ground Floor Plan	Y074-D02		2 Aug 2013
Proposed First Floor Plan	Y074-D03		2 Aug 2013

BH2013/02761

Coach House Grangeways Brighton

Replacement of existing flat roof to main house with new higher pitched roof.

Applicant: Dr L Sumoreeah

Officer: Chris Swain 292178

Approved on 04/10/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing elevations			9 August 2013
Proposed elevations, site plan and block			9 August 2013

BH2013/02782

2 Upper Winfield Avenue Brighton

Certificate of Lawfulness for proposed erection of single storey garage to side elevation.

Applicant: Mr Steve Mant

Officer: Emily Stanbridge 292359

Approved on 20/09/13 DELEGATED

BH2013/02865

70 Braybon Avenue Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.365m, for which the maximum height would be 2.82m, and for which the height of the eaves would be 2.78m.

Applicant: Mr S Rampton

Officer: Chris Swain 292178

Prior approval not required on 25/09/13 DELEGATED

BH2013/02918

27 Beechwood Close Brighton

Certificate of lawfulness for proposed loft conversion incorporating dormer to rear with Juliet balcony, dormer to side and roof lights to side roof slopes. Erection of single storey side extension, enlargement of garage and associated works.

Applicant: Paul Fisher

Report from: 10/10/2012 to: 30/10/2012

Officer: Wayne Nee 292132

Refused on 03/10/13 DELEGATED

1) UNI

The eaves height of the proposed side extension would exceed the eaves of the existing dwelling house, and as such would not be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

2) UNI2

The proposed side extension would be within 2 metres of the site boundary, and the eaves height would exceed 3 metres. As such this would not be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

3) UNI3

The proposed rear dormer would include the provision of a balcony, and as such would not be permitted development under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

4) UNI4

The height of the garage extension would exceed 2.5 metres, and the garage would be within 2 metres of the site boundary. As such this would not be permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

PRESTON PARK

BH2013/01490

Ground Floor Flat 3 Osborne Road Brighton

Erection of single storey rear and side extension.

Applicant: Mr Christian Blundell

Officer: Louise Kent 292198

Approved on 23/09/13 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 brickwork of the extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building. Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Block plan	P1201-01	Rev. A	30 August 2013
Location plan	P1201-001	Rev. A	30 August 2013
Existing floor plans	P1201-02		13 May 2013
Existing elevations	P1201-03		13 May 2013
Proposed floor plans	P1201-04	Rev. C	5 August 2013
Proposed elevations	P1201-05	Rev. C	5 August 2013

Section A-A	P1201-06	Rev. C	5 August 2013
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BH2013/01836

Land at rear 32 Stanford Avenue Brighton

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

Applicant: Mr Jon Mills

Officer: Wayne Nee 292132

Refused on 25/09/13 COMMITTEE

1) UNI

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) UNI2

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) UNI3

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) UNI4

The development would enable the use of the existing hardstand as a parking space that would jeopardize 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.

BH2013/02397

27 Cleveland Road

Erection of single storey rear extension and loft conversion incorporating front and side roof lights and rear dormer.

Applicant: Mr Adam Rizzuti

Officer: Andrew Huntley 292321

Refused on 23/09/13 DELEGATED

1) UNI

The proposed dormer window, by virtue of its design, size, form and massing would result in visually intrusive and bulky addition to the property, which is unsympathetic to the design of the existing Victorian dwelling and as a result would be detrimental to the visual amenities of the parent property and the Preston Park Conservation Area. In addition, the two front roof lights are excessive in size, have differing positions within the roof slope, do not relate well to the fenestration below and create a cluttered appearance on a small roof slope. The proposal is therefore contrary to policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

BH2013/02483

Report from: 10/10/2012 to: 30/10/2012

Ground Floor 5 Chatsworth Road Brighton

Replacement of existing timber windows with UPVC.

Applicant: David Croydon

Officer: Chris Swain 292178

Refused on 09/10/13 DELEGATED

1) UNI

The replacement uPVC windows, by reason of their material and detailing would form a visually inappropriate alteration to the building, detracting from the existing uniformity of the frontage of the property and would adversely affect the character and appearance of the Chatsworth Road street scene and the wider surrounding area and as such is contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

BH2013/02738

20A Port Hall Place Brighton

Installation of UPVC French doors to the rear at basement flat.

Applicant: Ms Kerry Beeden

Officer: Andrew Huntley 292321

Approved on 30/09/13 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 and Block Plan. Existing and Proposed Elevation and Plan.	136(20)001		09.08.2013

BH2013/02739

6 Old Shoreham Road Brighton

Erection of single storey rear extension.

Applicant: Mr Marcus Able

Officer: Liz Arnold 291709

Approved on 24/09/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and Proposed	101	Rev. A	9th August 2013
Site Location Plan	105		9th August 2013
Site Block Plan	106	Rev. A	9th August 2013

BH2013/02882

150 Osborne Road Brighton

Certificate of Lawfulness for a proposed loft conversion incorporating a rear dormer with a Juliet balcony and roof lights to the front elevation.

Applicant: Mr & Mrs Anderson

Officer: Emily Stanbridge 292359

Refused on 26/09/13 DELEGATED

BH2013/02946

28 Hamilton 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 4.6m, for which the maximum height would be 3.76m, and for which the height of the eaves would be 3m.

Applicant: Mr Steven Bloch

Officer: Chris Swain 292178

Prior approval not required on 01/10/13 DELEGATED

BH2013/03063

48 Hamilton 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 4.9m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.35m.

Applicant: Susan Corlett

Officer: Chris Swain 292178

Prior approval not required on 09/10/13 DELEGATED

BH2013/03090

Land Rear of 177 Ditchling Road Brighton

Application for Approval of Details Reserved by Conditions 8, 9, 10, 11 and 12 of application BH2013/01180.

Applicant: Malcolm Kemp

Officer: Sue Dubberley 293817

Approved on 01/10/13 DELEGATED

REGENCY

BH2013/00647

Brighton Beach Market Lower Esplanade Kings Road Brighton

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

Applicant: West Pier Traders Association

Officer: Christopher Wright 292097

Approved on 25/09/13 COMMITTEE

1) UNI

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

3) UNI

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.

4) UNI

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) UNI

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.

6) UNI

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.

BH2013/01904

14 Castle Street Brighton

Creation of additional floor incorporating dormer to the front and dormer and roof light to the rear.

Applicant: Sarang Pandit

Officer: Robert McNicol 292322

Refused on 20/09/13 DELEGATED

1) UNI

By virtue of its additional bulk and height, the proposed development would result in a significant loss of outlook for the residents of the property to the rear leading to a sense of enclosure. The proposed second floor rear window would allow a significant degree of overlooking into the rear window of the property to the rear, resulting in a loss of privacy for the residents. The proposal would therefore have a significant impact on the amenity of neighbouring residents, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and SPD12, design guide for extensions and alterations.

2) UNI2

By virtue of their 'eyebrow' form and their materials and position, the proposed second floor windows would fail to respect the form and proportions of the recipient property and would disrupt the rhythm of the fenestration in the terrace that this property adjoins. The proposed development would therefore have a detrimental impact on the appearance of the recipient property and the character of the wider Regency Square conservation area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD12, design guide for extensions and alterations.

BH2013/02011

Pelirocco 9 -10 Regency Square Brighton

Internal alterations incorporating removal of wall and relocation of bathroom at fourth floor level.

Applicant: Mr M Habeshaw-Robinson

Officer: Steven Lewis 290480

Refused on 23/09/13 DELEGATED

1) UNI

The proposal shower cubicle represents an inappropriate feature, which would spoil the proportions of the room having an adverse effect on the historic character of the interior of the building. In addition, insufficient information has been submitted to demonstrate location of services, mechanical ventilation and replacement doors would sufficiently preserve or enhance the special historical and architectural character of the listed building contrary to policies HE1 of the Brighton & Hove Local Plan and SPGBH11 (Listed Building Interiors).

BH2013/02129

36 Castle Street Brighton

Removal of existing timber store and erection of three storey residential unit.

Applicant: Mr Ivan Topper

Officer: Clare Simpson 292454

Refused on 08/10/13 DELEGATED

1) UNI

The development, by virtue of its height, form and design fails to relate sympathetically to the host building and buildings adjoining the site. The

development would appear cramped and fails to take in to account existing spaces around buildings, which as a result would be dominated by the proposed extension. The development would fail to preserve or enhance the character or appearance of the Regency Square Conservation Area and is thereby contrary to policies QD1, QD2, QD14, and HE6 of the Brighton & Hove Local Plan

2) UNI2

The development, by virtue of its height and siting along shared boundaries, would appear overbearing and visually intrusive, creating a sense of enclosure and overlooking to neighbouring properties on Castle Street and Castle Mews. The proposal is thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The development would provide a cramped and unsatisfactory standard of residential accommodation, which, by virtue of cramped rooms, narrow corridors and limited natural light and ventilation, would fail to meet the likely needs of future occupiers and 'Lifetime Home' standards. The proposal is thereby contrary to policies QD27 and HO13 of the Brighton & Hove Local Plan.

BH2013/02352

36 Sillwood Road Brighton

Alterations to windows at the rear including replacement of 3no sash windows and repair works to window sill. Replacement of existing plastic guttering with cast iron and roof ridge tiles. Removal of iron fire escape and alterations to ground floor rear extension

Applicant: Mr John Pietraszko

Officer: Steven Lewis 290480

Approved on 03/10/13 DELEGATED

1) BH01.05

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

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

2) UNI

Within 6 months of the date of this permission the proposed vents shall be installed in strict accordance with the approved details submitted on 23/07/2013 & 23/08/2013.

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

3) UNI

Within 3 months of the date of this permission full details of the proposed replacement windows, including 1:20 scale sample elevations and 1:1 scale joinery profiles of the windows shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details within 6 months of the date of this decision and shall thereafter be 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 Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

The 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.

5) UNI

Within 6 months of the date of this permission the replacement rainwater goods, soil and other waste pipes shall installed and be in cast iron and painted black and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2013/02382

Alfrescos Ltd Kings Road Arches Brighton

Formation of glazed entrance porch to North elevation at first floor level and erection of a covered bin store to west elevation.

Applicant: Mr Sarah Colasurdo

Officer: Helen Hobbs 293335

Refused on 25/09/13 DELEGATED

1) UNI

The proposed porch is considered to be an inappropriate and incongruous feature that poorly relates to the form, appearance and character, including the materials of the existing building, to the detriment of the existing building and the surrounding conservation area. The proposal would therefore fail to comply with policy QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design guide on extensions and alterations.

BH2013/02392

73 Upper North Street Brighton

External front and rear restoration works, revised rear fenestration, excavations at basement level with associated access changes, installation of railings to steps and landscaping.

Applicant: Mr P Sharp

Officer: Jason Hawkes 292153

Approved on 24/09/13 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 prior to the occupation of the development hereby permitted and shall be retained as such thereafter.

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

3) UNI

The roof light hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

4) UNI

No development shall take place until full details of the proposed external replacement paving and feature floor tiles have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

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

5) UNI

No development shall take place until full details of the proposed cycle store have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

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

6) UNI

Access to the flat roof over the rear extension 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.

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
As Existing Basement and Ground Floor Plan	205UNS74/01		17th July 2013
As Existing First Floor and Roof Plan	205UNS74/02		17th July 2013
As Existing Elevations	205UNS74/03		17th July 2013
As Existing 'Actual' Site Views, Sections Block and Location Plans	205UNS74/04		17th July 2013
Proposed Basement and Ground Floor Plan	205UNS74/05		17th July 2013
Proposed First Floor and Roof Plan	205UNS74/06		17th July 2013
Proposed Elevations	205UNS74/07	A	15th August 2013
Proposed 'Actual' Site Views, Sections, Railing and Gate Designs	205UNS74/08	A	15th August 2013
Details Sections / Elevations	205UNS74/09	A	15th August 2013

8) UNI

All new and replacement 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.

BH2013/02426

32-38 North Street & 40-44 Ship Street Brighton

Application for variation of condition 2 of application BH2011/00634 (Alterations and refurbishment works incorporating erection of rear infill extension to upper floors, new shop front entrances, refurbishment of windows and erection of new plant enclosure to roof) to substitute drawing 3-06 A Proposed Ship Street Elevation with drawing 325.16 Revised roof detail to Ship Street.

Applicant: CIP Property (AIPT) Limited

Officer: Guy Everest 293334

Approved on 03/10/13 DELEGATED

1) UNI

Report from: 10/10/2012 to: 30/10/2012

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	0-01	A	18/03/2011
Existing Basement Level	1-99		04/03/2011
Existing Ground Floor	1-00		04/03/2011
Existing First Floor	1-01		04/03/2011
Existing Second Floor	1-02		04/03/2011
Existing Roof Plan	1-03	B	27/06/2011
Existing Third Floor Plan	1-03	A	27/06/2011
Existing Section A-A	1-04		04/03/2011
Existing North Street Elevation	1-05	A	27/06/2011
Existing Ship Street Elevation	1-06	A	27/06/2011
Proposed Basement Level	3-99		04/03/2011
Proposed Ground Floor	3-00	A	27/06/2011
Proposed First Floor	3-01	A	27/06/2011
Proposed Second Floor	3-02	A	27/06/2011
Proposed Roof Plan	3-03	A	27/06/2011
Proposed Section A-A	3-04		27/06/2011
Proposed Section A-A	3-04		27/06/2011
Proposed North Street Elevation	3-05		27/06/2011
Proposed Third Floor	3-07		27/06/2011

BH2013/02550

42B Ship Street Brighton

Change of use from retail (A1) to financial and professional services (A2).

Applicant: Mr Jerjes Phillips

Officer: Adrian Smith 290478

Refused on 24/09/13 DELEGATED

1) UNI

The proposed change of use would result in the proportion of non-A1 retail units and frontages within the street to which the site relates remaining above 25%, thereby harming the retail provision within the primary retail frontage of the designated Regional Shopping Centre, contrary to policy SR4 of the Brighton & Hove Local Plan.

BH2013/02605

Flat 1 1 Victoria Street Brighton

Creation of single vehicle parking space on front garden area.

Applicant: Andrew Martin

Officer: Mark Thomas 292336

Refused on 01/10/13 DELEGATED

1) UNI

The proposed parking space would take up the whole of this small front garden and a parked car would be an incongruous feature in this attractive, coherent terrace, harming the character and appearance of the recipient property. A parked car would be readily visible above the low boundary wall, particularly from the east, and it would sit directly in front of the canted bay, which is the main architectural feature of this elevation and a repeated feature of the terrace. It is

therefore considered that the proposal would harm the appearance of the conservation area, and the setting of nearby listed buildings, contrary to policies HE3 and HE6 of the Brighton & Hove Local Plan and to Supplementary Planning Documents 9: Architectural Features, and 12: Design guide for extensions and alterations.

2) UNI2

The proposed development by virtue of the extent and positioning of the proposed hard standing, would have an overbearing impact on occupiers of the basement of no. 1 Victoria Terrace with resultant overshadowing, increased sense of enclosure and loss of outlook. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/02626

24 Montpelier Place Brighton

Application for Approval of Details reserved by Condition 5 of application BH2012/03784.

Applicant: John Paul Kelly

Officer: Mark Thomas 292336

Approved on 24/09/13 DELEGATED

BH2013/02697

60 Western Road Brighton

Change of Use from retail (A1) to restaurant/café (A3) incorporating ventilation plant on roof.

Applicant: Omaha Nominees (A) Ltd & Omaha Nominees (B)

Officer: Christopher Wright 292097

Approved on 01/10/13 DELEGATED

1) BH01.01

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

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

2) UNI

No development shall take place until a Delivery and Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries has been submitted to and approved in writing by the Local Planning Authority. The plan shall also include measures to minimise the impact deliveries have on the transport network. All deliveries and servicing shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the vehicles that service 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 SU10, QD27 and TR7 of the Brighton & Hove Local Plan 2005.

3) UNI

The use hereby permitted shall not be open to customers except between the hours of 10:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SR12, SU10 and QD27 of the Brighton & Hove Local Plan.

4) UNI

No machinery, air conditioning units, odour control machinery and/or plant shall be used at the premises except between the hours of 10:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.

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

5) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plans	001	A	6 Aug 2013
Existing Plans Basement and Ground Floor	002	A	6 Aug 2013
Existing Floor and Roof Plans	003	B	6 Aug 2013
Proposed Plans Basement and Ground Floor	004	A	6 Aug 2013
Proposed First & Second Floors Proposed Roof Plan	005	B	6 Aug 2013
Existing Elevations	006	B	6 Aug 2013
Proposed Elevations	007	B	6 Aug 2013
Kitchen Ventilation	008	B	6 Aug 2013

6) UNI

No development shall take place until an acoustic report is submitted and approved, demonstrating that operation of the hereby approved ventilation plant shall not exceed a level 5dB below the existing LA90 background noise level, measure or calculated at 1-metre from the façade of the nearest noise sensitive premises. Rating level and existing background noise levels to be determined as per the guidance provided in BS4142:1997. In addition, there should be no significant low frequency tones present. The development shall be carried out in accordance with the report with any associated recommendations and shall be maintained as such thereafter.

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.

BH2013/02699

5-5A Castle Square Brighton

Certificate of lawfulness for existing use as public bar (A4).

Applicant: Crimson Events Limited

Officer: Adrian Smith 290478

Approved on 24/09/13 DELEGATED

BH2013/02780

Top Floor Flat 11 Powis Road Brighton

Removal of existing rear dormer and replacement with new dormer and installation of rear roof light. Replacement of existing single glazed timber framed sash windows with double glazed timber framed sash windows.

Applicant: Vanessa Sackarnd

Officer: Helen Hobbs 293335

Approved on 08/10/13 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 light 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

Notwithstanding the submitted drawings, no development shall take place until full details of all new sash window(s) and their reveals and sills 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 policy HE6 of the Brighton & Hove Local Plan.

4) 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.

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
Plans as existing	A.001		2nd September 2013
Elevations as proposed	D.001		2nd September 2013
Plans as proposed	D.002		2nd September 2013

6) 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.

ST. PETER'S & NORTH LAINE

BH2013/00166

Brighton Station Queens Road Brighton

Application for approval of details reserved by conditions 3, 6 and 14x of BH2012/02454.

Applicant: Southern Railway Ltd

Officer: Liz Arnold 291709

Approved on 19/09/13 DELEGATED

BH2013/01905

36 Baker Street Brighton

Conversion of maisonette and part of retail unit (A1) to form 2no studio flats and 1no two bedroom maisonette and associated erection of a part two part three storey rear extension to replace existing incorporating terraces at first and second floor levels, erection of rear dormer and associated alterations (Retrospective).

Applicant: Lotus Loan-Thu Nguyen

Officer: Jonathan Puplett 292525

Refused on 07/10/13 DELEGATED

1) UNI

The studio flats which have been formed at basement and ground floor provide an unacceptably poor standard of accommodation. The layouts are cramped and the front section of the basement flat does not benefit from sufficient natural light, ventilation and outlook. The flats do not provide a sufficient standard of amenity and are contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

The rear extension which has been constructed has an overbearing and enclosing impact upon the occupiers of no. 35 Baker Street and causes increased overshadowing of this property. The roof terrace which has been formed at second floor / roof level provides views into the rear dormer windows of no. 37 Baker Street and use of the roof terrace would also cause noise disturbance to the occupiers of no. 37 Baker Street. The development causes significant harm to neighbouring amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The rear extension which has been constructed is of an excessive footprint, scale and bulk resulting in an over-extended appearance which has harmed the character of the building. The rear dormer which has been constructed is of an excessive scale and bulk and does not relate well to the building. The rear extension and the dormer are contrary to policy QD14 of the Brighton & Hove Local Plan and to the design guidance set out in SPD12 'Design Guide for Extensions and Alterations'.

BH2013/01920

36 Church Street Brighton

Application for variation of condition 2 of application BH2010/02604 (Partial demolition of existing building with retention of rear facade with two storey extension and rebuilding and replication of front facade. Erection of new structure comprising shop with ancillary office storage at ground floor level and 2 no. two bedroom flats above (Part retrospective)) to allow alterations to fenestration to front and rear elevations, insertion of a new gas pipe on the front elevation, erection of solar panels to rear roof slope and alterations to the metal security gate to the front entrance.

Applicant: Nigel Dowsing

Officer: Jonathan Puplett 292525

Approved on 07/10/13 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 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.

3) UNI

Within three months of the date of this approval, a 1.5m high close boarded screen shall be constructed on the eastern side of the second floor rear terrace, hereby approved, 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.

4) UNI

Within three months of the date of this approval, a scheme shall be 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.

5) UNI

Within three months of the date of this approval, the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

6) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			11/06/2013
Block Plan			11/06/2013
Proposed Floor Plans			11/06/2013
Proposed Elevations			11/06/2013
Proposed Elevation			11/06/2013
Door Details			11/06/2013
Gate and Downpipe Details			11/06/2013
Downpipe and Hopper Specification Apex Heritage			11/06/2013
Code for Sustainable Homes Final Certificate x2			04/09/2013

7) UNI

All rainwater goods, soil and other waste pipes shall be in cast iron and painted to match the colour of the background walls.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

BH2013/02024

8 Lewes Road Brighton

Change of use of ground floor and basement from retail (A1) to mixed use (sui generis) with ground floor cafe and erection of temporary shelter in rear yard for smoking shisha pipes. Basement area to be used as games room and study area.

Applicant: Desert Roze

Officer: Andrew Huntley 292321

Refused on 07/10/13 DELEGATED

1) UNI

The proposed smoking shelter covers almost the entire rear courtyard and would be a visually bulky and discordant feature to the detriment of the character and appearance of the area and neighbouring visual amenity. The proposed development is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

2) UNI2

The proposed use and opening hours (until 23.00 seven days a week) would cause increased activity noise and disturbance to the currently quiet rear of the site to the detriment of the amenity of neighbouring occupiers. The development is therefore contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

BH2013/02159

35A Ditchling Road Brighton

Replacement of existing side hung timber framed windows with sliding sash timber windows.

Applicant: King & Chasemore

Officer: Chris Swain 292178

Approved on 19/09/13 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 hereby approved shall be painted timber vertical sliding sashes with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match the original sash windows to the building, and the windows shall be retained as such thereafter.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			26 June 2013
Proposed elevation and section	3.001		26 June 2013
Sectional details	3.002		26 June 2013

BH2013/02208

The Open Market Marshalls Row & Francis Street Brighton

Application for Approval of Details Reserved by condition 25 of application BH2010/03744 as amended by BH2013/01147.

Applicant: Hyde Group and The Brighton Open Market CIC

Officer: Maria Seale 292232

Approved on 26/09/13 DELEGATED

BH2013/02216

75 Lewes Road Brighton

Change of use from retail (A1) to café/snack bar (A3), incorporating installation of extractor fan unit to rear. (Part retrospective).

Applicant: Luna Deli Cafe

Officer: Jonathan Puplett 292525

Refused on 07/10/13 DELEGATED

1) UNI

The proposed change of use would result in a proportion of retail (Class A1) units in the Lewes Road District Centre Prime Frontage being below 50%, and would result in a break in the retail frontage of the centre of more than 15 metres. The proposal would therefore undermine the primary shopping function and the vitality and viability of the Lewes Road shopping centre, contrary to policy SR5 of the Brighton & Hove Local Plan.

2) UNI2

The proposed use and opening hours (until 02.00 on Fridays and Saturdays) would be likely to cause increased activity noise and disturbance late into the night to the detriment of the amenity of neighbouring occupiers. Insufficient information has been submitted to demonstrate that the proposed mechanical ventilation system would adequately control odours and would not cause noise and disturbance to neighbouring occupiers. The proposed development is therefore contrary to policies SR5, QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

3) UNI3

The doors to the side of the premises open out over the public highway. These doors therefore represent a safety risk to pedestrians using the pavement alongside the doors, contrary to policy TR7 of the Brighton & Hove Local Plan.

BH2013/02254

Top Floor Flat 5 Buckingham Road Brighton

Loft conversion incorporating extension within roof void and roof lights to West and North elevations and flat roof area.

Applicant: Ms Tracey Fish

Officer: Liz Arnold 291709

Refused on 23/09/13 DELEGATED

1) UNI

The proposal, by virtue of resulting in the loss of a traditional roof form, would result in a visually harmful and awkward alteration to the property which would be of detriment to the visual amenities of the parent property, the semi-detached pair of properties, the Buckingham Road and Leopold Road street scenes and the wider area including the surrounding West Cliff Conservation Area. As such the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, SPD 09 Architectural Features and SPD12 Design Guide for Extensions and Alterations.

2) UNI2

The creation a flat roof form and pitched roof form in conjunction with the retention of part of the existing butterfly roof form would result in a complicated and bulky form to the property which would have an awkward and intrusive appearance with the Buckingham Road street scene. The proposal would therefore be of detriment to the visual amenities of the parent property, the semi-detached pair of properties, the Buckingham Road street scene and the surrounding West Cliff Conservation Area. As such 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 applicant has failed to provide sufficient information relation to the style and design of the proposed roof lights within the flat roof area. As such the Local Planning Authority is unable to fully assess the impacts that the insertion of these roof lights would have upon the visual amenities of the parent property, the semi-detached pair of properties, the Buckingham Road and Leopold Road street scene and the surrounding West Cliff Conservation Area. As such the proposal is

contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, SPD 09 Architectural Features and SPD12 Design Guide for Extensions and Alterations.

BH2013/02389

Tesco 103-105 Queens Road Brighton

Display of 1no internally illuminated fascia sign, 1no non illuminated fascia sign, 1no internally illuminated projecting sign and 1non illuminated ATM sign.

Applicant: Tesco Stores

Officer: Chris Swain 292178

Approved on 24/09/13 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.

BH2013/02401

2 Ashdown Road Brighton

Application for Approval of Details Reserved by Conditions 4, 10 and 15 of application BH2008/02170.

Applicant: Carr Bros Property

Officer: Liz Arnold 291709

Approved on 02/10/13 DELEGATED

BH2013/02433

31-33 Bath Street Brighton

Application for approval of details reserved by conditions 16 and 17 of application BH2013/00069.

Applicant: Mr Ed Deedman

Officer: Wayne Nee 292132

Approved on 20/09/13 DELEGATED

BH2013/02447

Buckingham Lodge Buckingham Place Brighton

Application for removal of condition 9 of application BH2011/02675 (Application to extend time limit for implementation of previous approval BH2008/00319 for construction of one additional storey to form 6no one bedroom flats and conversion of 2no existing garages into a bin/cycle storage area) which states that prior to the commencement of the development, a scheme for suitable tree planting shall be submitted to and approved in writing by the Local Planning Authority. The tree planting shall be carried out in strict accordance with the approved details prior to the first occupation of the residential units and shall thereafter be retained to the satisfaction of the Local Planning Authority.

Applicant: Natterjack Construction

Officer: Sue Dubberley 293817

Refused on 07/10/13 DELEGATED

1) UNI

The tree planting is required to provide mitigation against the development and to preserve and enhance the setting of the adjacent listed buildings. In the absence of appropriate screening the development would be visually detrimental to the setting of the adjacent listed buildings contrary to policies QD15, HE3 and QD27 of the Brighton & Hove Local Plan.

BH2013/02481

The Open Market Marshalls Row Brighton

Non Material Amendment to BH2013/01147 for installation of a roller shutter in north elevation of new stall no 45 fronting Marshalls Row.

Applicant: Brighton & Hove City Council

Officer: Maria Seale 292232

Approved on 25/09/13 DELEGATED

BH2013/02500

European Recruitment 39 Upper Gardner Street Brighton

Application for approval of details reserved by conditions 10, 11, 12 and 13 of application BH2012/02173.

Applicant: Mr David Wicks

Officer: Anthony Foster 294495

Approved on 23/09/13 DELEGATED

BH2013/02523

61 Church Street Brighton

Alterations to existing maisonette to create habitable accommodation in lower ground floor including steps with balustrades to rear.

Applicant: Mr James Snodgrass

Officer: Wayne Nee 292132

Approved on 19/09/13 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 garden door hereby permitted shall consist of painted timber.

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

Plan Type	Reference	Version	Date Received
Site and block plans	CH550/001		24 July 2013
Existing plans, elevations & sections	CH550/002		24 July 2013
Proposed plans, elevations & sections	CH550/003		24 July 2013

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.

BH2013/02530

The Open Market Marshalls Row Brighton

Application for approval of details reserved by condition 54 of application BH2010/03744 as amended by BH2013/01147.

Applicant: Hyde Group and The Brighton Open Market CIC

Officer: Maria Seale 292232

Approved on 03/10/13 DELEGATED

BH2013/02608

Brighton Station Queens Road Brighton

Internal alterations to Unit 8 to form retail unit with installation of illuminated external signage.

Applicant: Select Service Partner (UK) Rail

Officer: Liz Arnold 291709

Approved on 25/09/13 DELEGATED

1) BH01.05

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

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

BH2013/02693

Flats A,B,C & D 41 Buckingham Place Brighton

Report from: 10/10/2012 to: 30/10/2012

Replacement of front windows with timber sliding sash windows and replacement of rear windows with UPVC sliding sash windows.

Applicant: Brighton & Hove City Council

Officer: Wayne Nee 292132

Approved on 07/10/13 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
Timber sliding sash dimension drawings			05 August 2013
Cross section drawings of sashes			05 August 2013
Survey report	SF00666116		05 August 2013
Survey report	SF00666117		05 August 2013
Survey report	SF00666118		05 August 2013
Survey report	SF00666119		05 August 2013
Site plan			05 August 2013
Photos			05 August 2013

BH2013/02737

41 Princes Road Brighton

Erection of single storey rear extension.

Applicant: C Lean

Officer: Wayne Nee 292132

Refused on 07/10/13 DELEGATED

1) UNI

The proposed rear extension would extend beyond the original rear wall of the outrigger and wrap around to the rear elevation, forming an inappropriate addition which would erode the original plan form to the detriment of the character and appearance of the existing property. The proposal would therefore be contrary to policies HE6, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2013/02842

58-62 Lewes Road Brighton

Non material amendment to BH2008/02268 to relocation of entrance door to retail unit from central pane of shop front to left hand pane and associated amendments to shop front frames to suit.

Applicant: Wm Morrison Supermarkets Plc

Officer: Sue Dubberley 293817

Approved on 30/09/13 DELEGATED

BH2013/02853

The Open Market Marshalls Row and Francis Street Brighton

Application for Approval of Details reserved by condition 46 of application BH2010/03744 as amended by BH2013/01147.

Applicant: Hyde Group and The Brighton Open Market CIC

Report from: 10/10/2012 to: 30/10/2012

Officer: Maria Seale 292232
Approved on 02/10/13 DELEGATED

BH2013/02923

24 Warleigh Road Brighton

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Ms Penny Dann
Officer: Emily Stanbridge 292359
Approved on 26/09/13 DELEGATED

BH2013/02929

14 New Road Brighton

Installation of new shop front. (Retrospective)

Applicant: Little Jasmine Therapies Ltd
Officer: Wayne Nee 292132
Approved on 08/10/13 DELEGATED

BH2013/02964

68 London Road Brighton

Replacement of existing rear extension roof with installation of roof lights and rebuilding of rear wall.

Applicant: Richard & Associates
Officer: Liz Arnold 291709
Approved on 09/10/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	005		23rd August 2013
Existing Floor Layouts	001		23rd August 2013
Existing Elevations	002		23rd August 2013
Proposed Floor Layouts	003		23rd August 2013
Proposed Elevations	004		23rd August 2013

BH2013/03291

58 & 58A Compton Avenue Brighton

Certificate of Lawfulness for proposed internal alterations to facilitate the conversion of basement flat and maisonette into single dwelling house.

Applicant: Mr Fraser Laing
Officer: Andrew Huntley 292321
Approved on 04/10/13 DELEGATED

WITHDEAN

BH2013/02505

59 Balfour Road Brighton

Erection of detached garden room in rear garden.

Applicant: Ms Kay Watts

Officer: Adrian Smith 290478

Approved on 23/09/13 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	3		06/08/2013
Block plan	2		06/08/2013
Existing and proposed plans and elevations	1		23/07/2013

BH2013/02531

Park Manor London Road Preston Brighton

Application for approval of details reserved by condition 6 of application BH2012/03981.

Applicant: Anstone Properties Ltd

Officer: Jason Hawkes 292153

Approved on 20/09/13 DELEGATED

BH2013/02578

71 Mandalay Court London Road Patcham Brighton

Replacement of existing single glazed grey aluminium framed windows/door to double glazed white UPVC units.

Applicant: Mrs Annette Green

Officer: Emily Stanbridge 292359

Approved on 03/10/13 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
Fourth to Seventh floor plans			30.07.2013
Site Location			04.09.2013
Window specifications			03.09.2013

Report from: 10/10/2012 to: 30/10/2012

BH2013/02700

Kingsmere London Road Preston Brighton

Formation of 8 no car parking spaces.

Applicant: Anstone Properties Ltd

Officer: Sonia Gillam 292265

Refused on 09/10/13 DELEGATED

1) UNI

The proposed development to the front of Block A would be located in a prominent section of the site, forsaking an area of open green space and footpath, and would therefore form an uncharacteristic feature in relation to the existing and original layout and harm the open appearance of this area of the site. The development would therefore harm the character and appearance of the area to the detriment of the visual amenities of the site and its surroundings. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development is in close proximity to trees protected by Tree Preservation Order 1972/5a. In the absence of a detailed construction specification/ method statement the application has failed to demonstrate that the development would preserve the amenity value and health of trees which are subject to a Tree Preservation Order or retain existing open space, trees and grassed areas in an effective way. The proposal is therefore contrary to policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan and Supplementary Planning Document 06: Trees and Development Sites.

3) UNI3

The proposed development, by virtue of the removal of a continuous section of footpath, would fail to provide for the needs of pedestrians by protecting the existing pedestrian routes. The proposal is therefore contrary policies TR7, TR8 and TR13 of the Brighton & Hove Local Plan.

BH2013/02937

2 Glen Rise Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.4m.

Applicant: Mr & Mrs M Sanders

Officer: Chris Swain 292178

Prior approval not required on 01/10/13 DELEGATED

BH2013/02992

27 Dene Vale Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.8m.

Applicant: Mr Keith Walkman

Officer: Jonathan Puplett 292525

Prior Approval is required and is approved on 03/10/13 DELEGATED

EAST BRIGHTON

BH2013/01874

37 Upper Abbey Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating 2 no. roof lights to the front, dormer to the rear and other associated works.

Applicant: David Phillips
Officer: Louise Kent 292198
Refused on 26/09/13 DELEGATED

BH2013/02238

Flat 2A 5 Eastern Terrace Brighton

Internal alterations to layout including removal of partition wall between bedroom and wardrobe and reposition of door between living room and bedroom.

Applicant: Irene Soler
Officer: Jonathan Puplett 292525
Approved on 25/09/13 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 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.

BH2013/02281

2 Chichester Place Brighton

Application for approval of details reserved by condition 2 of application BH2013/01133.

Applicant: Mrs Juliette Wright
Officer: Wayne Nee 292132
Approved on 23/09/13 DELEGATED

BH2013/02313

2 Chichester Place Brighton

Application for approval of details reserved by condition 2 of application BH2013/00016.

Applicant: Mrs Juliette Wright
Officer: Wayne Nee 292132
Approved on 01/10/13 DELEGATED

BH2013/02343

30 Whitehawk Road Brighton

Rebuild and extension of rear side return addition and removal of existing timber structure and erection of single storey rear extension (part retrospective).

Applicant: Mr Vijeyaratnam Thivakaram
Officer: Andrew Huntley 292321
Refused on 20/09/13 DELEGATED

1) UNI

The existing and proposed rear extensions, by virtue of their poor design, materials, size, bulk, siting and excessive plot coverage represents over-development of the site and would result in a visually bulky, intrusive and

incongruous addition to the property, which is unsympathetic to the design of the existing building, 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.

BH2013/02411

St Marys Hall Eastern Road Brighton

Removal of redundant external light fittings and installation of new lighting and column mounted external lights. (Part retrospective)

Applicant: Brighton & Sussex University Hospitals NHS Trust

Officer: Mick Anson 292354

Approved on 23/09/13 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	AL600	P1	19.07.13
Site Block Plan	AL601	Rev F	19.07.13
Electrical Services External Lighting Layout	WSP-0170-MB13-E-017	G6	19.07.13
Main Building E S & W Elevations	AL623	Rev F	29.07.13
Main Building Lighting/fixtures removed from E S & W Elevations	AL629	Rev P2	29.07.13
Delta Flood Lighting specification			19.07.13
Sirocco Spoke Lamp Specification			19.07.13

BH2013/02412

St Marys Hall Eastern Road Brighton

Removal of redundant external light fittings and installation of new lighting and column mounted external lights. (Part retrospective)

Applicant: Brighton & Sussex University Hospitals NHS Trust

Officer: Mick Anson 292354

Approved on 23/09/13 DELEGATED

1) BH01.05

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

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

BH2013/02439

St Marys Hall Eastern Road Brighton

Alterations to main building including new access doors.

Report from: 10/10/2012 to: 30/10/2012

Applicant: Brighton & Sussex University Hospitals NHS Trust

Officer: Mick Anson 292354

Approved on 24/09/13 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	AL600	Rev H	19.07.13
Site Block Plan	AL601	Rev E	19.07.13
Lower Ground floor (existing)	9271210		19.07.13
South, East and West elevations	9271210		19.07.13
Proposed Plans Estate Offices and stores	AL640	Rev P3	30.07.13
Estates workshops - proposed sections and elevations	AL641	Rev P3	30.07.13
Lower Ground floor layout (proposed)	AL110	Rev PL3	19.07.13
Estates - New door elevations	AD69	Rev P1	30.07.13

BH2013/02440

St Marys Hall Eastern Road Brighton

External and internal alterations to lower ground floor of main building including new access doors and changes to layout.

Applicant: Brighton & Sussex University Hospitals NHS Trust

Officer: Mick Anson 292354

Approved on 24/09/13 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 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	AL600	Rev H	19.07.13
Site Block Plan	AL601	Rev E	19.07.13
Lower Ground floor (existing)	9271210		19.07.13
South, East and West	9271210		19.07.13

elevations			
Proposed Plans Estate Offices and stores	AL640	Rev P3	30.07.13
Estates workshops - proposed sections and elevations	AL641	Rev P3	30.07.13
Lower Ground floor layout (proposed)	AL110	PL3	19.07.13
Estates - New door elevations	AD69	Rev P1	30.07.13

HANOVER & ELM GROVE

BH2013/00877

20 Southover Street Brighton

Application for variation of condition 5 of application BN90/1591/F to alter the opening hours to 1600 - 2400 Sunday to Thursday and 1600 - 0100 Friday and Saturday.

Applicant: Hanover Grill

Officer: Robin K Hodgetts 292366

Refused on 08/10/13 DELEGATED

1) UNI

The increased opening hours together with the proximity of the site to residential properties would have a significant adverse impact on adjacent and nearby residential properties in terms of increased noise disturbance. The scheme is therefore considered detrimental to residential amenity and is contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

BH2013/02256

166 Lewes Road Brighton

Erection of single storey store to rear (Retrospective)

Applicant: Mr S Syed

Officer: Chris Swain 292178

Refused on 24/09/13 DELEGATED

1) UNI

The development, by reason of its scale, design, height and footprint, would result in an unsympathetic and contrived building that detracts from the original form of the building, resulting in an overextended building and an overdevelopment of the site, to the detriment of 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).

BH2013/02450

10 Finsbury Road Brighton

Certificate of lawfulness for proposed single storey rear extension and alteration and enlargement of existing window to dormer.

Applicant: Mr & Mrs Kingdom

Officer: Louise Kent 292198

Approved on 24/09/13 DELEGATED

BH2013/02495

39 Montreal Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating 2no roof lights to the front and dormer to the rear.

Applicant: Mrs Janet Wingrove
Officer: Louise Kent 292198
Approved on 23/09/13 DELEGATED

BH2013/02499

70 Sandown Road Brighton

Erection of rear conservatory extension to ground floor flat.

Applicant: Mr Richard Murphy
Officer: Andrew Huntley 292321

Approved on 01/10/13 DELEGATED

1) BH01.01

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

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

2) UNI

The windows in the northern elevation of the development hereby permitted as shown on Plan 103-PA-013 shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	103-PA-001	A	06.08.2013
Existing Ground Floor Plan	103-PA-005	A	23.07.2013
Existing Sectional Elevations	103-PA-006	B	23.07.2013
Proposed Ground Floor Plan	103-PA-012	B	23.07.2013
Proposed Elevation and Sections	103-PA-013		23.07.2013
Elevation, Plan and Section			23.07.2013

BH2013/02539

1 De Montfort Road Brighton

Certificate of Lawfulness for existing use as a residential dwelling.

Applicant: Lindene GB Promotions
Officer: Anthony Foster 294495

Refused on 02/10/13 DELEGATED

BH2013/02586

Woodvale Crematorium Lewes Road Brighton

Replacement of 4 no. existing doors.

Applicant: Mr Paul Holloway
Officer: Liz Arnold 291709

Approved on 19/09/13 OTHER

1) BH01.05

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

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

BH2013/02620

243 Hartington Road Brighton

Non material amendment to BH2012/00173 to allow for alterations including the omission of the lower ground floor level of the dwelling, the installation of 2no. velux windows to front elevation, changes to rear fenestration and replacement of garden office (retrospective).

Applicant: Mr M Knight

Officer: Jonathan Puplett 292525

Refused on 19/09/13 DELEGATED

1) UNI

The proposed amendments to the approved scheme are considered to cumulatively result in an appearance which is materially different to that which was previously approved.

BH2013/02659

52 Cobden Road Brighton

Erection of single storey rear extension.

Applicant: Ms Sally Ann Russell

Officer: Chris Swain 292178

Approved on 26/09/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plans	CH560/001		
Existing plans, elevations and sections	CH560/002		
Existing elevations and sections	CH560/003		
Proposed plans, elevations and sections	CH560/004		
Proposed elevations and sections	CH560/005		

BH2013/02771

90 Hartington Road Brighton

Conversion of existing house to form 1no maisonette and 2no flats and associated works.

Applicant: Miss Faye Phillips

Officer: Anthony Foster 294495

Report from: 10/10/2012 to: 30/10/2012

Approved on 08/10/13 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

None of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' 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 development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

4) UNI

No residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'pass' 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.

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 location Plan			13/08/2013
Existing and Proposed Block Plan	00	D	13/08/2013
Existing Ground and Lower Ground Floor Plan	01		13/08/2013
Existing First Floor and Roof Plans	02		13/08/2013
Existing North Elevation	03		13/08/2013
Existing West Elevation	04		13/08/2013
Existing South Elevations	05		13/08/2013
Existing Section A-A	06		13/08/2013
Proposed Lower and Ground			13/08/2013

Floor Plans SKETCH A			
Proposed First and Second Floor Plans	08	A	13/08/2013
Proposed North Elevation	09	B	13/08/2013
Proposed West Elevation	10	B	13/08/2013
Proposed South Elevation	11	B	13/08/2013
Proposed Section A-A	12		13/08/2013

6) UNI

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

HOLLINGDEAN & STANMER

BH2013/00157

Attenborough Centre for the Creative Arts Gardner Centre Road University of Sussex Brighton

Internal and external alterations including replacement of external windows and doors, renovation and refurbishment of auditorium including new floor, improved disabled access and lift installations, upgraded toilets and changing facilities, replacement of electrical and mechanical services, internal and external lighting alterations, landscaping and other associated works.

Applicant: University of Sussex

Officer: Anthony Foster 294495

Approved on 20/09/13 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 development shall take place until details of the new roof-top condenser units, including all dimensions in relation to the existing parapet walls, 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: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the information shown on the Proposed External Works Plan drawing number BST 2030 01, any new paving to the main entrance shall consist of concrete slabs and no bollards shall be erected outside the building except where agreed by the Local Planning Authority as strictly necessary for the control of vehicular traffic.

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 development shall take place until details and samples of all new external lighting, bollards and paving 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: 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 1:20 scale elevations of the new disabled passenger lift and supporting masonry structure have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

6) UNI

No development shall take place until full manufacturer's details of the tension wire grid, including full details of the frames and mesh 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: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

7) UNI

Notwithstanding the notes to the Proposed Demolitions Plans, no original quarry tiled floors, including skirtings and no existing handrails or balustrades shall be removed unless these areas of tiling and/or sections of handrail and balustrade to be removed have been agreed in writing by 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.

8) UNI

Notwithstanding the notes to the Proposed Demolitions Plans, no internal doors shall be removed except where marked for removal on a Proposed Demolition Plan hereby approved. Sample details of all new and replacement internal doors, at 1:20 scale, shall be 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

9) UNI

No development shall take place until 1:20 scale elevations of the glass balustrade to teaching tower 3, including full-scale sections through frames and mullions have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

10) UNI

No development shall take place until 1:20 scale elevations and sections of the acoustic wall treatment to the auditorium, including details of the final finishes; have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

11) UNI

No development shall take place until 1:20 scale elevations the proposed new internal doors have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

12) UNI

No development shall take place until 1:20 scale elevations and sections through framing elements of the green wall to the external plant area, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

13) UNI

Plan Type	Reference	Version	Date Received
Site location plan			26 Jul 2013
Existing and proposed elevations	2013_02_300		16 September 2013
Internal window details	2013_02_500		16 September 2013
External window details	2013_02_501		16 September 2013
Photos	2013_02_502		16 September 2013

14) UNI

No works shall take place until a sample of the proposed motorised fabric banners to the auditorium 'ears' and details of the proposed lifting mechanism has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and 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.

BH2013/01269

Saunders Park Lewes Road Brighton

Change of use of part of existing building from public toilets and parks rangers office (Sui Generis) to public toilets (Sui Generis) and café (A3) with external seating and associated alterations including installation of security shutters and retractable awning (part-retrospective).

Applicant: Mr Damien Smith-Taylor

Officer: Chris Swain 292178

Approved on 27/09/13 DELEGATED

1) UNI

Within one month of this decision, full details of the storage of refuse and recycling, including an elevational drawing, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full within four months of the date of this permission and the refuse and recycling storage facilities shall thereafter be retained 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.

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 layout	01		11 July 2013
Proposed layout	02		11 July 2013

Proposed interior layout	03		11 July 2013
Existing and proposed S/E elevations	04		11 July 2013
Existing N/E elevation	05		11 July 2013
Proposed N/E elevation	06		11 July 2013
Existing S/W elevation	07		11 July 2013
Proposed S/W elevation	08		11 July 2013
Block plan	09		24 June 2013
Site location plan	10		24 June 2013

BH2013/01791

75 Stanmer Villas Brighton

Alterations to convert two storey detached garage/office to habitable accommodation incorporating revised gates to North boundary fence, installation of new gates and posts to East boundary wall and associated works.

Applicant: Ms Kay Aplin

Officer: Anthony Foster 294495

Approved on 30/09/13 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 ancillary accommodation hereby approved shall not be occupied unless or until the lower half of the two windows on the east elevation serving the kitchen and living room at first storey level have been glazed with obscured glass and thereafter permanently retained as such.

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

3) UNI

The proposed self contained habitable accommodation as detailed on proposed plans drawing no. TA706/27 rev D shall be used only as ancillary accommodation in connection with the enjoyment of the main property number 75 Stanmer Villas as a single dwelling house and not as a separate dwelling unit of accommodation in its own right.

Reason: In order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

4) UNI

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

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

5) UNI

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

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

Plan Type	Reference	Version	Date Received
Block & site location Plan	01		03/06/2013
Existing Site Plan	02		03/06/2013

Existing Ground Floor Plan	03		03/06/2013
Existing Lower ground floor plan	04	A	03/06/2013
Existing Section AA	05		03/06/2013
Existing Section BB	06		03/06/2013
Existing Section CC & DD	07		03/06/2013
Existing Street Elevation	08		03/06/2013
Existing Plans	09		03/06/2013
Existing Plans	10	A	03/06/2013
Existing Elevations	11	B	03/06/2013
Existing Elevations	12	B	03/06/2013
Existing Street Elevation	13	B	03/06/2013
Proposed ground floor plan	20	B	03/06/2013
Proposed Lower ground floor plan	21	A	03/06/2013
Proposed Section AA	22	B	03/06/2013
Proposed Section BB	23	A	03/06/2013
Proposed Section CC & DD	24	A	03/06/2013
Proposed Plans	26		03/06/2013
Proposed Plans	27	D	03/06/2013

6) UNI

The external finishes of the proposed walls and roof 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.

BH2013/01922

3 Brentwood Crescent Brighton

Change of use from dwelling house (C3) to House in Multiple Occupation (C4).

Applicant: Mr Eva Tsang

Officer: Jonathan Puplett 292525

Approved on 03/10/13 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 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.

3) 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.

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			01/07/2013
Existing and Proposed Floor Plans			01/07/2013

BH2013/01947

31 Coldean Lane Brighton

Change of use from dwelling house (C3) to House in Multiple Occupation (C4).

Applicant: Clive Morgan

Officer: Jonathan Puplett 292525

Refused on 03/10/13 DECISION ON APPEAL

1) UNI

The proposed change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

BH2013/02077

2 Dudley Road Brighton

Application for Approval of Details Reserved by Conditions 6, 7, 8, 9, 10, 11, 12 and 13 of application BH2012/03304.

Applicant: Griston Lahaise Cross LLP

Officer: Sue Dubberley 293817

Approved on 24/09/13 DELEGATED

BH2013/02093

1 Mountfields Brighton

Application for Approval of Details Reserved by Conditions 4 and 5 of application BH2013/00410

Applicant: Mr Nicholas Browne

Officer: Anthony Foster 294495

Approved on 23/09/13 DELEGATED

BH2013/02100

10 Barrow Hill Brighton

Change of use from dwelling house (C3) to either dwelling (C3) or small house in multiple occupation (C4).

Applicant: Miss Vanessa Parr

Officer: Jonathan Puplett 292525

Refused on 25/09/13 DELEGATED

1) UNI

The proposed change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

BH2013/02471

143 Horton Road Brighton

Certificate of Lawfulness for proposed loft conversion with new rear dormer.

Applicant: Mr Ben Bayram

Officer: Liz Arnold 291709

Approved on 23/09/13 DELEGATED

BH2013/02489

143 Horton Road Brighton

Erection of two storey side extension and a front porch.

Applicant: Mr Ben Bayram

Officer: Liz Arnold 291709

Approved on 26/09/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			29th July 2013
Front Elevation - Existing			29th July 2013
Rear Elevation - Existing			29th July 2013
North Side Elevation - Existing			29th July 2013
South Side Elevation - Existing			29th July 2013
Ground Floor Existing			29th July 2013
First Floor - Existing			29th July 2013
Block Plan			23rd September 2013
Front Elevation - Proposed			23rd September 2013
Rear Elevation - Proposed			23rd September 2013

Ground Floor - Proposed			23rd 2013	September
First Floor - Proposed			23rd 2013	September
First Floor - Proposed			23rd 2013	September
North Side Elevation - Proposed			23rd 2013	September
South Side Elevation - Proposed			23rd 2013	September

BH2013/02722

14 Hollingbury Park Avenue Brighton

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

Applicant: Mr Paul Hutchings

Officer: Andrew Huntley 292321

Approved on 27/09/13 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2013/01532

23 Redvers Road Brighton

Enlargement of existing rear extension at ground floor level. Creation of a first floor extension with roof light over existing extension.

Applicant: Ms Lucy Oakley

Officer: Chris Swain 292178

Approved on 19/09/13 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 elevations of the extension 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 plans, existing and proposed plans and elevations	269/1A		25 July 2013

BH2013/01921

75 Hornby Road Brighton

Erection of a rear first floor extension with pitched roof. (Retrospective)

Applicant: Mr & Mrs L Constable

Report from: 10/10/2012 to: 30/10/2012

Officer: Sue Dubberley 293817

Refused on 09/10/13 DELEGATED

1) UNI

The development would result in an overbearing and unneighbourly form of development when viewed from the adjacent property, 73 Hornby Road. It would result in loss of outlook and a heightened sense of enclosure, and, cause loss of light to the adjoining property. As such the proposal would adversely impact on the residential amenity of this property and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and SPD12, Design Guide for Extensions and Alterations.

2) UNI2

The proposed two-storey extension, and particularly the first floor window and tile hanging to the front and side elevations, would be poorly sited, designed and detailed and would create an overextended and piecemeal appearance to the existing building. The proposal would therefore be detrimental to the character and appearance of the existing building and the visual amenities of the surrounding area, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12, Design Guide for Extensions and Alterations.

BH2013/01979

48 Widdicombe Way Brighton

Erection of single storey rear extension to small house in multiple occupation (C4).

Applicant: Mr Robert Dunphy

Officer: Andrew Huntley 292321

Approved on 27/09/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and Proposed Site Location Plan A			14.06.2013
Existing Plans and Elevations B			14.06.2013
Proposed Plans and Elevations D			28.06.2013

BH2013/02249

The Keep Woollards Way Brighton

Display of one internally illuminated directional sign and non-illuminated totem, painted and wall hanging signs.

Report from: 10/10/2012 to: 30/10/2012

Applicant: East Sussex County Council

Officer: Mick Anson 292354

Approved on 08/10/13 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

5) BH10.05

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) BH10.06

No advertisement shall be sited or displayed so as to-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7) BH10.07

The illumination of the advertisement shall be non-intermittent.

Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

8) BH10.08

The advertisement shall not be illuminated later than (22:00) or after the premises are closed to the public (whichever is the earlier) and shall not be illuminated before [09:00] on any day.

Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

BH2013/02434

47A 48A & 49A The Highway Brighton

Conversion of loft space above flats into habitable living space incorporating 3no dormers to the rear.

Applicant: Mr Paresh Patel

Officer: Jonathan Puplett 292525

Approved on 23/09/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			29/07/2013
Existing Ground Floor Plan	01		25/07/2013
Existing First Floor Plan	02		25/07/2013
Existing Roof Plan	03		25/07/2013
Existing Elevations	04		25/07/2013
Existing Elevations	05		25/07/2013
Proposed First Floor Plan	06		25/07/2013
Proposed Block Plan A			20/09/2013
Proposed Loft Plan	07	A	20/09/2013
Proposed Roof Plan	08	A	20/09/2013
Proposed Elevations	09	A	20/09/2013
Proposed Elevations	10	A	20/09/2013

BH2013/02490

3 Hillside Brighton

Demolition of existing side annexe & erection of 2 no three bedroom semi detached houses.

Applicant: Mr & Mrs Graham Smith

Officer: Sonia Gillam 292265

Refused on 30/09/13 DELEGATED

1) UNI

The proposed development, by virtue of the siting of the new dwellings proposed, would result in a form of development which would be out of character with the properties in the surrounding area which have a distinctive pattern and a regular

building form and line. The proposed development would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by virtue of the siting of the new dwellings proposed, would have an overbearing and unduly prominent impact upon the existing property and garden at no. 3 Hillside. The proposed development would also cause overlooking of this neighbouring property and loss of privacy for neighbouring occupiers. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development, by virtue of the siting of the new dwellings proposed, would result in a poor level of amenity for the future occupants by reason of an unacceptable degree of overlooking from the existing property, no. 3 Hillside, leading to a loss of privacy. As such, the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

4) UNI4

The proposal represents development in the rear garden classified as Greenfield land. Given the sensitive nature of the location, the highest level of sustainability must be sought for the proposed dwellings. The applicant has failed to demonstrate that the proposed dwelling would achieve Code for Sustainable Homes Level 5. The proposal is considered to be contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document on Sustainable Building Design (SPD 08).

BH2013/02653

144 Hillside Brighton

Erection of 2no. semi detached two storey, two bedroom houses.

Applicant: Mr D Evans

Officer: Wayne Nee 292132

Refused on 27/09/13 DELEGATED

1) UNI

The proposed development, by virtue of the subdivision of the plot would result in a form of development which would be out of character with the surrounding area and as such would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The proposed dwellings are considered to form an inappropriate and cramped development in excess of what might reasonably be expected to be achieved on this limited plot site. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

3) UNI3

The proposed dwellings, by reason of the limited plot size and the arrangement of the adjoining sites, would represent a cramped and overbearing development to the detriment of the amenities of the occupiers of neighbouring properties. There would also be a loss of amenity by virtue of actual loss of privacy and overlooking to nos. 144 & 146 Hillside. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/02658

20 Ashurst Road Brighton

Change of use from small house in multiple occupation (C4) to house in multiple occupation (Sui Generis) with alterations including changes to layout of windows and new door to front. (Part retrospective).

Applicant: Mr Oliver Dorman

Officer: Wayne Nee 292132

Refused on 08/10/13 DELEGATED

1) UNI

Notwithstanding the submitted floor plans, the proposed Sui Generis use, due to the over-subdividing of rooms, lack of shared communal spaces and the cramped form, would result in a poor level of amenity for future occupiers of the property and over intensification of the use of the dwelling. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposal represents over intensification of the use of the property which was originally built as a modest 3 bed family dwelling. The occupation of the property with 8 individuals would result in a material increase in noise and disturbance that would cause harm to neighbouring amenity. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed alterations to the front elevation ground floor window would result in an awkward and untidy fenestration arrangement in a prominent position on the property. This would be detrimental to the character and appearance of the property itself and the street scene. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/02900

74 Hillside Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Andy Spectre

Officer: Chris Swain 292178

Prior approval not required on 01/10/13 DELEGATED

BH2013/02938

57 Barcombe 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 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: R S Contraction

Officer: Chris Swain 292178

Prior approval not required on 30/09/13 DELEGATED

QUEEN'S PARK

BH2013/00839

6-7 Old Steine Brighton

Replacement of all rear windows, repair and refurbishment of front windows including replacement of selected windows at first floor to match original window arrangement, render repairs, repair works to the roof and the repainting of the building.

Applicant: Mr Daniel Nathan

Officer: Andrew Huntley 292321

Approved on 07/10/13 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 roof strengthening works shall take place until full details for the works has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved method statement.

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.

3) UNI

The new windows on the front elevation at first floor level on No. 7 Old Steine hereby approved shall be single glazed painted timber vertical sliding sashes with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match exactly the original sash boxes to 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

The new windows on the rear elevations hereby approved shall include the horn detailing as shown on drawing number 0419 submitted on the 28th May 2013.

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

BH2013/01064

6-7 Old Steine Brighton

Replacement of all rear windows, repair and refurbishment of front windows including replacement of selected windows at first floor to match original window arrangement, render repairs, repair works to the roof and the repainting of the building.

Applicant: Mr Daniel Nathan

Officer: Andrew Huntley 292321

Approved on 07/10/13 DELEGATED

1) BH01.01

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

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

2) UNI

The new windows on the front elevation at first floor level on No. 7 Old Steine hereby approved shall be single glazed painted timber vertical sliding sashes with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match exactly the original sash boxes to the building.

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

3) UNI

Plan Type	Reference	Version	Date Received
Site and Block Plan	(10)001		03.04.2013
Existing Elevations	(30)001		03.04.2013
Existing Elevations	(30)002		03.04.2013
Existing Basement Plan	(20)B01		03.04.2013

Existing Ground Floor Plan	(20)000		03.04.2013
Existing First Floor Plan	(20)001		03.04.2013
Existing Second Floor Plan	(20)002		03.04.2013
Existing Third Floor Plan	(20)003		03.04.2013
Existing Fourth Floor Plan	(20)004		03.04.2013
Existing Roof Plan	(20)005		03.04.2013
Existing Section AA	(40)001		03.04.2013
Existing Section BB	(40)002		03.04.2013
Existing Window Details	(50)001		03.04.2013
Proposed Basement Plan	(21)B01	D	08.07.2013
Proposed Ground Floor Plan	(21)000	D	08.07.2013
Proposed First Floor Plan	(21)001	D	08.07.2013
Proposed Second Floor Plan	(21)002	D	08.07.2013
Proposed Third Floor Plan	(21)003	D	08.07.2013
Proposed Fourth Floor Plan	(21)004	D	08.07.2013
Proposed Roof Plan	(21)005	D	08.07.2013
Proposed Elevations	(31)001	D	08.07.2013
Proposed Elevations	(31)002	D	08.07.2013

4) UNI

The new windows on the rear elevations hereby approved shall include the horn detailing as shown on drawing number 0419 submitted on the 28th May 2013.

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

BH2013/01763

97A St James's Street Brighton

Replacement UPVC casement windows and the insertion of two new windows on the northern elevation at first floor level.

Applicant: Southern Housing Group

Officer: Andrew Huntley 292321

Approved on 26/09/13 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 two new windows W16 and W17, as shown on amended plan 05 A received on the 18.07.2013 in the northern elevation at first floor level of the building shall not be glazed otherwise than with obscured glass and shall be inwards opening only and thereafter permanently retained as such.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plan	04	A	12.06.2013
Existing Elevations	02	A	18.07.2013
Proposed Elevations	05	A	18.07.2013

Typical Window	06		12.06.2013
Proposed Window Types	07		12.06.2013

BH2013/01945

13 Old Steine Brighton

Application for Approval of Details Reserved by Conditions 5, 6, 7, 8, 9 and 10 of application BH2011/02687

Applicant: Henry Streeter (Automotive) Ltd

Officer: Sue Dubberley 293817

Split Decision on 25/09/13 DELEGATED

1) UNI

The details pursuant to conditions 8, 9 and 10 and subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 5, 6, 7, are NOT APPROVED for the reason(s) set out in section 8. Condition 5 Reason: The enamelled glass sample is not acceptable in this location.

2) UNI2

Condition 6: Reason: The cycle parking spaces being proposed are in unsatisfactory locations, that would not be useable.

3) UNI3

Condition 7 Insufficient information submitted to adequately show that internal noise levels will be complaint with BS8233.

BH2013/01968

12A Richmond Parade Brighton

Demolition of existing two storey building and erection of five storey building comprising of 1no office unit (B1) at basement level and 4no two bedroom flats (C305) from ground floor to third floor with roof terrace at fourth floor.

Applicant: Mr Ed Derby

Officer: Anthony Foster 294495

Approved on 24/09/13 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 ground floor commercial use hereby permitted shall not operate except between the hours of 08.00 and 21.00 on Mondays to Saturdays and 09:00 and 20:00 on Sundays and Bank/Public Holidays.

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

3) UNI

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

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

4) UNI

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any amendment thereto the 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.

5) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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

6) 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.

7) UNI

The hall windows at ground, first, second and third floors in the eastern 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.

8) UNI

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

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

9) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the landscaping of the roof terrace, 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.

10) UNI

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

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

11) 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 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 & Hove Local Plan.

12) UNI

No development shall take place until a written scheme for the ventilation of the residential units has been submitted to and approved by the Local Authority so that all the residential units meet the internal 'good' internal noise level standards of BS8233:1999 and World Health Organisation for living rooms and bedrooms and internal individual noise events do not exceed 45dB LAmax as per BS8233:1999.

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

13) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until Design Stage/Interim Code for Sustainable Homes Certificates demonstrating that the development hereby approved achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units have been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

14) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until Design Stage/Interim Code for Sustainable Homes Certificates demonstrating that the development hereby approved achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units have been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

15) UNI

Notwithstanding the details shown in the approved drawings, the development hereby permitted shall not be commenced until revised details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use

prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

16) 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.

17) UNI

The development hereby permitted shall not be commenced until details of sustainability measures in relation to the B1a commercial unit have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

18) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until Final/Post Construction Code Certificates issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum have been submitted to, and approved in writing by, the Local Planning Authority.

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

19) 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.

20) UNI

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

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

Plan Type	Reference	Version	Date Received
Location & Block Plan	100		14/06/2013
Existing Plan & Elevations	101		14/06/2013
Proposed Floor Plans			14/06/2013

Proposed elevations 1 of 2	12-001-302	B	11/07/2013
Proposed elevations 2 of 2	12-001-303	B	11/07/2013
Contextual Elevations	12-001-304	A	11/07/2013

BH2013/01985

Alvia Hotel 36 Upper Rock Gardens Brighton

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

Applicant: Alvia Hotel

Officer: Chris Swain 292178

Refused on 25/09/13 COMMITTEE

1) UNI

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) UNI2

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.

BH2013/02139

3 Royal Crescent Brighton

Demolition of existing garage/store in rear garden and erection of garden room.

Applicant: Ms Helen Smith

Officer: Andrew Huntley 292321

Approved on 25/09/13 COMMITTEE

1) UNI

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
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) UNI

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.

4) UNI

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) UNI

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.

BH2013/02140

3 Royal Crescent Brighton

Demolition of existing garage/store in rear garden and erection of garden room.

Applicant: Ms Helen Smith

Officer: Andrew Huntley 292321

Approved on 25/09/13 COMMITTEE

1) UNI

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

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

2) UNI

No works shall take place until full details of the 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.

3) UNI

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

BH2013/02199

29 Park Street Brighton

Report from: 10/10/2012 to: 30/10/2012

Change of Use from residential dwelling (C3) to House in Multiple Occupation (C4) .

Applicant: Mr Richard McEwan
Officer: Jonathan Puplett 292525
Approved on 03/10/13 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 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.

3) 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.

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			27/06/2013
Block Plan			27/06/2013
Existing Floor Plan			08/07/2013
Existing Floor Plan			08/07/2013
Existing Floor Plan			08/07/2013
Proposed Floor Plan			08/07/2013
Proposed Floor Plan			08/07/2013
Proposed Floor Plan			08/07/2013

BH2013/02223

Royal Crescent Mansions 100 Marine Parade Brighton

Replacement of carpet covering to main entrance hallway with porcelain tiles.

Applicant: Brentwood Management Ltd
Officer: Wayne Nee 292132
Refused on 30/09/13 DELEGATED

1) UNI

The proposed re-surfacing of the entrance hall would involve the fixing of tiles to the original material beneath the existing carpet, which would result in irreversible harm to the historic interior of the entrance hallway. The development would

therefore harm the historic character and appearance of the Grade II listed building which is contrary to the aims of policies HE1, HE4 and SPGBH 11.

BH2013/02363

11 Sutherland Road Brighton

Installation of air conditioning unit to the rear at ground floor level (Retrospective).

Applicant: Mr Chaudhry

Officer: Chris Swain 292178

Refused on 24/09/13 DELEGATED

1) UNI

The installed plant results in noise disturbance to the occupiers of adjoining residential properties to the detriment to their residential amenity. The applicant has failed to provide information detailing mitigation measures which would satisfactorily address this noise disturbance. The proposal is therefore contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

BH2013/02453

10 Bristol Road Brighton

Replacement of 2no. windows and 1no. door to ground floor.

Applicant: Sequence (UK) Ltd

Officer: Christopher Wright 292097

Refused on 08/10/13 DELEGATED

1) UNI

The proposed replacement windows and door would, by reason of the design, detailing and form, fail to replicate the design and detailing of the existing windows and door, which are considered to make a positive and attractive contribution to both the appearance of the building and the character of the wider conservation area visually. As such the proposal would have a detrimental visual impact on the character and appearance of both the recipient building and the wider East Cliff Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan 2005 and SPD09: Architectural Features.

BH2013/02534

11 Royal Crescent Brighton

Internal alterations to layout of house.

Applicant: Susan Humphreys

Officer: Chris Swain 292178

Approved on 01/10/13 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 original cornicing and skirting damaged by the removal of the partitions shall be repaired to exactly match existing and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2013/02587

42 & 43 George Street Brighton

Application for Approval of Details Reserved by Condition 17 of application BH2011/02016.

Applicant: Meadowbridge Properties Ltd

Officer: Sue Dubberley 293817

Approved on 01/10/13 DELEGATED

BH2013/02777**Flat 7 Royal Crescent Mansions 100 Marine Parade Brighton**

Internal alterations to layout of flat.

Applicant: Ms Jacki Heppard & Ms Leslie-Ann Reed**Officer:** Wayne Nee 292132**Approved on 03/10/13 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 ventilation grilles or flues shall be fixed to or penetrate any external elevation.

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

ROTTINGDEAN COASTAL**BH2013/01564****The Library The Grange The Green Rottingdean**

Infill extension to form WC incorporating revised above ground drainage.

Applicant: Brighton & Hove City Council**Officer:** Chris Swain 292178**Approved on 20/09/13 DELEGATED****1) BH01.01**

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

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.***2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Floor plans	RL001		16 May 2013
Site plan	1053/001		16 May 2013
Block plan	1053/002		16 May 2013
Conservation Area plan	1053/003		16 May 2013
Existing floor plan	1053/004		16 May 2013
Existing elevations 1	1053/005		16 May 2013
Existing elevations 2	1053/006		16 May 2013
Existing sections	1053/007		16 May 2013
Proposed WC plan	1053/010	A	11 July 2013
Proposed elevations A&B	1053/011		16 May 2013
Proposed elevations C&D	1053/012	A	11 July 2013
Proposed section A:A	1053/014		11 July 2013
Proposed section B:B	1053/015		16 May 2013
Proposed roof plan	1053/016		16 May 2013

BH2013/01565

The Library The Grange The Green Rottingdean

Infill extension to form WC incorporating revised above ground drainage.

Applicant: Brighton & Hove City Council

Officer: Chris Swain 292178

Approved Secretary of State on 20/09/13 OTHER

1) BH01.05

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

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

BH2013/01938**52 Ainsworth Avenue Brighton**

Erection of extension to first floor including dormer and window to front, windows to sides and Juliet balconies to rear.

Applicant: Mr N Childs

Officer: Pete Campbell 292359

Approved on 26/09/13 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 first floor windows to the side east and west elevations of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining 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 all materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The 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.

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing floor, 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			

BH2013/01991**19 Gorham Avenue Rottingdean Brighton**

Report from: 10/10/2012 to: 30/10/2012

Alterations and extensions to paved patio area and widening and extension to steps to rear garden.

Applicant: Mr Robert Fodor

Officer: Kate Brocklebank 292175

Approved on 03/10/13 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	1202 Loc 2		8 July 2013
Block Plan	1202 Block 2		8 July 2013
Plans Sections and Elevations	1202/101		8 July 2013
Plans and Sections	1202 003		17 June 2013

BH2013/02031

Land rear of Sussex Mansions 39-40 Sussex Square Brighton

Erection of 3no bedroom house to rear, utilising existing basement space located under garden with associated parking.

Applicant: Ian Barr & Susan Jacobs

Officer: Anthony Foster 294495

Refused on 27/09/13 DELEGATED

1) UNI

Insufficient information has been submitted regarding the historic and architectural significance and structural integrity of 39 and 40 Sussex Square, the basement and surrounding walls to demonstrate the structural stability would not be undermined by the proposed development. Notwithstanding the lack of information, the proposal is considered unacceptable in heritage terms as it would lead to the complete loss of the basement structure which would have a substantial harmful impact on the significance of this Grade I Listed Building. The proposal is therefore contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan.

2) UNI2

The proposed subdivision of the existing and original townhouse plots would result in further and in all probably permanent loss of the original proportions of the plots, and their original relationship with the heritage asset. The resultant plot sizes would also be of an insufficient size in relation to the character and status of the main listed buildings. As such the proposals would have a detrimental impact upon the architectural, historic character, spacing and appearance of the Listed Building and Kemp Town Conservation Area, contrary to policies QD1, QD2, HE1 HE3, and HE6 of the Brighton & Hove Local Plan.

3) UNI2

The proposed alterations to the rendered masonry boundary wall would result in the loss of the original form of the historic wall which rises to the rear of the plot and is characteristic in the area. The proposal would therefore have a harmful impact on the significance of the heritage asset and Kemp Town Conservation

Area an, contrary to policies QD1, QD2, HE1 HE3, and HE6 of the Brighton & Hove Local Plan.

4) UNI4

The proposed development would provide an unsatisfactory residential environment for the future occupiers of the proposed dwellings by virtue of poor level of outlook, direct overlooking by adjoining occupiers and potential noise and disturbance from the adjoining electrical substation contrary to policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

5) UNI5

The proposed roof terrace by virtue of its size and siting, would adversely affect the amenities of the occupiers of Nos. 40A Sussex Square resulting in loss of privacy, and interlocking, contrary to policy QD27 of the Brighton & Hove Local Plan.

6) UNI6

The applicant has failed to demonstrate the existing site is free from harmful contaminants and as such will not have a detrimental impact upon health of the future occupiers, contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.

BH2013/02032

Land rear of Sussex Mansions 39-40 Sussex Square Brighton

Erection of 3no bedroom house to rear, utilising existing basement space located under garden.

Applicant: Ian Barr & Susan Jacobs

Officer: Anthony Foster 294495

Refused on 27/09/13 DELEGATED

1) UNI

Insufficient information has been submitted regarding the historic and architectural significance and structural integrity of 39 and 40 Sussex Square, the basement and surrounding walls to demonstrate the structural stability would not be undermined by the proposed development. Notwithstanding the lack of information, the proposal is considered unacceptable in heritage terms as it would lead to the complete loss of the basement structure which would have a substantial harmful impact on the significance of this Grade I Listed Building. The proposal is therefore contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan.

2) UNI2

The proposed subdivision of the existing and original townhouse plots would result in further and in all probably permanent loss of the original proportions of the plots, and their original relationship with the heritage asset. The resultant plot sizes would also be of an insufficient size in relation to the character and status of the main listed buildings. As such the proposals would have a detrimental impact upon the setting and historic character of the Listed Building and adjoining listed assets contrary to policy HE3 of the Brighton & Hove Local Plan.

3) UNI3

The proposed alterations to the rendered masonry boundary wall would result in the loss of the original form of the historic wall which rises to the rear of the plot and is characteristic in the area. The proposal would therefore have a harmful impact on the significance of the heritage asset contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan.

BH2013/02142

Land Outside 28 Marine Drive Rottingdean Brighton

Display of a temporary non-illuminated advertising board for a period of 15 months. (Retrospective).

Applicant: Generator
Officer: Sue Dubberley 293817
Approved on 30/09/13 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

5) BH10.05

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) BH10.06

No advertisement shall be sited or displayed so as to-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7) BH10.07

The illumination of the advertisement shall be non-intermittent.

Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

8) UNI

The advertisement hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing, on or before 31st January 2015.

Reason: The advertisement hereby approved is not considered suitable as a permanent form of development to safeguard visual amenity and to comply with policy QD12 of the Brighton & Hove Local Plan.

BH2013/02151

Ketts Ridge Ovingdean Road Brighton

Installation of raised decking to rear of property (Retrospective).

Applicant: Mr Ken Christie

Officer: Jonathan Puplett 292525

Refused on 03/10/13 DELEGATED

1) UNI

Use of the raised decking would result in increased overlooking of the rear gardens and rear windows of 'Winton', 1 and 3 Ovingdean Close, and would significantly diminish the sense of privacy which residents of these neighbouring properties currently enjoy. The development is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/02188

SGN Holder Station Boundary Road Black Rock Brighton

Demolition of two redundant gasholders and associated plant.

Applicant: Southern Gas Networks

Officer: Jonathan Puplett 292525

Approved on 30/09/13 DELEGATED

BH2013/02309

40 Saltdean Drive Brighton

Formation of hard standing including demolition of front boundary wall to create vehicle access and erection of raised decking to rear and side elevations. (Part-retrospective)

Applicant: Mr Mark Washington

Officer: Jonathan Puplett 292525

Refused on 07/10/13 DELEGATED

1) UNI

The proposed decking would result in increased overlooking of the windows and rear garden areas of the neighbouring properties, in particular the properties to the rear of the site nos. 23 and 25 Chichester Drive West and the property alongside the site no. 38 Saltdean Drive; the sense of privacy for residents of these properties would be significantly reduced. The proposed privacy screen would have an overbearing and enclosing impact upon occupiers of no. 38 Saltdean Drive. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/02398

6 Cliff Approach Brighton

Demolition of existing residential dwelling and erection of 2no. two bedroom semi-detached residential dwellings.

Applicant: Mr J Oliver

Officer: Andrew Huntley 292321

Approved on 27/09/13 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 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.

3) UNI

No extension, enlargement or other alteration of the dwelling house(s) 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 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.

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

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

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

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

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

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

10) UNI

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.

11) UNI

No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

12) 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 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove.

13) 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.

14) UNI

The windows in the northern elevation at second floor level of the development hereby permitted and as shown on plan number D.02 Rev A shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 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 accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

16) UNI

Notwithstanding the plans submitted, no development of the residential units hereby permitted shall take place until detailed plans and sections at a minimum scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority for the following:

- (i) projecting bays
- (ii) balustrading to the balconies and roof terraces
- (iii) external doors and windows.
- (iv) Timber shutters

The approved design shall be implemented and maintained in perpetuity before first occupation of the residential units.

Reason: In the interests of the securing a good quality design appropriate to the area, to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

17) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	A.001		17.07.2013
Existing Elevations	A.002		17.07.2013
Proposed Plans	D.001-NEW	A	24.09.2013
Proposed Elevations (S & N)	D.02	A	24.09.2013
Proposed Elevations (E & W)	D.03		17.07.2013

BH2013/02551

71 Lustrells Crescent Brighton

Application for Approval of Details Reserved by Conditions 9b and 13 of application BH2012/02168.

Applicant: Mr P Sheehan

Officer: Anthony Foster 294495

Approved on 24/09/13 DELEGATED

BH2013/02594

Flat 6 Bazehill Manor 27 Bazehill Road Rottingdean Brighton

Conversion of existing maisonette to form 2no two bedroom flats.

Applicant: Mr Steve Ross

Officer: Sonia Gillam 292265

Approved on 02/10/13 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 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.

3) UNI

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

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

4) UNI

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

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 location plan and block plan	13-016-100		30/07/2013
Existing plans and elevations	13-016-101	A	30/07/2013
Proposed plan	13-016-301		30/07/2013

6) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on 30 July 2013 have been implemented, and such measures shall thereafter be retained.

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.

BH2013/02597

2 Heathfield Avenue Brighton

Erection of single storey side extension and single storey rear extension (Part Retrospective).

Applicant: Mr Jon Paul Mccarthy

Officer: Chris Swain 292178

Refused on 27/09/13 DELEGATED

1) UNI

The side/front wraparound addition, by reason of scale, design, siting, form and depth results in an unsympathetic and contrived extension that detracts from the original form of the building and significantly harms 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 rear addition, by reason of design, siting and form results in an unsympathetic and contrived addition that detracts from the original form of the building and significantly harms 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)

BH2013/02631

8 Wilkinson Close Brighton

Erection of conservatory to south elevation.

Applicant: Mr Wilson

Officer: Andrew Huntley 292321

Approved on 23/09/13 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			29.07.2013
Site Location, Block and Roof Plan	P/01		29.07.2013
Existing Plan and Elevations	P/02		29.07.2013
Proposed Plan and Elevations	P/03		29.07.2013
Proposed Roof Plan	P/04		29.07.2013

BH2013/02643

70 Greenways Brighton

Erection of single storey rear extension and formation of additional floor incorporating front dormer, side and rear roof lights and associated roof alterations.

Applicant: Mr Paul Nicholson

Officer: Robin K Hodgetts 292366

Refused on 07/10/13 DELEGATED

1) UNI

1. The proposal by reason of its design, scale, roof arrangement with the addition of a front dormer, overall bulk and massing would result in a development which would appear cramped within the plot and out of scale with surrounding development. It would appear overly dominant within the street scene and have an adverse visual impact on the appearance and existing character of the property and wider street scene. The proposal is therefore contrary to policies QD2, QD14 and SPD12.

2) UNI2

The proposed side first floor windows and fire escape to the rear would cause both direct and perceived overlooking to No. 68A to the south resulting in a loss

of privacy and harmful impact on the neighbouring property. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/02680

18 Chorley Avenue Brighton

Conversion of existing garage into habitable living space, replacement of existing garage door with bay window and erection of canopy to front elevation.

Applicant: A McAhill

Officer: Sonia Gillam 292265

Approved on 04/10/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed elevations and plans	13/862/01		06/08/2013
Site location plan			06/08/2013
Block plan			06/08/2013

BH2013/02692

The Dene The Green Rottingdean Brighton

Replacement of 2no existing boiler flues to north west elevation.

Applicant: Teachers Housing Association

Officer: Chris Swain 292178

Approved on 30/09/13 DELEGATED

1) BH01.05

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

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

2) UNI

The proposed flues shall be painted to match the northern elevation of the building and shall be retained as such thereafter.

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

BH2013/02714

41 Dean Court Road Rottingdean Brighton

Erection of pitched roof garage to rear elevation.

Applicant: Mr K Newman

Officer: Sonia Gillam 292265

Approved on 07/10/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			02/08/2013
Block plan	10009-1		02/08/2013

BH2013/02721

140 Longhill Road Brighton

Alterations to front elevation including erection of single storey extension at lower ground floor level to replace existing garage and roof alterations including new pitched roof extension with gable end.

Applicant: Mr Nicholas Monti

Officer: Liz Arnold 291709

Refused on 23/09/13 DELEGATED

1) UNI

The proposed gable end front extension, as a result of its design, bulk and massing, would result in a visually intrusive and bulky addition to the front elevation of the existing modest chalet bungalow, which would be of detriment to the visual amenities of the parent property, the Longhill Road street scene and the wider area, including the setting of the Ovingdean Conservation Area. The proposal is contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

BH2013/02876

25 Roedean Crescent Brighton

Application for Approval of Details Reserved by Conditions 11, 13 and 14 of application BH2012/01117.

Applicant: 25 Roedean Crescent Ltd

Officer: Liz Arnold 291709

Approved on 02/10/13 DELEGATED

BH2013/02877

32 Eley Drive Rottingdean Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.78m.

Applicant: Mr Rowden & Miss Cutmore

Officer: Chris Swain 292178

Prior approval not required on 01/10/13 DELEGATED

BH2013/02941

68-70 High Street Rottingdean

Application for Approval of Details Reserved by Conditions 23 and 25 of application BH2011/01773.

Applicant: Novus Properties

Officer: Liz Arnold 291709

Approved on 09/10/13 DELEGATED

BH2013/02986

52 Greenways Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.1m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.1m.

Applicant: Mr & Mrs Ainsworth

Officer: Chris Swain 292178

Prior approval not required on 08/10/13 DELEGATED

WOODINGDEAN

BH2013/02353

164 Warren Road Brighton

Application to extend time limit for implementation of previous approval BH2010/01592 for the alteration and extension of existing outbuilding and erection of detached garage.

Applicant: Mr Brendan Foley

Officer: Jonathan Puplett 292525

Approved on 03/10/13 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 rear outbuilding hereby approved shall be occupied solely for purposes incidental to the occupation and enjoyment of 164 Warren Road as a dwelling and shall not be used as a separate planning unit.

Reason: The establishment of an additional independent planning unit in this form would give rise to an over-intensive use of the site and would lead to harm to the amenity of neighbouring occupiers contrary to policies QD3 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 windows, dormer windows, roof lights or doors other than those expressly authorised by this permission shall be constructed to the annex building without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			21/05/2007
Block Plan			21/05/2007
Existing and Proposed Floor Plans and Elevations			21/05/2013

BH2013/02590

281 Cowley Drive Brighton

Erection of single storey rear extension.

Applicant: Mrs M Robertson

Officer: Chris Swain 292178

Approved on 20/09/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			26 July 2013
Block plan			26 July 2013
Existing and proposed elevation and plans			26 July 2013

BRUNSWICK AND ADELAIDE

BH2013/01328

29 Brunswick Place Hove

Replacement of asphalt roof covering, incorporating thermal insulation layer.

Applicant: Mr Pickard

Officer: Robert McNicol 292322

Approved on 19/09/13 DELEGATED

1) BH01.05

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

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

BH2013/01541

Flat 3 31 Adelaide Crescent Hove

Replacement of existing external fire escape to the rear and replacement and extension of existing external fire escape platform to form a balcony.

Applicant: Ms Natasha Rankin

Officer: Mark Thomas 292336

Refused on 03/10/13 DELEGATED

1) UNI

The proposed balcony would have a more harmful impact on the building, by virtue of its size and detailing, featuring a higher balustrade and closer spacing of the rails than the existing fire escape. For these reasons the proposed development would result in a more cluttered rear elevation and, as such, is considered harmful to the character, architectural setting and significance of this Grade II* Listed Building, contrary to policy HE1 of the Brighton & Hove Local Plan. Further, the balcony would have a detrimental impact on the character and appearance of the Brunswick Town conservation area. For these reasons the proposed development would be contrary to policy HE6.

2) UNI2

The proposed balcony, by virtue of its size, elevated position, and proximity to neighbouring properties would have a harmful impact on the amenity of occupiers of neighbouring properties, with the potential for harmful overlooking, loss of privacy and noise disturbance. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/01542

Flat 3 31 Adelaide Crescent Hove

Replacement of existing external fire escape to the rear and replacement and extension of existing external fire escape platform to form a balcony.

Applicant: Ms Natasha Rankin

Officer: Mark Thomas 292336

Refused on 03/10/13 DELEGATED

1) UNI

The proposed balcony would have a more harmful impact on the building, by virtue of its size and detailing, featuring a higher balustrade and closer spacing of the rails than the existing fire escape. For these reasons the proposed development would result in a more cluttered rear elevation and, as such, is considered harmful to the character, architectural setting and significance of this Grade II* Listed Building, contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2013/02131

10 Lansdowne Road Hove

Application for approval of details reserved by condition 4 of application BH2012/02710.

Applicant: Mr Fraser Simpson

Officer: Helen Hobbs 293335

Approved on 09/10/13 DELEGATED

BH2013/02135

Flat 23 29 First Avenue Hove

Replacement of existing single glazed windows and doors with double glazed aluminium windows and doors.

Applicant: Miss Rose Allett
Officer: Helen Hobbs 293335
Approved on 02/10/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed front elevation			23rd September 2013
Existing front elevation			27th June 2013
Proposed rear elevation			23rd September 2013
Existing rear elevation			27th June 2013
Existing and proposed side elevation			23rd September 2013
Proposed lounge bifold doors			23rd September 2013
Proposed bathroom window			23rd September 2013
Proposed kitchen window			23rd September 2013
Proposed bedroom door and window			23rd September 2013
Site plan			27th June 2013

BH2013/02269

Embassy Court Kings Road Brighton

Installation of outlets for condensing boiler overflows and ventilation outlets.

Applicant: Bluestorm Ltd
Officer: Christopher Wright 292097

Approved on 27/09/13 DELEGATED

1) BH01.01

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

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

2) UNI

All new boiler overflow pipes hereby permitted shall be in cast iron and shall be painted black to match the existing pipework and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

The new boiler flues hereby permitted shall be painted white, to match the colour of the render-work background walls, and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	001		8 Jul 2013
Boiler Overflows. West Elevation.	002		2 Aug 2013
Boiler Overflows. North Elevation and Detail.	003		2 Aug 2013
Bathroom Ventilation. West Elevation.	004		2 Aug 2013
Bathroom Ventilation. North Elevation and Detail.	005		2 Aug 2013
Bathroom/Toilet Fans spec sheet			8 Jul 2013

BH2013/02270

Embassy Court Kings Road Brighton

Installation of outlets for condensing boiler overflows and ventilation outlets.

Applicant: Bluestorm Ltd

Officer: Christopher Wright 292097

Approved on 27/09/13 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 new boiler flues hereby permitted shall be painted white, to match the colour of the render-work background walls, and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

All new boiler overflow pipes hereby permitted shall be in cast iron and shall be painted black to match the existing pipework and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2013/02282

108B Lansdowne Place Hove

Replacement of existing timber doors to the rear lower ground floor flat.

Applicant: Mr M Cross

Officer: Helen Hobbs 293335

Approved on 26/09/13 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.

Report from: 10/10/2012 to: 30/10/2012

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

Plan Type	Reference	Version	Date Received
Proposed door			31st July 2013
Door section			31st July 2013
Photographs			1st August 2013
Site plan			9th July 2013

BH2013/02283

108B Lansdowne Place Hove

Replacement of existing timber doors to rear lower ground floor flat.

Applicant: Mr M Cross

Officer: Helen Hobbs 293335

Approved on 26/09/13 DELEGATED

1) BH01.05

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

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

BH2013/02365

Ground Floor Flat 52 First Avenue Hove

Replacement of existing crittall windows with wooden sash windows to rear (part retrospective).

Applicant: Mrs Lynne Dodwell

Officer: Mark Thomas 292336

Approved on 20/09/13 DELEGATED

1) 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.

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			26 Jul 2013
Existing and proposed elevations	2013_02_300		16 September 2013
Internal window details	2013_02_500		16 September 2013
External window details	2013_02_501		16 September 2013
Photos	2013_02_502		16 September 2013

BH2013/02423

2 Brunswick Road Hove

Installation of two external vents to rear elevation.

Applicant: Brunswick Road Dental Practice

Officer: Helen Hobbs 293335

Report from: 10/10/2012 to: 30/10/2012

Approved on 03/10/13 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 vents shall be painted to match the colour of the rear elevation within 3 months of their installation.

Reason: To ensure the preservation of this listed building and the surrounding conservation area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The existing pipe-work, which is the subject of this application, currently protruding from the rear elevation shall be removed and the elevation made good. The external finishes of this area shall match in materials, colour, style, bonding and texture those of the existing building.

Reason: To ensure the preservation of this listed building and the surrounding conservation area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan			7th August 2013
Photographs			8th August 2013
Vent details			8th August 2013

BH2013/02424

2 Brunswick Road Hove

Installation of two external vents to rear elevation.

Applicant: Brunswick Road Dental Practice

Officer: Helen Hobbs 293335

Approved on 03/10/13 DELEGATED

1) BH01.05

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

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

2) UNI

The existing pipe-work, which is the subject of this application, currently protruding from the rear elevation shall be removed and the elevation made good. The external finishes of this area shall match in materials, colour, style, bonding and texture those of the existing building.

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

3) UNI

The vents shall be painted to match the colour of the rear elevation within 3 months of their installation.

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

BH2013/02508**Flat 1 15 First Avenue Hove**

Replacement of existing timber windows and doors to the rear with double glazed UPVC windows and aluminium bi-folding doors.

Applicant: Jane Lyons

Officer: Helen Hobbs 293335

Approved on 04/10/13 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			22nd July 2013
Window specification sheet			24th September 2013
Proposed windows 1A and 1B			24th September 2013
Photograph 1A			22nd July 2013
Photograph 1A & 1B			24th September 2013
Photograph 2			22nd July 2013
Rear kitchen window (proposed)			22nd July 2013
Photograph 3			22nd July 2013
Rear doors/window (proposed)			22nd July 2013

BH2013/02583**28 Wilbury Road Hove**

Conversion of existing medical practice (D1) on lower ground, upper ground and first floor and two bed flat on second floor to single dwelling.

Applicant: Mr John Hay & Ms Kefi Chadwick

Officer: Steven Lewis 290480

Approved on 08/10/13 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 rainwater butts, garden irrigation, boiler upgrade, insulation, improve air tightness detailed within the Sustainability Checklist received on the 30th July 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 not be occupied until a scheme detailing the necessary changes to the existing on-street Doctors bays has been submitted to and approved by the Local Planning Authority.

Reason: to ensure that the proposed development provides for the travel demands that it creates and to comply with policy TR1 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
Survey Floor Plans	294.13.01		30/07/2013
Survey Floor Plans	294.13.02		30/07/2013
Cross Section	294.13.03		30/07/2013
Proposed Floor Plans	294.13.05		30/07/2013
Proposed Floor Plans	294.13.06		30/07/2013
Proposed Cross Section and Block Plan	294.13.07		30/07/2013
Flude Marketing Report			30/07/2013
CJ Planning, Planning Statement			25/09/2013
Sustainability Checklist			30/07/2013

BH2013/02589

59 Video Box Western Road Hove

Display of internally illuminated fascia and hanging signs.

Applicant: Mr Brian Marriott

Officer: Mark Thomas 292336

Refused on 02/10/13 DELEGATED

1) UNI

The proposed fascia sign would appear unduly bulky by virtue of its projection forward of the existing fascia board. Further, by virtue of its protrusion, the sign would sit proud of, and obscure the architectural detailing of the eastern pilaster of the shop front. The proposed projecting sign, similarly, would obscure decorative elements of the eastern pilaster, and furthermore would comprise materials of a poor quality, and would incorporate an unacceptable level of illumination lending the signs undue prominence within the street scene. For these reasons, the proposed signage would have a significantly detrimental impact on the character and appearance of the recipient building and the wider conservation area, contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan, and SPD07: Advertisements.

BH2013/02644

30 Western Road Hove

Prior approval for change of use from offices (B1) to residential (C3) to form 4no residential units.

Applicant: Mr Stylianou

Officer: Christopher Wright 292097

Prior Approval is required and is approved on 26/09/13 DELEGATED

CENTRAL HOVE

BH2013/01713

128 Church Road Hove

Report from: 10/10/2012 to: 30/10/2012

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).

Applicant: Mr F Abdolkhani

Officer: Jason Hawkes 292153

Approved on 26/09/13 COMMITTEE

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			17th June 2013
Block Plan			28th May 2013
Existing Plans	1228/01		28th May 2013
Existing Elevations	1228/02		28th May 2013
Proposed Plans	1228/03	B	21st August 2013
Proposed Elevations	1228/04	B	2nd September 2013
Proposed Details	1228/05		28th May 2013

2) UNI

Prior to the first occupation of the development hereby approved, the shop front 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) UNI

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) UNI

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) UNI

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.

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

6) UNI

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) UNI

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.

8) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

Reason: 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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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.

BH2013/01959

Garages rear of 29 St Aubyns fronting Seafield Road Hove

Application for Approval of Details Reserved by Conditions 9, 10, 11 and 12 of application BH2012/02615.

Applicant: Ms Janet Bray

Officer: Guy Everest 293334

Approved on 02/10/13 DELEGATED

BH2013/02074

119 Church Road Hove

Erection of single storey rear extension.

Applicant: Mr Elvis Kiri

Officer: Helen Hobbs 293335

Approved on 25/09/13 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

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
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) UNI

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) 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 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.

5) UNI

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) UNI

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.

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 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.

BH2013/02075

119 Church Road Hove

Erection of single storey rear extension.

Applicant: Mr Elvis Kiri

Officer: Helen Hobbs 293335

Approved on 25/09/13 COMMITTEE

1) UNI

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

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

2) UNI

No works shall take place until full details of the 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.

3) UNI

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.

BH2013/02112

Flat 9 Ventnor Lodge 9 Ventnor Villas Hove

Replacement of existing windows with UPVC windows.

Applicant: Mrs Martin

Officer: Helen Hobbs 293335

Approved on 19/09/13 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			25th July 2013
Block plan			21st June 2013
Proposed replacement windows	9947-1		21st June 2013
Window specification sheets			10th July 2013
Photographs			10th July 2013

BH2013/02116

Flat 10 Ventnor Lodge 9 Ventnor Villas Hove

Replacement of existing windows with UPVC windows.

Applicant: Mr Melville

Officer: Helen Hobbs 293335

Approved on 19/09/13 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			25th July 2013
Block plan			21st June 2013
Proposed replacement windows	9947-1		21st June 2013
Window specification sheets			10th July 2013
Photographs			10th July 2013

BH2013/02234

Flat 19 4 Grand Avenue Hove

Replacement of existing single glazed crittal framed windows and double door with double glazed white powder coated aluminium framed units.

Applicant: Miss Michelle Jeffrey

Officer: Helen Hobbs 293335

Refused on 07/10/13 DELEGATED

1) UNI

Insufficient information has been submitted regarding the proposed replacement door to demonstrate it would not cause harm to the character of the listed building. Whilst, the replacement windows, due to their inappropriate detailing and materials, would result in incongruous and harmful alterations that would detract from the historic character and appearance of the grade II listed building as well as the surrounding conservation area. The proposal is therefore contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.

BH2013/02235

Flat 19 4 Grand Avenue Hove

Replacement of existing single glazed crittal framed windows and double door with double glazed white powder coated aluminium framed units.

Applicant: Miss Michelle Jeffrey

Officer: Helen Hobbs 293335

Refused on 07/10/13 DELEGATED

1) UNI

Insufficient information has been submitted regarding the proposed replacement door to demonstrate it would not cause harm to the character of the listed building. Whilst, the replacement windows, due to their inappropriate detailing and materials, would result in incongruous and harmful alterations that would detract from the historic character and appearance of the grade II listed building as well as the surrounding conservation area. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2013/02305

42 Church Road Hove

Application for variation of condition 6 of application BH2006/03099 (Retain use of ground floor as restaurant (A3); extension to wrought iron staircase to rear with new doorway & reposition extract duct) to state that the ground and basement levels of the restaurant (A3) shall not be open to customers except between the hours of 08:00 until 23:00 Sundays to Thursdays (including Bank Holidays) and 08:00 to 00:00 Fridays and Saturdays, with all activity at first floor level ceasing at 20:00 daily.

Report from: 10/10/2012 to: 30/10/2012

Applicant: Mr Pascal Madjoudj

Officer: Adrian Smith 290478

Approved on 07/10/13 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 rear staircase shall be finished in black or in colour agreed with the Local Planning Authority in writing.

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

3) UNI

The first floor rear terrace as detailed on drawing no.WD.01 rev C received on 14 September 2006 shall not be used as an external seating area except between the hours of 11:00 and 20:00 Monday to Sunday (including bank 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

Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residential premises during opening times.

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

5) UNI

The restaurant shall not be open to customers except between the hours of 08:00 until 23:00 Sunday to Thursday (including Bank Holidays) and 08:00 to 00:00 Fridays and Saturdays, with all activity at first floor level ceasing at 20:00 daily.

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

6) 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			10/07/2013
Existing floor plans	S.01 S.03		14/09/2006
Existing elevations	S.02		14/09/2006
Proposed block plan	WD.12	A	14/09/2006
Proposed floor plans	WD.01 WD.10	C	14/09/2006
Proposed elevations	WD.11	A	14/09/2006

7) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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

BH2013/02441

Basement Flat 26 Seafield Road Hove

Replacement of existing timber window and door with UPVC window and door and installation of UPVC doors to replace timber window to rear elevation.

Applicant: Mrs Suzanne Sawyer

Officer: Helen Hobbs 293335

Approved on 26/09/13 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 side elevation, shall be made good where the door is to be replaced with a window. The external finishes of these areas shall match in materials, 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 QD14 and 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 plan	21371/01		19th July 2013
Proposed floor plan	21371/04		26th September 2013
Elevations (only existing)	21371/03		19th July 2013
Proposed elevations	21371/03SK rev SKA		17th September 2013
Site plan			1st August 2013
Window sections			1st August 2013

BH2013/02504

Central United Reformed Church Ventnor Villas Hove

Installation of an external fire escape stairs & emergency exit door to south elevation.

Applicant: Central United Reformed Church

Officer: Jason Hawkes 292153

Approved on 07/10/13 DELEGATED

1) BH01.01

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

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

2) UNI

The hereby approved first floor door and external stair shall be used for maintenance of emergency purposes only, the door and stairs shall not be used as a general access to the building.

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

3) UNI

The hereby approved external stairs shall be painted black within 3 months 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 policies QD14 and HE6 of the Brighton & Hove Local Plan.

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan & Block Plan	07662-AL-01		30th July 2013
Existing North Elevation	07662-AL-(20)01		23rd July 2013
Existing East Elevation	07662-AL-(20)02		23rd July 2013
Proposed North Elevation	07662-AL-(20)03		23rd July 2013
Existing South Elevation	07662-AL-(20)03		23rd July 2013
Proposed East Elevation	07662-AL-(20)06		23rd July 2013
Proposed South Elevation	07662-AL-(20)07		23rd July 2013
Existing First Floor Plan	07662-AL-(00)03		23rd July 2013
Proposed First Floor Plan	07662-AL-(20)04		23rd July 2013

BH2013/02562

Marlborough Court 46-48 The Drive Hove

Replacement of gas supplies pipe at rear elevation.

Applicant: Mr Ray Marien

Officer: Mark Thomas 292336

Approved on 20/09/13 DELEGATED

1) BH01.01

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

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

2) UNI

All external pipework hereby approved shall be painted to match the colour of the external brickwork of the building to which the pipe would be fixed.

Reason: For the avoidance of doubt, 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			26 July 2013
Proposed rear elevation	02	Rev. E	26 July 2013
Existing floor plans	03		26 July 2013
Proposed ground floor plan	03	Rev. C	26 July 2013
Existing rear elevation	04		26 July 2013
Proposed side elevation and lower ground floor plan	05	Rev. A	26 July 2013
Existing side elevation and lower ground floor plan	06		26 July 2013

BH2013/02660

6 Vallance Road Hove

Erection of two single storey rear extensions.

Applicant: Rick Crockett

Officer: Adrian Smith 290478

Approved on 08/10/13 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

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 western elevations of the extensions 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

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	CH535/001	A	05/08/2013
Existing floor plans	CH535/002		05/08/2013
Existing elevations	CH535/003		05/08/2013
Existing sections	CH535/004		05/08/2013
Proposed floor plans	CH535/005	C	08/10/2013
Proposed elevations	CH535/006	C	08/10/2013
Proposed sections	CH535/007	C	08/10/2013

BH2013/02665

38A Medina Villas Hove

Part demolition of existing boundary wall fronting highway and relocation of masonry pier.

Applicant: Ms J McLennan

Officer: Guy Everest 293334

Approved on 27/09/13 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

Following demolition of the pier the brick path shall be reinstated and made good to match the materials and pattern of the existing path.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plans, Section, Elevation and Details	0276.EXG.001		05/08/2013
Proposed Plans, Section, Elevation and Details	0276.PL.001		05/08/2013

BH2013/02682

Flat 1 Courtenay Lodge Courtenay Terrace Hove

Internal alterations to layout of flat.

Applicant: J Jones

Officer: Adrian Smith 290478

Refused on 01/10/13 DELEGATED

1) UNI

The proposed works would result in the erosion of the original plan form and layout of the basement to this Grade II listed building, resulting in substantial harm for which no justification has been submitted, contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2013/02690

Flat 5 2 Grand Avenue Hove

Erection of two storey side extension (part retrospective).

Applicant: Mr Steven Hill

Officer: Helen Hobbs 293335

Approved on 02/10/13 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 and block plan	YO51-AO1		2nd August 2013

Existing Ground Floor	YO51-A02		2nd August 2013
Proposed East elevation	YO51-D03	B	2nd August 2013
Existing East elevation	YO51-A03		2nd August 2013
Existing North & West elevations	YO51-A04		2nd August 2013
Proposed Ground Floor plan	YO51-D01	D	2nd August 2013
Proposed First Floor plan	YO51-D02	D	2nd August 2013
Proposed North elevations	YO51-D04	B	2nd August 2013
Proposed section A-A	YO51-D05		2nd August 2013

2) UNI

Within 1 month of the date of the permission a painted render sample panel shall be submitted to and approved in writing by the Local Planning Authority. The paint shall closely match the existing brickwork on the main building. The works shall be carried out in strict accordance with the approved details.

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

3) UNI

The windows to the northern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass which shall thereafter be permanently retained as such.

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

4) UNI

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

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

BH2013/02767

7 Medina Terrace Hove

Application for Approval of Details Reserved by Conditions 1 and 2 of application BH2013/01351.

Applicant: P Samson

Officer: Helen Hobbs 293335

Approved on 04/10/13 DELEGATED

GOLDSMID

BH2013/02125

42 Shirley Street Hove

Replacement of existing shop front with bay window and self-containment of residential accommodation above.

Applicant: Miss Karen Wells

Officer: Christopher Wright 292097

Approved on 02/10/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

No development shall commence until a scheme for the soundproofing of the floor/ceiling between the ground floor and the first floor 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 first occupation of the self-contained first floor flat hereby permitted and shall be retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of the self contained first floor flat 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
Location Plan			25 Jun 2013
Block Plan			25 Jun 2013
Existing Basement, Ground and First Floor Plans	1002.00		4 Jul 2013
Existing Roof Space and Roof Plans	1002.01		4 Jul 2013
Existing Front and Rear Elevations	1002.02		4 Jul 2013
Existing Sections A-A and B-B	1002.03		4 Jul 2013
Proposed Basement, Ground and First Floor Plans	1002.11		25 Jun 2013
Proposed Front and Rear Elevations	1002.13		12 Aug 2013
Proposed Sections A-A and B-B	1002.14		25 Jun 2013

BH2013/02349

Land to South of 32 Cambridge Grove Hove

Erection of 3no bedroom dwelling.

Applicant: Mr John Cramer

Officer: Helen Hobbs 293335

Refused on 26/09/13 COMMITTEE

1) UNI

The development would result in a harmful loss of openness between the Grade II Listed properties on The Drive/Cromwell Road and the mews buildings in Cambridge Grove, to the detriment of the prevailing character and appearance of the Willett Estate Conservation Area, contrary to policies QD2, HE3 and HE6 of the Brighton & Hove Local Plan.

2) UNI2

2) The development, by reason of its siting and scale as well as the increased height to the boundaries, would appear overly dominant and overbearing, particularly from the neighbouring gardens of Cromwell Road and constitutes a cramped form of development. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the local neighbourhood

and would have a negative impact upon the amenity of the adjoining properties, contrary to policies QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed dwelling, by reason of its design, materials and detailing would appear incongruous within the historic mews setting, to the detriment of the Willett Estate Conservation Area, contrary to policies QD1, QD2, QD3, QD5 and HE6 of the Brighton & Hove Local Plan.

4) UNI4

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 policy QD27 of the Brighton & Hove Local Plan.

BH2013/02470

109 Conway Street Hove

Certificate of lawfulness for proposed loft conversion incorporating 2no roof lights to the front and dormer to the rear.

Applicant: Ms Jade Surtees

Officer: Adrian Smith 290478

Approved on 19/09/13 DELEGATED

BH2013/02477

Flat 4 33 Cromwell Road Hove

Internal alterations to layout of flat.

Applicant: Miss D Denby-Ashe

Officer: Helen Hobbs 293335

Approved on 03/10/13 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 grille, to be positioned on the rear elevation should be painted to closely match the appearance and colour of the rear elevation.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE 1 of the Brighton & Hove Local Plan.

3) UNI

The redundant pipework which served the existing kitchen shall be removed from the front of the building within 3 months of the date of the completion of works hereby approved.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE 1 of the Brighton & Hove Local Plan.

BH2013/02567

36-65 Coniston Court Holland Road Hove

Application to extend time limit for implementation of previous approval BH2010/01894 for application to extend time limit for implementation of previous approval BH2004/01217/FP for the erection of an additional storey creating 3 No. Penthouse flats.

Applicant: Coniston Court (North) Hove Ltd

Officer: Clare Simpson 292454

Approved on 20/09/13 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, 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.

3) 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.

4) 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.

5) UNI

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

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

6) UNI

No development shall take place until a scheme for the storage of refuse and recycling as 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 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.

7) UNI

The development hereby permitted shall not be commenced until details of a revised car park layout to include additional car parking spaces are submitted to

and approved by the Local Planning Authority in writing. The car parking spaces shall be laid out in accordance with the approved details and made available for use prior to the occupation of the units and thereafter be retained for residents use at all times.

Reason: To ensure provision of adequate car parking and to comply with policies TR19 of the Brighton & Hove Local Plan.

8) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			22nd March 2004
Roof Plan as Existing	204/20		22nd March 2004
Roof Plan as Proposed	204/21		22nd March 2004
Elevation as Existing	204/22		22nd March 2004
Elevation as Proposed	204/23		22nd March 2004

9) UNI

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

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

BH2013/02606

14 Denmark Villas Hove

Erection of shed in rear garden. (Retrospective)

Applicant: Keely Fawcus

Officer: Adrian Smith 290478

Approved on 09/10/13 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, block plan and proposed plans and elevations	215DV14/01s		14/08/2013

BH2013/02634

Flat 3 52 - 54 The Drive Hove

Application to extend time limit for implementation of previous approval BH2010/01900 for the replacement of sash windows with french doors to rear elevation.

Applicant: Sabrina Wilson

Officer: Adrian Smith 290478

Approved on 20/09/13 DELEGATED

1) UNI

The development hereby permitted shall be commenced prior to 19 August 2016.

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

2) UNI

The new French doors hereby permitted shall be single glazed inward-opening painted timber doors without trickle vents and with architraves and frame mouldings to match exactly those of the original windows, and shall have a masonry step. The doors shall be set back from the outer face of the building and recessed into the reveals to the same depth as the original windows.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and 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 and block plan	RFA09/175/O S		17/06/2010
Existing and proposed rear elevation	RFA09/175/01		17/06/2010
Door elevation and joinery sections	RFA09/175/O S		17/06/2010

BH2013/02648

22 & 22A Livingstone Road Hove

Erection of a single storey rear extension to replace existing with associated alterations to rear ground floor fenestration, creation of external steps from ground floor to garden level and alterations to front boundary wall.

Applicant: David Royce

Officer: Clare Simpson 292454

Approved on 07/10/13 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
Existing plans, sections and elevations - Measured Survey	3448.EX.01		2nd August 2013
Proposed plans, sections and elevations	3448.PL.01	A	12th August 2013

BH2013/02652

Flat 3 52 - 54 The Drive Hove

Extension of time limit for implementation of previous approval BH2010/01901 for the replacement of sash windows with french doors to rear elevation.

Applicant: Sabrina Wilson

Officer: Adrian Smith 290478

Approved on 20/09/13 DELEGATED

1) UNI

The new French doors hereby permitted shall be single glazed inward-opening painted timber doors without trickle vents and with architraves and frame mouldings to match exactly those of the original windows, and shall have a masonry step. The doors shall be set back from the outer face of the building and recessed into the reveals to the same depth as the original windows.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

2) UNI

The development hereby permitted shall be commenced prior to 19 August 2016.

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

BH2013/02666

2 Osmond Road Hove

Prior approval for change of use from offices (B1) to residential (C3) to form 3no one bedroom flats and 10no studio flats.

Applicant: LAN Estates Ltd

Officer: Christopher Wright 292097

Prior Approval is required and is approved on 27/09/13 DELEGATED

BH2013/02684

Flat 3 24 Wilbury Gardens Hove

Replacement of windows to the front elevation.

Applicant: Mr Jonathan Carter

Officer: Helen Hobbs 293335

Approved on 30/09/13 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 sash window within the gable hereby approved shall be painted timber vertical sliding sash with no trickle vents, and the window shall be retained as such thereafter.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed sash window			6th August 2013
Existing and proposed dormer window			6th August 2013
Proposed sash section			6th August 2013
Site plan			6th August 2013
Block plan			6th August 2013

BH2013/02694

167 Ridgeland House Dyke Road Hove

Display of externally illuminated and non-illuminated fascia signs.

Applicant: Food Programme Delivery Orchid Group

Officer: Helen Hobbs 293335

Approved on 01/10/13 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.

BH2013/02801

14 Denmark Villas Hove

Installation of 3 no roof lights to south elevation.

Applicant: Mr & Mrs K Fawcus

Officer: Mark Thomas 292336

Approved on 08/10/13 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 and elevation, block plan and site location plan	215DV14/01		14th August 2013
Proposed plans and elevation	215DV14/02		14th August 2013

3) UNI

The roof lights hereby permitted shall be of 'conservation style' fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

BH2013/03060

1 Addison Road Hove

Non Material amendment to BH2010/01142 to form lead clad dormer to rear with frosted glass window to serve ensuite bathroom.

Applicant: Deanway Properties

Officer: Adrian Smith 290478

Refused on 03/10/13 DELEGATED

1) UNI

The proposed addition of a dormer window to the development approved under application BH2010/01142 is considered material and warrants the submission of a further application for planning permission.

HANGLETON & KNOLL

BH2013/02291

178 Nevill Avenue Hove

Report from: 10/10/2012 to: 30/10/2012

Erection of single storey rear extension to replace existing conservatory.

Applicant: Mr M Whiffin

Officer: Robert McNicol 292322

Approved on 24/09/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	190-13.03	A	17 July 2013
Existing and proposed plans and elevations	130-13.02		10 July 2013
Existing and proposed East elevations	190-13.04		9 September 2013

BH2013/02358

Airwave Solutions Site Number SUS107 Court Farm Barn Hove

Application for removal of condition 1 of application BH2008/03539 (Radio base station for the airwave network, 9 metre timber mast within compound) which states that the mast is hereby permitted for a limited period only expiring on 31 September 2015 after which the land shall be reinstated to its former condition.

Applicant: Airwave Solutions Ltd

Officer: Jason Hawkes 292153

Refused on 23/09/13 DELEGATED

1) UNI

The mast is located adjacent to an existing barn which provides an effective screen within a visually sensitive location adjacent to the boundary with the South Down National Park. The barn is in poor condition and its continued presence cannot be guaranteed in the long term. Its removal would expose the mast to wider views than at present. The continued installation of the mast in the absence of appropriate screening would be visually incongruous in this sensitive location and would be viewed cumulatively with the other existing mast and together they would intrude into views of the National Park contrary to policies QD23, QD24, NC6, NC7 and NC8 of the Brighton & Hove Local Plan.

BH2013/02628

14 Greenleas Hove

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable end roof extension, front roof light and rear dormer.

Applicant: Paul Maley

Officer: Mark Thomas 292336

Report from: 10/10/2012 to: 30/10/2012

Approved on 23/09/13 DELEGATED

BH2013/02708

9 Hangleton Lane Hove

Demolition of existing garage and erection of single storey side extension.

Applicant: Mr Stickland & Miss Horner

Officer: Adrian Smith 290478

Refused on 30/09/13 DELEGATED

1) UNI

The proposed extension, by virtue of its scale, design and position relative to the existing house, represents an overdevelopment of the building and an incongruous addition that would be harmful to the appearance of the building and wider street scene, contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/02912

The Downs Nursing Centre Laburnum Avenue Hove

Application for approval of details reserved by condition 2 of BH2012/03906

Applicant: Sussex Partnership NHS Trust

Officer: Steven Lewis 290480

Approved on 09/10/13 DELEGATED

BH2013/03087

286 Hangleton 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 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Mr & Mrs J Harrington

Officer: Chris Swain 292178

Prior approval not required on 09/10/13 DELEGATED

NORTH PORTSLADE

BH2013/02940

281 Mile Oak Road Portslade

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.7m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.3m.

Applicant: Lisa Whipp

Officer: Chris Swain 292178

Prior approval not required on 08/10/13 DELEGATED

SOUTH PORTSLADE

BH2013/01850

Chandlers Garage Victoria Road Portslade

Display of internally illuminated fascia signs.

Applicant: Barons & Chandlers

Officer: Mark Thomas 292336

Approved on 23/09/13 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.

BH2013/02050

Aldi Stores Ltd 7 Carlton Terrace Portslade

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.

Applicant: Aldi Stores Ltd

Officer: Steven Lewis 290480

Refused on 27/09/13 COMMITTEE

1) UNI

The noise assessment is considered inadequate by reason of the limited location from which measurements were taken. Therefore the applicant has failed to demonstrate that the additional hours proposed would not have a detrimental impact on the amenity of neighbouring residents by reason of noise nuisance, contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan 2005.

BH2013/02496

St Peters Community Infant School St Peters Road and Ottima Wellington Road Portslade

Application for approval of details reserved by conditions 7 and 12 of application BH2012/02546.

Applicant: Brighton & Hove City Council

Officer: Guy Everest 293334

Approved on 24/09/13 DELEGATED

BH2013/02502

21 Trafalgar Road Portslade

Erection of single storey rear extension.

Applicant: Mr Richard Warren

Officer: Helen Hobbs 293335

Refused on 24/09/13 DELEGATED

1) UNI

The proposed extension, by reason of its design, size and footprint wrapping around the original outrigger of the host building would relate poorly and cause harm to the form and character of the recipient building resulting in an overextended appearance in conflict with the requirements of policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide on extensions and alterations.

BH2013/02518

47 Fairfield Gardens Portslade

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, 1no roof light to the front and dormer to the rear. Erection of single storey rear extension.

Applicant: Mr & Mrs Noyes

Officer: Helen Hobbs 293335

Refused on 02/10/13 DELEGATED

BH2013/02689

9 Fairfield Gardens Portslade

Certificate of lawfulness for proposed single storey garden studio to rear and associated alterations.

Applicant: Mr & Mrs Ian McLean

Officer: Mark Thomas 292336

Approved on 01/10/13 DELEGATED

HOVE PARK

BH2013/01619

6 The Drove Way Hove

Change of use from dwelling (C3) to Nursery (D1) and conversion of garage to ancillary accommodation in connection with Lancing College Preparatory School.

Applicant: Lancing College Preparatory School

Officer: Steven Lewis 290480

Approved on 27/09/13 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 nursery use hereby permitted shall not be operational except between the hours of 08:00 and 17:30 on Mondays to Fridays, and not at weekends or 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.

3) UNI

The main bungalow premises shall only be used for Day Nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: 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.

4) UNI

The nursery shall only be operated in conjunction with Lancing Preparatory School and shall not be used as an independent nursery accommodation.

Reason: due to the shared pedestrian and vehicle facilities, the shared learning facilities and in the absence of adequate facilities to allow independent operation, in accordance with policies TR1, TR7 and HO26 of the Brighton & Hove Local Plan.

5) UNI

The residential accommodation shall only be occupied as ancillary residential accommodation for employees of Lancing College Preparatory School and shall not be used as self contained residential accommodation within a C3 Use class 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 proposed residential accommodation by reason of its size, siting and relationship with the proposed nursery is not considered acceptable as a self contained unit of residential accommodation or to be eligible for permitted development rights for extensions and alterations and to comply with policies HO3, HO5, HO26 and QD27 of the Brighton & Hove Local Plan.

6) UNI

The number of children attend the nursery shall not exceed 32 at anytime.

Reason: To ensure an adequate standard of nursery facilities and to ensure the amenities of the locality and to comply with policies HO26 and QD27 of the Brighton & Hove Local Plan.

7) UNI

Prior to the commencement of use, management details for use of the outdoor space shall be submitted to and approved in writing by the Local Planning Authority. The details shall include strategies to show how children will access garden play throughout the day. The outdoor space shall be used in accordance with the approved details.

Reason: To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policies QD27 and HO26 of the Brighton & Hove Local Plan.

8) UNI

No development as provided for within Schedule 2, Part 32 (Schools, Colleges, Universities and Hospitals, Classes A & B 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.

9) UNI

The vehicular access shall be used solely in connection with the ancillary residential property created and shall not be used in connection or for the benefit of the nursery use created.

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 SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

10) UNI

Prior to the first occupation of the development hereby permitted, the timber fence shown on drawing BN12050018/201 shall be built at a height of at least 1.7m and in accordance with the siting upon the approved plan. The means of enclosure shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To ensure proper management of the premises in accordance with the approved details and in the interests of the amenity of adjacent residential occupiers in accordance with policies HO26 and QD27 of the Brighton & Hove Local Plan.

11) UNI

Prior to the first occupation of the development hereby permitted, the access gate between the school and the nursery as shown on drawings BN12050018/201 and BN12050018/203 shall be implemented and made available for use. The means access shall thereafter be retained to the satisfaction of the Local Planning Authority and no new accesses to the nursery other than those shown on the submitted plans shall be created without first obtaining permission for the Local Planning Authority.

Reason: To ensure proper management of the premises and accesses in accordance with the approved details and in the interests of the amenity of adjacent residential occupiers in accordance with policies HO26 and QD27 of the Brighton & Hove Local Plan.

12) UNI

Prior to the first occupation of the development hereby permitted, details of suitable nappy changing facilities for children with disabilities shall be submitted to and approved by the Local Planning Authority. The facilities shall be brought into use prior to the first occupation of the use and thereafter retained.

Reason: To ensure an appropriate standard of childcare facilities in accordance with policy HO26 of the Brighton & Hove Local Plan.

13) UNI

14. Within 3 months of commencement of the use hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan for the school and nursery (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management for the development. The Travel Plan shall include such

commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) Increase awareness of and improve road safety and personal security:
- (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (iv) Identify targets focussed on reductions in the level of car use:
- (v) Following the annual staff survey, an annual review will

14) 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.

15) UNI

The development hereby permitted shall not be commenced until details of buggy parking facilities for the use by 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 children's buggies are provided to comply with policy HO26 of the Brighton & Hove Local Plan.

16) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	12050018/208		18/07/2013
Existing Elevation	12050018/103		21/05/2013
Existing Layout	12050018/101		21/05/2013
Existing Block Plan	12050018/102		18/07/2013
Proposed Layout	12050018/201		18/07/2013
Proposed Block Plan	12050018/202		18/07/2013
Proposed Elevation	12050018/203		21/05/2013

BH2013/01718

British Engineerium The Droveaway Hove

Erection of temporary ice rink within the Engineerium grounds from October to February for a one year period commencing October 2013. Ancillary structures to include skate hire and shop and associated plant.

Applicant: The British Engineerium Ltd

Officer: Guy Everest 293334

Approved on 26/09/13 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
Plan as Existing	1967/1	A	28/05/2013
Elevations as Existing	1967/2	A	28/05/2013
Block Plan	1967/3	A	28/05/2013
Site Location Plan	1967/4	A	28/05/2013
Plan as Proposed	1967/11	C	28/05/2013
Elevations as Proposed	1967/12	C	28/05/2013
Marquee Elevations as Proposed	1967/13	B	28/05/2013
Crown and Branch Spread Tree Constraints Plan			28/05/2013
Root Protection Area Tree Constraints Plan			28/05/2013
Category Grading Plan			28/05/2013

2) UNI

The use hereby permitted shall only take place between 1st October 2013 and 28th February 2014 after when the use shall be permanently discontinued.

Reason: The use and buildings hereby approved are not considered suitable as a permanent form of development, to safeguard the setting of The Engineerium and associated listed buildings, to allow the transport impacts of the use to be assessed, and to comply with policies TR1, HE3, HE4 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The application site shall be restored to its condition immediately prior to the use commencing on or before 14th March 2014.

Reason: To safeguard the setting of The Engineerium and associated listed buildings and to comply with policies HE3, HE4 and HE6 of the Brighton & Hove Local Plan.

4) UNI

The ice rink hereby permitted shall not be open to customers except between the hours of 09.00 and 22.30 daily.

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

5) UNI

The development hereby permitted shall not be brought into use until details of secure 2 cycle parking spaces 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 development hereby permitted being first brought into use and shall thereafter be retained for use at all times.

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

6) UNI

No loading or unloading of vehicles or storage of materials associated with the ice rink shall take place on soft landscaped areas to the north of the raised hard standing.

Reason: To protect trees which make an important contribution to the character and appearance of The Engineerium Conservation Area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

7) UNI

No development shall commence until tree protection measures, including pruning and ground protection, have taken place in accordance with the EAS Ltd 'Tree Survey & Arboricultural Impact Assessment' dated December 2012.

Reason: To protect trees which make an important contribution to the character and appearance of The Engineerium Conservation Area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

8) UNI

No development shall commence until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries, has been 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.

9) UNI

The development hereby approved shall not be open to visiting members of the public until a Visitor Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall outline measures to manage, monitor and evaluate the impacts of visitor activity to and from the site and to promote sustainable transport. The measures shall be implemented as approved and in conjunction with visitor parking being provided in accordance with planning permission BH2009/02342.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1, TR4, TR7, TR18 and QD27 of the Brighton & Hove Local Plan.

10) UNI

The lighting illuminating the hereby permitted ice rink shall be switched off between the hours of 23.00 and 09.00 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.

BH2013/02097

Hove Park Depot The Drove Hove

Demolition of existing buildings.

Applicant: Kier Construction

Officer: Guy Everest 293334

Approved on 25/09/13 COMMITTEE

1) UNI

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

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

BH2013/02373

168A Old Shoreham Road Hove

Erection of rear dormer to replace existing.

Applicant: Dr Harjinder Heer

Officer: Guy Everest 293334

Refused on 26/09/13 DELEGATED

1) UNI

The rear dormer by reason of its size, bulk and detailing would appear unduly bulky and would fail to respect the character and proportions of the existing building, adjoining properties and the wider surrounding area. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and the

provisions of Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2013/02445

Goldstone Retail Park Newtown Road Hove

Erection of single storey restaurant (A3) with external seating area and alterations to car park.

Applicant: Scottish Widows Investment Partnership Unit Trus

Officer: Steven Lewis 290480

Approved on 26/09/13 DELEGATED

1) BH01.01

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

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

2) UNI

The hereby unit, as indicated on drawing no. 782-N03 Rev A received 19 July 2013, shall only be used within Class A3 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) unless prior planning permission is obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of the premises in the interests of safeguarding the amenities of the area, protecting the vitality and viability of existing shopping centres, and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan.

3) UNI

No intoxicating liquor shall be sold or supplied within the unit 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 alcohol sales shall be ancillary to the approved use.

Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local

4) UNI

The premises shall not be open for customer trading except between the hours of 08:00 to 23:00 Monday to Saturdays; and 09:00 to 22:00 on Sundays and Bank Holidays.

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

5) UNI

Deliveries of goods to and collection of goods / refuse from the site shall not take place other than between the hours of 08:00 and 18:00 on Mondays to Fridays and the hours of 09:00 and 12:00 on Saturdays. There shall be no such deliveries or collections on Sundays or Public Holidays.

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

6) UNI

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

any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

7) UNI

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

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

8) UNI

Prior to the commencement of development hereby permitted a plan demonstrating that the number of disabled parking spaces meets the requirements of the adopted Parking Standards (SPGBH4 - Parking Standards). The use of the building shall not commence till all parking spaces have been marked out in accordance with approved details and thereafter the parking spaces shall not be retained and not used other than for the parking of vehicles.

Reason: To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1, TR7 and TR18 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4 (SPGBH4 - Parking Standards).

9) 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 site and details of any to be retained.

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

10) UNI

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 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.

11) UNI

No non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

12) UNI

No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

13) UNI

No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

14) UNI

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.

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.

15) UNI

No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

16) UNI

None of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

17) UNI

The development hereby permitted shall not be occupied until details of secure and, unless otherwise agreed in writing by the Local Planning Authority, covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the 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.

18) UNI

The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

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

19) UNI

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

Plan Type	Reference	Version	Date Received
Site Location Plan	02880035/1		19/07/2013
Location Plan	782-N01	A	19/07/2013
Proposed Site Plan	782-N02	A	19/07/2013
Proposed Ground Floor Plan	782-N03	A	19/07/2013
Proposed Elevations	782-N04	A	19/07/2013
Proposed Part External Layout	782-N05		19/07/2013

BH2013/02451

35 Shirley Drive Hove

Remodelling of existing front porch, erection of first floor side extension over existing garage, replacement windows and installation of new ground floor side window on the north elevation.

Applicant: Mr & Mrs Peter Chadwick

Officer: Helen Hobbs 293335

Refused on 20/09/13 DELEGATED

1) UNI

The proposed front porch extension and steps due to their design, siting and overall projection, when read in conjunction with the existing front extension would dominate the existing building and be unduly prominent within the street scene. The proposal 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.

BH2013/02452

35 Shirley Drive Hove

Certificate of Lawfulness for proposed single storey rear extension.

Applicant: Mr & Mrs Peter Chadwick

Officer: Helen Hobbs 293335

Refused on 02/10/13 DELEGATED

BH2013/02580

Marche House Woodland Drive Hove

Application for Approval of Details Reserved by Conditions 2, 3 and 4 of application BH2012/02739 (Appeal Ref: APP/Q1445/D/13/2198614).

Applicant: Mr M Holland

Officer: Steven Lewis 290480

Approved on 01/10/13 DELEGATED

BH2013/02615

121 Goldstone Crescent Hove

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Mr P Stoneham

Officer: Clare Simpson 292454

Approved on 01/10/13 DELEGATED

BH2013/02637

187 Woodland Avenue Hove

Conversion of integral garage to habitable accommodation incorporating alterations to fenestration.

Applicant: Andrew Padley

Officer: Helen Hobbs 293335

Approved on 24/09/13 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 front elevation, shall be made good where the garage door and front door are to be removed. The external finishes of these areas shall match in materials, 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 plan	RFA13/268/01		30th July 2013
Proposed ground floor plan	RFA13/268/02		30th July 2013
Existing and proposed elevations	RFA13/268/03		30th July 2013

BH2013/02674

Unit 4A & 4B Goldstone Retail Park Newtown Road Hove

Erection of structure to front elevation to facilitate signage.

Applicant: Steinhoff UK Group Properties Ltd

Officer: Steven Lewis 290480

Approved on 04/10/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan			05/08/2013
Proposed Elevations	1924/17	D	15/08/2013

BH2013/02717

6 Hove Park Gardens Hove

Erection of detached garage with pitched roof.

Applicant: Mr J Foot

Officer: Mark Thomas 292336

Refused on 27/09/13 DELEGATED

1) UNI

The proposed garage, by virtue of its excessive footprint, height and bulk and its positioning near to the front boundary of the property, would be an unattractive addition to the street scene, dominating the appearance of the street and the recipient property. Further, the garage would not take into account the positive contribution of the space around the recipient property and characteristic of the locality, failing to respect the open character of the area. The proposed garage would therefore be contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12- Design guide for extensions and alterations.

BH2013/03031

21 Shirley Drive Hove

Certificate of lawfulness for proposed roof extension to the rear with associated works.

Applicant: Mr Julian Adams

Officer: Emily Stanbridge 292359

Approved on 02/10/13 DELEGATED

BH2013/03069

162 Woodland Drive Hove

Application for approval of details reserved by condition 13 of application BH2013/01505.

Applicant: AKN (Sussex) LLP

Officer: Steven Lewis 290480

Approved on 03/10/13 DELEGATED

WESTBOURNE

BH2013/01597

43 Lawrence Road Hove

Change of use of ground floor from residential to child care facilities (D1).

Applicant: Mr Tony Franco

Officer: Christopher Wright 292097

Approved on 04/10/13 DELEGATED

1) BH01.01

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

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

2) UNI

The premises shall not be used as a day nursery except between the hours of 08.00 to 18.00 Monday to Friday inclusive, with no use permitted on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan 2005.

3) UNI

The number of children attending the day nursery use hereby permitted shall not exceed 18 at any time, with a maximum of 6 children accommodated within the detached annex building and 12 children at ground floor level within the main dwelling.

Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan 2005.

4) UNI

Outdoor play sessions in connection with the day nursery use hereby permitted shall be restricted to within the hours of 09.00 and 17.00 Monday to Friday inclusive with no use permitted on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan 2005.

5) UNI

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

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

6) UNI

The premises shall be used for the use described by this planning permission only and for no other purpose (including any other purpose in Classes C3 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: 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 2005.

7) UNI

Unless otherwise approved in writing by the local planning authority, the rooms allocated for residential purposes on the first floor and within the roof space, as indicated on drawing no. 2012.80.02a, shall be retained as such and shall not be used as part of the day nursery.

Reason: In order to protect the stock of residential accommodation within the city, in accordance with policy HO8 of the Brighton & Hove Local Plan 2005.

8) UNI

The use hereby authorised shall not commence until a management plan for the use of the outside space has been submitted to and approved in writing by the local planning authority. The use shall operate in accordance with the approved management plan thereafter.

Reason: To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policies QD27 and HO26 of the Brighton & Hove Local Plan 2005.

9) UNI

10. The use hereby authorised shall not be occupied until a Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include such commitments as are considered appropriate and should include as a minimum the following initiatives:-

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
- (ii) A commitment to reduce carbon emissions;
- (iii) Increase awareness of and improve road safety and personal security;
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
- (v) Identify targets focused on reductions in the level of car use;
- (vi) Identify a monitoring framework to enable the Travel Plan to be reviewed and updated as appropriate;

10) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			20 May 2013
Block Plan			20 May 2013
Existing Ground, First Floor Layouts and Elevations	2012.80.01a	C	3 Oct 2013
Proposed Ground, First Floor Layouts and Elevations	2012.80.02a	E	3 Oct 2013

11) UNI

No amplified music or musical equipment shall be used in the outdoor play area in connection with the day nursery use hereby permitted.

Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan 2005.

BH2013/02354

68 Carlisle Road Hove

Removal of existing conservatory to side and erection of single storey side/rear extension and associated works.

Applicant: Mr Rob Stephens

Officer: Helen Hobbs 293335

Refused on 27/09/13 DELEGATED

1) UNI

The proposed extension, due to its design, siting and height, would poorly relate to the original plan form of the dwelling and would have a discordant appearance in relation to the existing two storey rear extension and the detached side garage, to the detriment of the character and appearance of the existing property, street scene and the surrounding area. As such the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design guide on extensions and alterations.

2) UNI2

The proposed extension, due to its siting, height and bulk would form an un-neighbourly extension that would result in an overbearing impact to the neighbouring property No. 66 Carlisle Road. As such the proposal would adversely impact on the residential amenity of this property and 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)

3) UNI3

The raised platform area, due to its elevated position, would result in real and perceived overlooking and a subsequent loss of privacy towards the garden of the adjoining property, No. 66 Carlisle Road to the detriment of the residential amenity of the occupiers of this property. 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)

BH2013/02449

5 Princes Square Hove

Loft conversion incorporating 2no front roof lights and rear 2no rear dormers and 1 no. rear roof light.

Applicant: Mrs Elves

Officer: Steven Lewis 290480

Approved on 25/09/13 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 roof light(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

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
Elevations and floor plans	103/01	A	16/09/2013
Design and access Statement			22/07/2013

BH2013/02574

The Westbourne 90 Portland Road Hove

Alterations to layout of doors and windows, new canopies to front elevation, raised garden level and erection of timber screen on West elevation of garden.

Applicant: Ms Emma Lundin
Officer: Mark Thomas 292336

Refused on 09/10/13 DELEGATED

1) UNI

The proposal to install a timber screen to the western boundary would result in a boundary treatment of excessive height, appearing incongruous in this predominantly residential setting. Further, the proposed loss of four attractive timber sash windows to the front elevation, and their replacement with a window of inappropriate scale, proportions, materials and method of opening would result in significant harm to the character and appearance of the recipient property and the wider locality. For the reasons outlined, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/02655

24 Pembroke Crescent Hove

Removal of existing first floor window to north elevation.

Applicant: Ms Cherise Blythe
Officer: Clare Simpson 292454

Approved on 30/09/13 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 and Block Plan	478(PL)2		2nd August 2013
Proposals	478(PL)1		2nd August 2013

WISH

BH2013/01934

46 Mansfield Road Hove

Certificate of lawfulness for proposed loft conversion incorporating side dormer, side roof light and window to the rear.

Applicant: Mr & Mrs Dunstan
Officer: Guy Everest 293334

Approved on 24/09/13 DELEGATED

BH2013/02387

5 Tandridge Road Hove

Application for approval of details reserved by condition 3 of application BH2012/00103.

Applicant: Mr Kristian Gavin
Officer: Jason Hawkes 292153

Approved on 03/10/13 DELEGATED

BH2013/02458

9 Portland Avenue Hove

Installation of roof lights to side elevation. (Retrospective)

Applicant: Mr Rick Kennedy

Officer: Adrian Smith 290478

Approved on 20/09/13 DELEGATED

1) UNI

Within three months of the date of this permission the roof light to the north facing roof slope of the building 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.

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, block plan and existing and proposed elevations and sections	155PA9/02		22/07/2013
Existing and proposed roof plans	155PA9/01		22/07/2013

BH2013/02599

53-55 Boundary Road Hove

Application for Approval of Details Reserved by Condition 6 of application BH2011/02080.

Applicant: Roseview Homes LTD

Officer: Guy Everest 293334

Approved on 19/09/13 DELEGATED

BH2013/02679

38 Glebe Villas Hove

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

Applicant: Mr Colin Hamilton

Officer: Steven Lewis 290480

Approved on 26/09/13 DELEGATED

BH2013/02975

6 Braemore Road Hove

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, 2no roof lights to front roof slope, 2no dormers to the rear, installation of window to side and associated works.

Applicant: Paul James Consulting

Officer: Emily Stanbridge 292359

Approved on 25/09/13 DELEGATED

Withdrawn Applications

PLANS LIST 9 January 2013**PATCHAM****Application No: BH2013/03341****The Black Lion Public House, London Road, Brighton**

Fell to near ground level one Elder in rear car park.

Applicant: Mrs A Russell**Approved on 08 Oct 2013****Application No: BH2013/03342****The Black Lion Public House, London Road, Brighton**

Portuguese Laurel and Sycamore on driveway to rear car park - cut back to kerb edge to enable large vehicle access, remove damaged lateral in Sycamore.

Pyracantha on driveway to rear car park - cut back to kerb edge.

Applicant: Mrs A Russell**Approved on 08 Oct 2013****PRESTON PARK****Application No: BH2013/03114****Fiveways Playgroup, rear of 8-10 Florence Road**

1no Elm (T1) reduce re-growth by approx 50%, remove failed pollard knuckles, remove basal growth and crown lift to 4m. 2no Elm (T2, T3) crown thin by approx 15%, prune back laterals on north and south side by approx 3m, crown lift to 5m. 1no Apple (T3a) reduce back overhang to nursery by 2m. 2no Lime (T4, T5), 3no Elm (T6, T7, T8) - crown thin by approx 15% and crown lift to 5m. 1no Elm (T9) remove suppressed stem at knuckle, crown thin by approx 15%, lift off roof by 3m and crown lift to 5m. 1no Sycamore (T10) remove low limb on nursery side and crown thin by 15%. 1no Lime (T11) remove basal growth, lift to 6m, crown thin by 15%. 2no Horse Chestnut (T12, T14), 1no Sycamore (T13) - crown lift to 6m, crown thin by 15%, prune back on house side by 3m. Small trees between T14 & T15 (G2) - formative prune. 1no Elm (T15) remove ivy, crown lift to 6m, crown thin by 20%, remove low stem on east side, prune back west side of crown by 4m. 1no Elm and 2no Sycamore (G1) - crown thin by 15%, prune Elm from building to clear.

Applicant: Mr Carlos Daly

Approved on 26 Sep 2013

Application No: BH2013/03154
51 Stanford Avenue Brighton

Fell 2no Leylandii (T1,T2) to ground level - although trees are clearly visible from the highway, their location is not sustainable in the long term, thus not eligible for a TPO.

Applicant: Mike Coyle
Approved on 27 Sep 2013

Application No: BH2013/03222
20F Preston Park Avenue

1no Ash (T3) and 1no Sycamore (T4) - lift the lower branches which are almost in contact with the building.

Applicant: Mr Ben Vary
Approved on 26 Sep 2013

Application No: BH2013/03292
53 Edburton Avenue

Fell 1no Cherry (T1) in front garden. Although tree is clearly visible from public areas, its amenity value is limited by its small size; short-term potential for retention and unsustainability in the long-term.

Applicant: Mr Michael Woodhouse
Approved on 07 Oct 2013

Application No: BH2013/03301
Fiveways Playgroup, rear of 8-10 Florence Road

Fell 1no Sycamore (T2a).

Applicant: Mr Carlos Daly
Approved on 26 Sep 2013

Application No: BH2013/03345
75 Beaconsfield Villas, Brighton

1no Ash (T1) - reduce crown on northern side to balance crown to south, crown lift on southern side to balance northern side. 3no Sycamore (T2, T3, T6) and 1no Ash (T5) – repollard.

Applicant: Mr N Thompson
Approved on 11 Oct 2013

Application No: **BH2013/03476**
75 Beaconsfield Villas, Brighton

Fell 1no Ash (T4), 1no Cherry (T7) to ground. Fell 50% of group of Damsons (G1) to ground. The works fall within the realm of good garden management. The two trees to be felled are not visible from any public area, thus have no public amenity value.

Applicant: Mr N Thompson
Approved on 11 Oct 2013

REGENCY

Application No: **BH2013/03349**
80 Montpelier Road, Brighton

Fell one Elm in rear garden. The tree is in poor structural condition and not visible from a public area, thus not eligible for a tree preservation order.

Applicant: Mr N Eddison
Approved on 08 Oct 2013

ST. PETER'S & NORTH LAINE

Application No: **BH2013/02826**
74 Ditchling Road

Fell 1no Sycamore (T1) - public visibility is only of a low order thus it has low amenity value. Its location is not sustainable in the long term thus would not be eligible for a TPO.

Applicant: Mr Matthew Haynes
Approved on 27 Sep 2013

Application No: **BH2013/02827**
74 Ditchling Road

1no Ash (T2) reduce the crown by 25%. 1no Holly (T3) reduce the crown by 15% and crown lift. 1no Sycamore (T4) reduce the crown by 20%.

Applicant: Mr Matthew Haynes
Approved on 27 Sep 2013

Application No: BH2013/03152
13 Pelham Square Brighton

Fell and poison 2no Silver Birch (T1,T2) and 2no Pittosporum (T3,T4). Trees not visible from a public area, thus have no public amenity value.

Applicant: Andy Watson
Approved on 08 Oct 2013

Application No: BH2013/03344
The Garden Flat, 10A Bath Street, Brighton

Sycamore - reduce crown by 50% and remove damaged branches.

Applicant: Mr D Hilley
Approved on 08 Oct 2013

Application No: BH2013/03366
Royal Pavilion Gardens, Brighton

Behind The Educational Centre T1- Mature Elm, remove major dead and diseased wood, 25mm in diameter and over. Raise crown overhanging the Education Centre to give a minimum clearance of 2.5 - 4 metres (remove the lowest main limb back to source). Raise crown on the Western side by 3 - 3.5 metres from ground level (secondary growth only). Behind The Educational Centre T2 - Mature Elm, remove epicormic growth to 3.5 metres from ground level. Reduce the 2 low lateral limbs by 1.5 metres to improve site line for CCTV. In Front Of CCTV Office T3 - Mature Elm, crown lift South Eastern side of crown by 3.5 metres (secondary growth only). Ice Rink Lawn T5 - Chestnut, sever Ivy and remove epicormic to crown break. Fell adjacent Elm sucker. Ice Rink Lawn T6 - Elm, reduce in the tips blocking the CCTV by 1 metre. Ice Rink Lawn T7 - Chinese Privet, reduce height by 1 metre. Kings Lawn T8 - Pagoda, crown lift and reduce back over the flower bed. Kings Lawn T10 - Lime - Option A Remove or cut back low branches to give a 3M clearance from ground level. Kings Lawn T10 - Lime - Option B Fell as close to ground level as possible. (Felling this tree would be part of a long term strategic programme to improve views of the pavilion). In Front Of Restaurant Area G12 - Elm x 3, selectively remove areas of the epicormic growth to improve views of the buildings. All works are general maintenance/pruning operations in order to improve sight lines for the CCTV cameras, prevent encroachment of branches on to buildings and ensure lower growth is not suppressing underlying vegetation/flower beds. All works were as discussed and agreed with David Archer on site visit dated 13/09/13.

Applicant: Mrs Cadge
Approved on 11 Oct 2013

Application No: BH2013/03431
Royal Pavilion Gardens, Brighton

Fell as close to ground level as possible one Birch (T4), Ice Rink Lawn; one Manna Ash (T9), Kings Lawn; Fell all self-seeded Robinia saplings, adjacent to the Weeping Ash.

Applicant: Mrs Cadge

Approved on 11 Oct 2013

WITHDEAN

Application No: BH2013/03348

6 Knoyle Road, Brighton

Cherry - 30% crown reduction.

Applicant: Mr N Thompson

Approved on 08 Oct 2013

ROTTINGDEAN COASTAL

Application No: BH2013/03156

Opposite 8 The Vale Brighton

Fell 1no Sycamore (T1)

Applicant: Jennifer Phillips

Refused on 11 Oct 2013

Application No: BH2013/03192

Field End Greenways Brighton

1no Norway Maple (T1) and 1no London Plane (T2) - prune crown overhanging garage to provide a minimum clearance of 2.5m; raise crown overhanging Greenways to give minimum clearance of 5.5m; thin remaining crowns by 20%. 1no Walnut (T3) - reduce the crown height by half and shape remaining crown accordingly for maintenance purposes. 1no row of plums (G1) - remove the tops of the stems that lean towards the Walnut for maintenance purposes.

Applicant: Jennifer Phillips

Approved on 08 Oct 2013

Application No: BH2013/03441

Kapoliani, 46 Rowan Way and 54 Rowan Way

Fell 1no Holm Oak (T1) to ground level - tree leaning towards 54 Rowan Way.

Applicant: Mr Daniel Causton
Approved on 11 Oct 2013

Application No: BH2013/03442
Kapoliani, 46 Rowan Way and 54 Rowan Way

1no Sycamore (T2) reduce in height by no more than 3m.

Applicant: Mr Daniel Causton
Approved on 11 Oct 2013

WOODINGDEAN

Application No: BH2013/03211
85A Crescent Drive North

Fell 1no Sycamore (T15) to ground level.

Applicant: Mr Peter Fuller
Refused on 11 Oct 2013

Application No: BH2013/03214
85A Crescent Drive North

14no Sycamore (T1-T14) - 30% canopy reduction. 2no Beech (T16,T17) - 30% canopy reduction.

Applicant: Mr Peter Fuller
Refused on 11 Oct 2013

Application No: BH2013/03314
Sussex Nuffield Hospital, Warren Road, Brighton

Sycamore tree in the area of T16 - T20 - to pollard one tree in this area which is showing substantial dead wood. All the dead wood to be removed to encourage new growth. All the overhangings trees to the right of the building to be trimmed back & remove dead wood in this area around car park & street lighting, incorporates cherry trees at T31 - T34.

Applicant: Mr Robert Cooper
Approved on 07 Oct 2013

BRUNSWICK AND ADELAIDE

Application No: BH2013/03172

34 Cambridge Road Hove

Fell 3no Sycamore (T1,T2,T3) to ground level. These trees are minimally visible from Cambridge Road, thus have no public amenity.

Applicant: Alicia Perez

Approved on 07 Oct 2013

Application No: BH2013/03346

50 York Road, Hove

Pittosporum - trim all round by approx. 2ft (maximum).

Applicant: Mr N Thompson

Approved on 08 Oct 2013

CENTRAL HOVE

Application No: BH2013/03209

3 Albany Villas

1no Horse Chestnut (T1) - thin crown by 25% and shorten where possible branches growing over the garden.

Applicant: Ms Lesley Baker

Approved on 26 Sep 2013

GOLDSMID

Application No: BH2013/03210

Denmark House, 49 Denmark Villas

1no Elm (twin-stemmed) (T1) reduce crown diameter from approx 7m to 5m - reduce by up to 1m. Thin by 20%.

Applicant: Mr Duncan Armstrong

Approved on 26 Sep 2013

Application No: BH2013/03271

4 Champions Row, Wilbury Avenue, Hove

Elm - reduce back to previous pruning points, from approx. radial crown spread of 4m to 2m, approx. height of 18m to 14m, thin by 20%.

Applicant: Mr D Armstrong

Approved on 11 Oct 2013

Application No: BH2013/03272
4 Champions Row, Wilbury Avenue, Hove

Fell one Corsican Pine (T2). The Pine is visible from the street and a component of the tree screen in front of Champions Row, however it is heavily suppressed by the surrounding Elm and likely to have only a short term potential for survival. Replacement tree (Acacia dealbata) is acceptable.

Applicant: Mr D Armstrong
Approved on 11 Oct 2013

HOVE PARK

Application No: BH2013/03460
Wickham House, 43 Dyke Road Avenue

Fell 1no Ash (T1) - tree has significant basal decay. 2 replacement trees required.

Applicant: Mrs Charlotte Harris
Approved on 11 Oct 2013

WESTBOURNE

Application No: BH2013/03129
Hove Museum & Art Gallery 19 New Church Road Hove

2no Elm (G1) - reduce back from property by 2-3 metres.

Applicant: Royal Pavilion & Museums
Approved on 26 Sep 2013

Application No: BH2013/03215
5 Princes Square

Fell 2no Leyland Cypress to ground level (T2,T3). Trees have very limited public visibility and are not sustainable in the long-term.

Applicant: Mr Henry Mason
Approved on 26 Sep 2013

Application No: BH2013/03216
5 Princes Square

1no Leyland Cypress (T1) - reduce height by approx 50%. 1no Leyland Cypress (T4)
- reduce height by approximately 3m.

Applicant: Mr Henry Mason
Approved on 26 Sep 2013

Application No: BH2013/03281
63 Sackville Gardens

2no Elms (T1, T2) - remove all lateral growth in lower crown; reduce vertical stems in height by no more than 2.5 - 3m or to previous pruning points, whichever comes first.

Applicant: Ms Helen Watson
Approved on 08 Oct 2013

NEW APPEALS RECEIVED**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/00761

22 Roedean Crescent Brighton

Installation of velux cabriolet roof light to south elevation.

APPEAL LODGED

19/09/2013

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2013/01662

134 Valley Drive Brighton

Erection of single storey rear extension and conversion of existing garage into habitable room with new pitched roof over and associated external alterations.

APPEAL LODGED

24/09/2013

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WISH**

BH2013/01362

25 Portland Villas Hove

Erection of single storey rear extension. Raising of height and alterations to roof to facilitate creation of additional floor.

APPEAL LODGED

19/09/2013

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****QUEEN'S PARK**

BH2013/01492

41 Marine Parade Brighton

Internal alterations to layout, internal and external refurbishment and replacement of windows on front elevation at second, third and fourth floor levels and replacement of lower half of sash window to rear. (Part-Retrospective).

APPEAL STATUS APPEAL LODGED

APPEAL RECEIVED DATE 23/09/2013

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

WITHDEAN

BH2013/02220

70 Windmill Drive Brighton

Removal of existing rear balcony, installation of replacement balcony incorporating alterations to rear flat roof, balustrading and obscure glass panels.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE 25/09/2013

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

ROTTINGDEAN COASTAL

BH2013/01585

106 Dean Court Road Brighton

Formation of front dormer to replace existing Velux window.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE 25/09/2013

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

ST. PETER'S & NORTH LAINE

BH2013/01528

56 Church Street Brighton

Alterations to existing butterfly roof including installation of glass sliding access roof light, raising of existing parapet and creation of roof terrace.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE 26/09/2013

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

PRESTON PARK

BH2013/00998

Flats 1B & 1A 2 Lancaster Road Brighton

Relocation of existing bathroom window at No 1A from side to rear to facilitate erection of single storey rear extension to No 1B.

Replacement of existing side window at No 1B with new bi-folding doors.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

26/09/2013
Delegated

WARD
APPEALAPPNUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

WITHDEAN
BH2013/01522
16 Bankside Brighton
Erection of three storey detached dwelling to rear of existing property fronting Highbank.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

27/09/2013
Delegated

WARD
APPEALAPPNUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

PRESTON PARK
BH2013/02413
51 Old Shoreham Road Brighton
Loft conversion incorporating roof light to the front roof slope, inset balcony to the rear and insertion of glazed roof panels to west roof slope.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

30/09/2013
Delegated

WARD
APPEALAPPNUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

ROTTINGDEAN COASTAL
BH2013/02327
Beacon Mill Nevill Road Rottingdean Brighton
Remodelling of existing bungalow to create a two storey four bedroom house.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

30/09/2013
Delegated

WARD
APPEALAPPNUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

PATCHAM
BH2013/02384
16 Mayfield Crescent Brighton
Certificate of Lawfulness for the proposed erection of a single storey rear extension.

APPEAL STATUS APPEAL LODGED

APPEAL RECEIVED DATE 03/10/2013

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

ST. PETER'S & NORTH LAINE

BH2012/03387

10 Jubilee Street Brighton

Installation of new shop front.

APPEAL STATUS APPEAL LODGED

APPEAL RECEIVED DATE 03/10/2013

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

PRESTON PARK

BH2012/03806

Port Hall Mews Brighton

Conversion of existing buildings to form 6no two storey town houses and 2no single storey cottages with associated alterations, parking and integral garages.

APPEAL STATUS APPEAL LODGED

APPEAL RECEIVED DATE 04/10/2013

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

HANOVER & ELM GROVE

BH2013/00853

1 De Montfort Road Brighton

Change of use from former chapel (D1) to house in multiple occupation (sui generis). (Retrospective)

APPEAL STATUS APPEAL LODGED

APPEAL RECEIVED DATE 02/10/2013

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION
extension.

HOVE PARK

BH2013/02498

7 Mill Drive Hove

Erection of a single storey side and rear

APPEAL STATUS APPEAL LODGED

APPEAL RECEIVED DATE 04/10/2013

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

HOLLINGDEAN & STANMER

BH2013/01183

154 Saunders Hill Brighton

Change of use from dwelling house (C3) to house in multiple occupation (C4).

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

04/10/2013

APPLICATION DECISION LEVEL

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

ROTTINGDEAN COASTAL

BH2013/01963

34 Lustrells Vale Saltdean Brighton

Erection of part two storey part single storey rear extension.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

09/10/2013

APPLICATION DECISION LEVEL

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

flat.

QUEEN'S PARK

BH2012/03367

24 St James's Street Brighton

Creation of fourth floor to form two bedroom

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

09/10/2013

APPLICATION DECISION LEVEL

Planning Committee



**Brighton & Hove
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
30th October 2013**

This is a note of the current position regarding Planning Inquiries and Hearings

1 De Montford Road, Brighton

Planning application no: BH2013/00853

Description: Change of use from former chapel (D1) to house in multiple occupation (sui generis). (Retrospective).

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location: Hove Town Hall

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

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Appeal Decision

Site visit made on 19 August 2013

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2013

Appeal Reference: APP/Q1445/E/13/2190761

10 Camelford Street, Brighton BN2 1TQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs R Miles against the decision of Brighton & Hove Council.
 - The application (reference BH2012/02708, dated 30 August 2012), was refused by notice dated 14 November 2012.
 - The works proposed are "replacement of rear ground floor sash window with French doors and Juliette (sic) balcony".
-

Decision

1. The appeal is allowed and listed building consent is granted for the replacement of a rear ground floor sash window with French doors and a Juliet balcony at number 10 Camelford Street, Brighton BN2 1TQ, in accordance with the terms of the application (reference BH2012/02708, dated 30 August 2012), subject to the conditions set out in the attached Schedule of Conditions.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed works on the appeal building and its setting.

Reasons

3. Number 10 Camelford Street is one of a terrace of houses, constructed of painted brickwork with a tiled roof. It dates from the late eighteenth century and is listed (Grade II) as a building of special architectural or historic interest. It is located in a narrow street which is primarily residential and has retained much of its historic character. Camelford Street itself is set with a number of historic buildings and is located in the East Cliff Conservation Area though, in some cases, the rear parts of other properties in this part of Camelford Street have been much altered over the years.
 4. At the rear, number 10 Camelford Street has the benefit of a very small garden space which is separated from more modern development, beyond, by a high boundary wall. This garden is located at lower ground floor level, with the main living room at ground floor level, related to the street at the front. The rear elevation of the building retains its general form though it has been the
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- subject of some alterations and has a rather modern “feel”, as does the refurbished interior of the dwelling.
5. The proposed works would have no effect on the front elevation of the building and the streetscene would remain unaltered. The works would, however, alter the fabric of the building itself and would, obviously, have an effect on the appearance of the building from the rear.
 6. The proposed works would involve the removal of an existing window and the enlargement of the opening, to allow for the installation of French doors and a Juliet balcony. The opening would be wider than the existing window and would be of an overall height to suit the new French doors. On the rear elevation, the change in the shape and appearance of the window would be reinforced by the installation of a Juliet balcony, with a necessary railing to make the opening safe.
 7. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes obligations on those considering whether to grant listed building consent for development or works that affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
 8. That statutory framework is reinforced by the ‘National Planning Policy Framework’, especially at Section 12, which also points out the desirability of putting heritage assets to viable modern uses.
 9. The Policies in the Development Plan do not have the same weight in respect of applications for listed building consent as would be the case in respect of an application for planning permission. The Policies are material considerations, nevertheless, and the Development Plan includes specific Policies aimed at protecting the historic environment, notably Policy HE1 of the Brighton & Hove Local Plan.
 10. In this case, evidently, the proposals would have no effect on the streetscene, while the proposed change to the rear of the building would have no material impact on the setting of the building itself or on the character or appearance of the Conservation Area more widely.
 11. The proposal drawings are lacking in suitable detail in respect of the balcony railing itself but, nevertheless, the proposal would alter the listed building itself, involving the removal of a modest portion of the historic fabric and changing the appearance of the building. Thus, the scheme could not be said to “preserve” the building itself, in its current form. The project would, however, enhance the attractiveness and usefulness of the dwelling, as such, by introducing more light and by providing the main living room with a more direct link to the open space at the rear of the building.
 12. The benefit of the project would be limited, but the harm to the listed building would be very limited indeed, especially bearing in mind the character of the rear parts of the properties in the immediate vicinity of the appeal site. The proposals would not detract from the architectural qualities of the building, nor would they undermine its historic qualities, which would still be evident. Externally, the scheme would not be out of keeping with changes that have

already taken place to the rear elevations of buildings in this part of Clarendon Street.

13. In short, I am persuaded that the benefits of the scheme outweigh the objections to it and that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way, without prejudice to their main arguments in the appeal. Thus, I have imposed conditions to define the consent and to ensure that quality is maintained, requiring the production of detailed drawings in due course.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the following approved drawings:
 - Drawing no. 001: Existing Plan and Elevation;
 - Drawing no. 101: Proposed Plan and Elevation;
 - Sketch drawing no. SK-1;
 - Site Location Plan.
3. No works shall be commenced until samples of the materials and drawings (at appropriate scales) of the construction details to be used in the construction of the new works hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details, using the approved materials.



Appeal Decision

Site visit made on 17 September 2013

by Ms T L Dow BA, Dip TP, Dip UD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 September 2013

Appeal Ref: APP/Q1445/D/13/2201382
4 Brangwyn Crescent, Brighton, BN1 8XJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P Fitzgerald against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/00906, dated 15 March 2013, was refused by notice dated 30 May 2013.
 - The development proposed is; Two storey rear extension and first floor side extension.
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This decision is issued in accordance with section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 24 September 2013.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side and rear extension at 4 Brangwyn Crescent, Brighton, BN1 8XJ in accordance with the terms of the application Ref BH2013/00906, dated 15 March 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1257/1677A and 1257/1683, dated 6 February 2013 and 1 March 2013 respectively, and 1257/1304, dated 13 March 2009 but received by the Council on 20 March 2013.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.
 - 4) Before the first occupation of the extension hereby permitted the first floor windows and roof lights on the side elevations shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Procedural matters

2. The development involves a two storey extension to the side as well as to the rear and is more accurately described in the Council's decision notice. I have therefore amended the description of development to the erection of a two storey side and rear extension.
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3. The Brighton and Hove City Council Local Development Framework, Supplementary Planning Document 12, *design guide for extensions and alterations* (SPDBH12), was adopted in June 2013, after the Council's decision to refuse planning permission. The appellant has referred to the document in the grounds of appeal and I have had regard to it in reaching my decision.

Main Issue

4. The main issue in this case is the effect of the extension on the character and appearance of the host building and the area.

Reasons

5. Brangwyn Crescent is on a hill with the appeal site located towards the bottom of the slope. The Crescent is characterised by relatively large dwellings set in quite spacious plots. The properties are generally well set back from the road with mature landscaping in front gardens. Most of the properties retain a good gap to side boundaries. There is variety in the size and shape of dwellings along the road but there is also consistency in terms of general style, the external materials and the age of the dwellings. The roof forms in the locality include projecting gables, cat-slide roofs, half-hips and full hips.
6. The appeal property has gaps to both side boundaries which would be retained, although the area behind and above the existing garage would be in-filled, with the existing cat-slide roof and dormer replaced with a two-storey extension. The extension would be attached to a two storey addition to the rear.
7. In views from the front of the property, the side extension would give the dwelling a more balanced appearance, the scale and proportions of the addition matching those on the other side of the front elevation. Within the context of dwellings in the locality exhibiting a wide range of roof styles and sizes, the replacement of the asymmetrical roof would not look out of keeping in the street scene. The side extension would maintain the current distance to the boundaries and the sense of spaciousness, so that the extension would not appear overly bulky or large within its setting.
8. In terms of the wider street scene, from the west the roof of the extension with its hipped elevation, would not project beyond the dwelling's existing two-storey gable. Given the sloping nature of the road, it would also be viewed below the roof of No.6. In views from the east, No.2 Brangwyn Crescent is sited well forward of the appeal property and there is extensive planting between the two dwellings. The side extension would be seen within this setting and adjacent to the two-storey, half-hipped gable of No.6. It would not therefore be prominent or appear out of keeping in the street scene or the area more generally.
9. The proposed rear extension would be deeper than the existing conservatory, extending across most of the rear elevation. The proposed roof arrangement would mean that parts of the rear extension would be single storey in effect, so that an element of the existing two storey rear elevation would still be visible. The proposed roof form combines characteristic design features from the existing and surrounding properties and its depth, compared to the existing property, is not excessive. Although the span is wide, the cat-slide roof reduces its impact and reflects the line of the existing rear gable.

10. Overall, although the proposed extensions are large, they are not out of proportion with the scale or setting of the existing dwelling and neither would they diminish its architectural quality for the reasons I have set out.
11. I conclude that the extensions would not harm the character and appearance of the host building, the street scene or the area more generally and that there would be no conflict with Policy QD14 of the Brighton and Hove Local Plan 2005. This policy, amongst other things, seeks to ensure that extensions are well designed, sited and detailed in relation to the host property and the surrounding area. Likewise there is no conflict with the National Planning Policy Framework in terms of design interests. I have also had regard to the Council's SPDBH12 in reaching this view.
12. In terms of conditions, the Council has suggested a condition requiring matching materials and that the first floor side-facing windows should be obscure glazed. In the interests of the character and appearance of the surrounding area and the protection of the neighbours' living conditions, I agree that these are appropriate conditions.

Other matters

13. I have had regard to the comments and concerns expressed by adjoining neighbours, which are partly addressed by the imposition of condition 4 regarding the requirement to obscure glaze first floor windows. With regard to the other points raised, I have no reason to disagree with the Council. None of the issues raised therefore affects my overall conclusion.

Conclusion

14. For the reasons set out above I conclude the appeal should succeed.

T L Dow

INSPECTOR



Appeal Decision

Site visit made on 19 August 2013

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2013

Appeal A Reference: APP/Q1445/A/13/2189903

6 Bartholomews, Brighton BN1 1HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs N Blencowe (Baron Homes Corporation) against the decision of Brighton & Hove City Council.
 - The application (reference BH2012/03285, dated 12 October 2012), was refused by notice dated 10 December 2012.
 - The development proposed (as described in the application) is the change of use of first, second, third and fourth floors from disused offices to four self-contained flats.
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Appeal B Reference: APP/Q1445/E/13/2189912

6 Bartholomews, Brighton BN1 1HG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs N Blencowe (Baron Homes Corporation) against the decision of Brighton & Hove City Council.
 - The application (reference BH2012/03276, dated 12 October 2012), was refused by notice dated 10 December 2012.
 - The works proposed (as described in the application) are internal alterations, including the installation of lightweight stud partitions.
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Decision

1. The planning appeal (Appeal A) is allowed and planning permission is granted for the change of use of first, second, third and fourth floors from disused offices to four self-contained flats at 6 Bartholomews, Brighton BN1 1HG, in accordance with the terms of the application, (reference BH2012/03285, dated 12 October 2012), subject to the conditions set out in the attached Schedule of Conditions.
 2. The listed building consent appeal (Appeal B) is allowed and listed building consent is granted for internal alterations, including the installation of lightweight stud partitions, at 6 Bartholomews, Brighton BN1 1HG, in accordance with the terms of the application, (reference BH2012/03276, dated 12 October 2012), subject to the conditions set out in the attached Schedule of Conditions.
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Main issue

3. The main issue to be determined in both these appeals is the effect of the proposals on the appeal building (which is a listed building).

Reasons

4. The ground floor of number 6 Bartholomews is currently occupied by an apothecary and the upper floors have recently been in use as offices, which have significantly changed the internal layout of the building, since it was first constructed. The upper floors have been occupied by squatters, however, and considerable malicious damage has been done to their interior.
5. Numbers 5 and 6 Bartholomews are listed (Grade II) as buildings of special architectural or historic interest. They are listed together as terraced houses and shops dating from the early nineteenth century, though number 6 has an additional attic storey that was added later in that century. They are constructed of brickwork, with stucco to number 6, topped by parapets.
6. The front elevation of the appeal building is an imposing feature in the streetscene, although the rear of the building is not readily visible from any public viewpoint and does not appear to be particularly attractive. The building stands in a prominent location, within the Old Town Conservation Area, in a busy commercial and tourist location at the heart of Brighton but near to the seafront.
7. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant listed building consent for development or works that affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
8. That statutory framework is reinforced by the 'National Planning Policy Framework', especially at Section 12, which also supports the aim of protecting heritage assets by putting them to viable use.
9. The Policies in the Development Plan do not have the same weight in respect of the application for listed building consent they do in respect of the application for planning permission. The Policies are relevant to both appeals, nevertheless, and the Development Plan includes specific Policies aimed at protecting the historic environment, notably Policy HE1 of the Brighton & Hove Local Plan.
10. In relation to the planning merits of the proposed conversion, in principle, Policy EM5 of the Brighton & Hove Local Plan is particularly relevant.
11. The appeal site lies in a busy part of the centre of Brighton and the proposed residential use of the building would be suitable in planning terms, in principle, bearing in mind the location and the evidence that the spaces make poor quality offices. Moreover, the proposed conversion of the upper floors of the building would have no significant effect on the external appearance of the listed building, nor would it affect the setting in the Conservation Area. In short, the proposal would accord with Policy EM5 of the Local Plan.

12. Hence, the main issue in this case is the effect of the proposals on the appeal building itself, specifically on its interior. It is not realistic to suppose that the building could be restored to its original use as a townhouse and the proposed works are required to facilitate the proposed change of use of four floors of the building (above the ground floor), to create four studio flats.
13. The proposed alterations would make use of the current layout as far as possible, for obvious practical and economic reasons. Essentially, the works comprise the introduction of internal partitions to provide residential accommodation, in particular the creation of shower rooms and kitchens within each of the four flats. Other changes would be needed to execute the project as a whole, including the insertion of new ventilation ducts to discharge at the rear elevation of the building. The front room on the top floor has an unusually high ceiling and high window cills that make it very uncomfortable for modern use. It is proposed that a suspended floor should be inserted into the front part of the new flat on this level (the bedsitting room), to improve the habitability of the dwelling unit.
14. The proposed changes would have only a limited impact on the historic qualities of the appeal building, since extensive changes to the interior of the original building have already been made. In themselves, neither the new partitions nor the new suspended floor would significantly undermine the historic or architectural qualities of the building. On the other hand, the new partitions would be necessary to create the residential units while the suspended floor at attic level would be needed to provide that living space with windows reasonably related to the floorspace (because the window cills are exceptionally high in relation to the existing floor level).
15. Although the works involved would be significant, the evidence that has been presented (and an inspection of the premises) leads to the conclusion that they would, indeed, be necessary to achieve a conversion to residential units, making an appropriate use of the historic building. Nor am I persuaded that the alternative ideas for the internal layout, suggested by the Council, would be practical or advantageous in fact.
16. As submitted, the scheme drawings do not provide full details of the proposed conversion works. In order to ensure that the scheme as a whole would achieve a good standard of design, it would be necessary for detailed project drawings to be prepared of the whole of the new studio flats (including stairs and other ancillary areas). This, however, is a matter that could be dealt with by conditions. A number of conditions have been suggested by the local planning authority (without prejudice to their main arguments in the case) but I am convinced that the objectives of those conditions could be achieved by imposing fewer but more general conditions, requiring the submission of details to define the alteration scheme as a whole.
17. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the contribution that the appeal scheme would make to the provision of residential accommodation in the locality, even though it would be limited, weighs in favour of the appeal. I have concluded that the project would not be in conflict with the Development Plan, in principle, and that the need for more detail to be provided in due course can

properly be dealt with by suitable conditions. In short, I am persuaded that the scheme before me can properly be permitted, subject to conditions.

18. Conditions are necessary, to define the planning permission and listed building consent and to ensure that quality is maintained. In relation to the listed building consent, a condition is required to ensure that suitable details of the proposed internal works are submitted, approved and executed, in due course. Moreover, extensive repairs are needed to the main staircase and other secondary elements, while there is a need for a coherent interior scheme to be created (with consistent cornices, picture rails and skirting boards where appropriate).
19. In the light of these considerations, and without prejudice to the generality of the condition, the submitted details will need to include details of the stairs, doors, joinery, ventilation ducts, fire insulation and noise insulation. A similar condition is not necessary or appropriate in relation to the planning permission, since the works would be carried out to the interior of the building, with only a very minor effect on its external appearance.
20. In relation to Appeal A (the appeal for planning permission), additional conditions are suggested by the Council. The appellant has not objected to conditions relating to Ecohomes standards but it has not been shown, in this particular case, that such a standard is necessary (in the terms set out in Circular 11/95 or in the context of Policy SU2 of the Local Plan, which is expressed in general terms). Nor has it been shown that it would be reasonable for residents of the proposed new studio flats should be deprived of the right to apply for residents' parking permits. On the other hand, it is both necessary and reasonable for conditions to be imposed to ensure that satisfactory facilities are provided for cycle parking and for the provision of refuse and recycling facilities, as indicated in the submissions.
21. The Council also propose that additional "mitigation" works should be required, such as the reinstatement of chimney breasts, but I am not persuaded that such measures are necessary to make the development or works acceptable, in view of the justification for them, in any case.
22. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A (the Planning Appeal)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 1962/1B (as existing);
 - drawing number 1962/2C (plans and section);
 - drawing number 1962/3A (site location plan);
 - drawing number 1962/4A (block plan);
 - drawing number 1962/5A (details);
 - drawing number 1962/6A (elevations).
3. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans (marked "store 1" on drawing number 1962/2C) have been completed and made available for use by occupants of the flats and visitors. They shall be retained and used for no other purpose thereafter.
4. The development hereby permitted shall not be occupied until the refuse and recycling storage facilities as shown on the approved plans (marked "store 2" on drawing number 1962/2C) have been completed and made available for use by occupants of the flats and visitors. They shall be retained and used for no other purpose thereafter.

Appeal B (the Listed Building Consent Appeal)

1. The works hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 1962/1B (as existing);
 - drawing number 1962/2C (plans and section);
 - drawing number 1962/3A (site location plan);
 - drawing number 1962/4A (block plan);
 - drawing number 1962/5A (details);
 - drawing number 1962/6A (elevations).
3. No works shall be commenced until samples of the materials and drawings (at appropriate scales) of the construction details to be used in the construction of the new works hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details, using the approved materials. Without prejudice to the generality of this condition, the submitted details shall include details of the stairs, doors, joinery, ventilation ducts, fire insulation and noise insulation.



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: 25 September 2013

Appeal Ref: APP/Q1445/A/13/2194254

25 Stoneleigh Avenue, Brighton, East Sussex, BN1 8NP.

- 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 Laundon against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/01253, dated 10 April 2012, was refused by notice dated 7 September 2012.
 - The development proposed is an attached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An earlier appeal (APP/Q1445/A/06/2008912) for the erection of a detached dwelling, served from Stoneleigh Close to the rear of the property, was dismissed. However, the circumstances and planning considerations differ from the current proposal to such extent that it is not directly relevant to this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the building and the street scene.

Reasons

4. The character and appearance of the vicinity of the site is of a relatively low density suburban residential neighbourhood of early to mid 20th century housing. The street scene is predominantly characterised by single storey buildings, interspersed with larger houses. The dwellings are relatively well spaced by gaps between and set behind a general continuum of front boundary walls and hedges. These features contribute to the area's local character and appearance. Although there are garages, they are predominantly small single units; and their low flat roofs and/or set-back positions have largely maintained the sense of space between dwellings. Although dwellings have driveways, their narrowness and separation maintain the street scene's general continuum of appearance of the front wall and hedge enclosure.
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5. No.25 Stoneleigh Avenue lies between detached two-storey houses (nos. 23 and 29). The plot's frontage is unusually wide by comparison with those which predominate along the street. However, the original modest bungalow (with a bedroom in the roofspace) has been extended to substantially fill the width of the plot. This has significantly reduced the original gaps between its side elevations and their respective adjacent boundaries and houses. This has resulted in an unusually wide detached building which is at variance with the width of the other housing and wider gaps between.
6. The property is served by a pair of flat roofed garages on its east side, with a correspondingly wide parking area to the front, which provides three further car parking spaces. The width of its garages and the wide access which serves them, are at variance with the street scene's incidence of small garages, and their resultant narrow associated interruptions to the general continuum of front boundary enclosures.
7. The proposed development would represent a further extension to the property, which would compound its already extensive wide facade and reduced spacing. The proposal's scale, bulk and massing would result in a significant increase in height in close proximity to the adjoining property. These effects would be exacerbated by the further erosion of already reduced spaces between buildings, the two-storey height of the adjoining houses, and loss of the view over the garages' low roof.
8. The proposal would also result in an extension of such large scale as to detract from the modest scale and roofscape of the original bungalow; and be inconsistent with the small scale of the lower roofed properties which predominate on the street. The scale, form and detail of the proposal would also create an imbalance with the original facade's symmetry and balance of the pair of bow windows. This would be exacerbated by the proximity of the proposed new bay to the eastern bow; the former's variation in height, scale and detail from the original bows and imbalance with the western 'box' window.
9. The effects would be to detract from the original buildings' layout, scale and forms, and the spaces between buildings; which contribute to the local character and appearance of the area. For these reasons, the proposed scale, bulk, massing and detail, would cause unacceptable harm to the character and appearance of the building, its setting and the street scene. This would be contrary to Brighton and Hove Local Plan 2005 Policies QD1, QD2 and QD14. These policies require new development to make a positive design contribution, which emphasises and enhances local characteristics and visual and environmental qualities. These policies also require extensions to retain appropriate gaps between houses and relate well to the host property.
10. Additionally, it is proposed that the five parking spaces currently available to no. 25 would be lost to the proposed curtilage of the new house. A total of three parking spaces are proposed for both properties. Notwithstanding the substantial reduction in no.25's parking requirements, there is no indication on the submitted plans as to how the proposed three spaces would be divided between the two dwellings, within their respective curtilages. In light of the extensive width of the existing opening, the creation of a wider or additional opening to provide additional parking to the front of no.25's reduced curtilage

would further erode the front enclosure and cause harm to the character and appearance of the building's setting and the street scene.

11. Although the appellant has suggested pre-application advice from a Council officer influenced an element of the design, any such advice is informal and without prejudice to a full planning application. I have also taken account of the appellant's reference to permitted development rights and footprint and boundary proximity detail. Although the appellant has suggested Policy QD1 is not relevant as it relates to 'new buildings', as the proposal would create an additional dwelling in a new built form, I am satisfied that the policy's general design guidance is a relevant consideration. I also recognise that the proposal may comply with some of the Policy QD Criteria. However, these considerations do not outweigh the harm I have found.
12. For these reasons, and having had regard to all other matters raised, I conclude that the proposal would cause unacceptable harm to the character and appearance of the host building and street scene, contrary to the Brighton and Hove Local Plan 2005 Policies QD1, QD2 and QD14, and I dismiss the appeal.

D Lamont

INSPECTOR



Appeal Decision

Site visit made on 19 August 2013

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 September 2013

Appeal A Reference: APP/Q1445/E/12/2189270

11 Dyke Road, Brighton BN1 3FE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr P Mott against the decision of Brighton & Hove City Council.
 - The application (reference BH2012/02705, dated 31 August 2012), was refused by notice dated 29 November 2012.
 - The works proposed are: "retrospective permission to fix fascia sign to front elevation and window graphics to first floor windows".
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Appeal B Reference: APP/Q1445/H/12/2189267

11 Dyke Road, Brighton BN1 3FE

- The appeal is made under Regulation 17 of the Town and Country Planning Act (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr P Mott against the decision of Brighton & Hove City Council.
 - The application (reference BH2012/02706, dated 31 August 2012), was refused by notice dated 29 November 2012.
 - The advertisements proposed are: "one fascia sign (to replace previous sign)" and "vinyl graphics to first floor windows".
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Decision

1. The listed building consent appeal (Appeal A) is allowed and listed building consent is granted for the installation of a non-illuminated fascia sign and window graphics to the front elevation of the building at 11 Dyke Road, Brighton BN1 3FE, in accordance with the terms of the application (reference BH2012/02705, dated 31 August 2012), subject to the following condition.
 1. Within three months of the premises ceasing to be used as a "recreational maze", the advertisements hereby approved shall be removed and the exterior of the building restored to its former condition (including the windows), in accordance with a scheme of work that shall have been submitted to and approved in writing by the local planning authority, prior to the execution of those restoration works.
 2. The advertisement consent appeal (Appeal B) is allowed and express consent for the display of the advertisements (a non-illuminated fascia sign and window
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graphics, to the front elevation of the building) as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary point

3. Notwithstanding the descriptions of the signage given in the application forms, it may better be described as the installation of a non-illuminated fascia sign and window graphics, to the front elevation of the building. The applications are made retrospectively.

Main issues

4. In relation to the advertisement consent appeal (Appeal B), the legislation makes it clear that the powers conferred by the Regulations may be exercised only in the interests of amenity and public safety; the development plan may be a material consideration but cannot be determinative. No objections have been put forward in relation to safety issues in this appeal. Thus, the main issue to be determined in the advertisement appeal concerns the visual impact of the proposed advertisements.
5. Hence, the main issue to be determined in both of the appeals is the effect of the proposed signage on the appearance of the listed building itself and on its surroundings.

Reasons

6. The appeal building is an attractive and interesting building which was built as a school in 1867 and has been in use as a night club and, currently, as a "recreational maze" (which is a 'sui generis' use). It is designed in a Gothic style and is listed (Grade II) as a building of special architectural or historic interest. The site is located close to a main retail street in Brighton but is not in a prime commercial location.
7. The use of the building as a "recreational maze" and the alterations required to implement that use were the subject of planning permission and listed building consent granted in 2012. The use provides the building with a contemporary function that, evidently, implies some advertising. Indeed, a condition was attached to the listed building consent, requiring details of the signage to be submitted to and approved by the Council, prior to the implementation of the consent (though the condition has not been complied with).
8. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes obligations on those considering whether to grant listed building consent for development or works that affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
9. That statutory framework is reinforced by the 'National Planning Policy Framework', especially at Section 12, which also points out the desirability of putting heritage assets to viable uses.
10. The Policies in the Development Plan do not have the same weight in respect of applications for listed building consent or as would be the case in respect of an

application for planning permission. In relation to the advertisement consent appeal (Appeal B), the relevant considerations are very limited, as has been explained, above.

11. Development Plan Policies are material considerations, nevertheless, and the Development Plan includes specific Policies aimed at protecting the historic environment. Policy HE1 of the Brighton & Hove Local Plan, which concerns listed buildings, is especially relevant in this case.
12. The signage that has been installed at 11 Dyke Road aims at attracting the attention of passers-by and is certainly striking in its effect, with a "horror" theme. In this case, however, it is necessary to consider the effect of the signage on the listed building as distinct from the content of the advertisements.
13. The scheme as a whole comprises a multiplicity of signs, mainly within the windows of the listed building but including a new fascia sign. The signage is fabricated from acrylic sheets and obscures the windows in fact though it gives the appearance of ghostly hands within the building and scary faces peering out. Although the windows are obscured, therefore, their form and impact is maintained in the exterior of the building. The fascia sign is more conventional, though it is likewise formed of acrylic, fixed to the elevation above ground floor windows. The fascia sign is somewhat incongruous in the context of the "horror" images, however, since it advertises a "Christmas Wonderland Grotto".
14. The signage scheme involves the creation of an illusion relating to the interior of the building, manifested by images that fill all of the windows on the front elevation. The design is modern in materials and imagery and it creates a contemporary visual impact that evidently contrasts strongly with the Gothic Revival architecture of the listed building. In many cases, of course, intervention in a listed building ought to reflect or even imitate the architecture and detailing of the original. In this case, however, the contrast between the contemporary design of the signage and the historic architectural style of the listed building is startling, perhaps, but it is valid in its context and it calls attention to the very different mission that the old school building now fulfils.
15. In short, the design approach for the window graphics is valid in architectural terms, in this particular case, bearing in mind the new use and its relationship to the Gothic school building. The more conventional fascia sign is reasonable in its context and does not impinge unduly on either the listed building or the streetscene. Moreover, the signage does not damage the fabric of the building and it could easily be removed upon the cessation of the current use, as has been pointed out in the submitted 'Design and Access Statement'.
16. The signage benefits the "recreational maze" business, which now occupies the premises, and is acceptable in visual and architectural terms. Hence, I have concluded that the scheme before me does not conflict with the aim of protecting the historic environment nor does it undermine the visual amenities of the area. I am persuaded that it can properly be allowed (subject to conditions) and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

17. In considering the need for conditions, I have been conscious that the advertisements reflect a particular current use of the premises and that it has been acknowledged that this signage could readily be removed once the use ceases. I have, therefore, imposed a condition on the listed building consent to ensure that this is done (based on wording to be found in Circular 11/95, but modified to suit the circumstances of the particular case).
18. Advertisement consent appeal is granted for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations. No additional conditions are needed.

Roger C Shrimplin

INSPECTOR



Appeal Decision

Site visit made on 23 September 2013

by David Harmston FRICS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2013

Appeal Ref: APP/Q1445/A/13/2192973

68A St Georges Road, Brighton, East Sussex BN2 1EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Local Planning Authority to give notice of its decision within the appropriate period on an application for planning permission.
 - The appeal is made by Sussex Property Investments Limited against Brighton & Hove City Council.
 - The application (Ref BH2012/03491) was dated 8 November 2012.
 - The development proposed was described as the demolition of the existing building and roof covering over site. Change of use and redevelopment to provide 3 x 3-bedroom houses with associated landscaping.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The site lies within the East Cliff Conservation Area. In addition to the appeal application, Conservation Area Consent was sought for the demolition of the existing building and roof covering over the site (Ref BH2012/03492). The Council indicated that it would have refused consent for that proposal as it was not prepared to permit the demolition of the existing buildings in the absence of an acceptable replacement scheme for the site as this could result in the creation of an unsightly area of land contrary to policy HE8 of the Brighton & Hove Local Plan. As far as I am aware no appeal has been made in relation to that matter and it is not before me for consideration.
3. Had the Council determined the application it has indicated that it would have refused planning permission for the proposals for the following reasons:
 1. The proposal, by reason of its inappropriate roof form and architectural detailing, fails to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
 2. The proposed windows at first floor level in the north facing elevation of the proposed dwellings, by virtue of their size, siting, design and form, would adversely affect the amenities of the occupiers of Nos 69 and 70 St Georges Road resulting in loss of privacy, interlooming and over dominance and visual intrusion, contrary to policy QD27 of the Brighton & Hove Local Plan.

3. The proposed development would provide an unsatisfactory residential environment for future occupiers of the proposed dwellings by virtue of poor light and outlook, contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The site was previously used as a car repair workshop but has been vacant for some time. A previous application for the redevelopment of the site (Ref BH2011/02864) was refused for a number of reasons including the fact that the applicant had failed to demonstrate that the existing use was genuinely redundant, in conflict with policy EM3 of the local plan. This policy seeks to retain land in industrial use unless it can be shown that such a form of use has been assessed and found to be unsuitable for modern employment needs.
5. The Council is now satisfied that the evidence prepared and submitted by the appellant adequately demonstrates that the existing employment generating use of the site is no longer viable and the principle of the loss of employment floorspace is considered acceptable. No issue is therefore taken by the Council in this regard. I am aware that third party representations have been made in opposition to this proposal to the effect that there is a demand for an employment use on the site. Nevertheless, the evidence upon which the Council reached its conclusions on this matter appears to have been well informed and comprehensive and, having regard to the fact that it is no longer pursued as a potential reason to oppose the development, I shall consider the matter no further.
6. For the avoidance of doubt, and as the appellant has referred to the amended drawings submitted to the Council on 25 January 2013, I have determined the appeal on the basis of the plans listed by the Council and numbered D.01 – D.12 received on 1 November 2012 with revisions numbered as D.10A and D.11A (received on 25 January 2013) showing amendments to the elevations and sections of the development.
7. In respect of other material considerations relevant to the proposals, the following are pertinent to the acceptability of the development or otherwise:
 - a) As regards the effects of the development on the character and appearance of the East Cliff Conservation Area, the Council's Heritage Officer states that the proposals would have only a negligible impact on it or the heritage assets in the area and raises no objections. Having viewed the area, I agree with this conclusion;
 - b) The site is likely to have been contaminated in the past because of its previous usage but, if planning permission were to be granted for the development, an appropriate condition would be capable of safeguarding the situation in this respect;
 - c) The dwellings would be capable of complying with the requirements of Code Level 3 of the *Code for Sustainable Homes* and an appropriate condition could ensure this if permission were to be granted;
 - d) No off-street car parking spaces are proposed as part of the development. Nevertheless, no objection is raised by the Council in this respect and adequate, secure cycle storage facilities could be provided;

- e) The site is located in a highly sustainable location close to a range of local shops and services and good public transport links. There are no highways objections to the development subject to the reinstatement of the kerb at the existing site entrance.
- f) The Council accepts that a modern design for the redevelopment of the site is acceptable in principle.

Main Issues

8. Having regard to the above, the outstanding main issues in this appeal are as follows:
- i) by reason of the design of the development, its effects on the character and appearance of the area and whether it would serve to preserve or enhance the character or appearance of the East Cliff Conservation Area;
 - ii) the impact of the development on the living conditions of the occupants of the adjoining dwellings (Nos 69 and 70 St Georges Road) in terms of any overbearing impact, overlooking, undue loss of light and outlook or general loss of amenity.
 - iii) whether the development would provide for satisfactory living conditions for the occupants of the proposed dwellings in terms of light and outlook.

Reasons

9. The appeal site is situated on the south side of St Georges Road to the rear of Nos 69 – 71. It is completely enclosed by buildings and other structures with a vehicular access to the road passing under a flat above with access from a sloping driveway between Nos 68 and 69. A two-storey building exists within the site which was probably in residential use originally but has latterly been used in connection with the car repair business conducted from the site. The workshop area has a corrugated sloping roof over the majority of the site with a pitched and tiled roof over the remainder.
10. The site lies within a densely-developed neighbourhood of Brighton on rising ground above the seafront wherein residential uses predominate. A twitten – Eastern Street – passes along the site’s western boundary which is formed by a high wall. Along part of the eastern boundary is a two-storey building against the flank wall of No 7 Belgrave Close. Small shops and other businesses dominate the form of land usage on the ground floors of the premises within this section of St Georges Road. Residential accommodation exists at first floor level over most of these premises such as at Nos 69 – 71.
11. The site is highly constrained in terms of its potential for redevelopment because of its location, its size, its physical enclosure with no proper road frontage, the proximity of the adjoining buildings and their usage and the fact that site lies within an historic part of Brighton, within a Conservation Area.

The First Main Issue – Character and Appearance

12. The proposal is to construct three adjoining houses with accommodation on three floors. The design of the building would be contemporary and this style of construction already exists locally – for instance at 72 St Georges Road. As the Council acknowledges, because of its location behind the frontage

- properties facing St Georges Road, the visual impact of the development would be confined to oblique and restricted views of the building from Eastern Street or such glimpses of it as might just be possible at the site entrance in St Georges Road. In fact it is only the upper part of the structure, and particularly the roof of the building, which would be likely to be seen in any significant way from Eastern Street. This is a narrow pedestrian path linking the seafront to St Georges Road with substantial buildings abutting it. Consequently, and because of this 'tunnelling' effect, elevated views of the nearby buildings adjoining and behind it are restricted.
13. The Council considers that this feature of the development would not relate well to the adjoining building in terms of its height, scale, form and fenestration. This would be detrimental to the character and appearance of the adjoining property. Overall the standard of design is considered to be inadequate with particular concern regarding the appearance of the roof.
 14. The section of the roof which would be seen from the twitten would not be a prominent feature in the streetscape and would, in fact, be barely visible from many viewpoints. The harm that this would cause to the character and appearance of the area would be minimal and bearing in mind the diversity of styles to the buildings around the site and within the general neighbourhood I do not consider that this aspect of the development is unacceptable on design grounds. In my conclusion the effects of the development on the character or appearance of the Conservation Area in terms of its preservation or enhancement would be neutral.
 15. Paragraphs 59 - 60 of the National Planning Policy Framework (the 'Framework') advises that unnecessary prescription or detail in design matters should be avoided. Architectural styles or particular tastes should not be imposed and innovation, originality or initiative should not be stifled. Whilst local distinctiveness should be promoted and reinforced, I do not regard the neighbourhood to the appeal site as having any particular distinctiveness or style which it is necessary to replicate.
 16. Policies QD1, QD2 and QD3 of the local plan combine in their thrust in seeking to achieve a high standard of design in all new developments with attention being paid to matters such as the scale and height of buildings, architectural detailing and materials. The positive qualities of local neighbourhoods should be enhanced and regard taken of local characteristics such as the impact of development on the skyline and the bulk and design of new buildings.
 17. On this issue the development proposes a largely concealed and inconspicuous building on a land-locked site. Such upper parts of it that might be seen from public vantage points would be barely visible and have to be assessed, in design terms, in the context of the surrounding development. On this issue I do not consider that any significant or material harm would be created by the introduction of this structure onto this site in the manner and to the design proposed and the proposals are therefore compliant with both the Framework and the relevant local plan policies in this respect.

The Second Main Issue – Impact on the Adjoining Properties

18. I have carefully studied all that has been written and illustrated concerning the potential for the overlooking of the adjoining flats to the site facing St Georges

Road and the consequent loss of privacy that could result. The ground floor of the premises facing the northern elevation of the proposed building is used commercially and a high wall prevents any problems in this respect. It is the first floor habitable room windows at Nos 69 – 70 St Georges Road which would, potentially, be the most overlooked from the first floor of the new dwellings at a distance of about 10-metres.

19. The Council points out that the intervening wall separating the buildings is lower than the drawings suggest and whilst the main front windows in two of the proposed houses have been designed with curved bay windows with graduated obscured panels to avoid any mutual overlooking, no mention is made of the other windows proposed in the northern elevation of the building.
20. On this issue I attach significant weight to the Council's concerns. It is undeniable that some overlooking from the first floor windows in the northern elevation of the new building towards St Georges Road would be inevitable with Nos 69 and 70 being particularly badly affected. I acknowledge the efforts that have been made to reduce this impact but, even with the design of the fenestration as curved bays with obscured panels, if the windows were to be opened views of the rear of the adjoining properties at close quarters would be inevitable. Similarly, the windows at each end of the development in units 1 and 3 serving the bedrooms would provide some limited opportunities for overlooking, if only obliquely.
21. A further matter which concerns me on this issue is the simple presence of the windows and their relationship to the flats on the first floor of the adjacent properties in St Georges Road. Whether or not direct overlooking would occur, the proximity of the fenestration and the building itself would be visually intrusive and intimidating and the perception would exist that some degree of personal privacy was lost.
22. For all these reasons I find the development to be unacceptable on this issue. Policy QD27 of the local plan seeks to prevent losses of amenity to adjacent residents from new developments and I consider these proposals to be in breach of that requirement. Additionally, a Core Planning Principle of the Framework is for planning always to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. I consider the proposals to be in breach of that Principle.

The Third Main Issue – Living Conditions of Future Occupants

23. The development would make an intensive use of land on a highly constrained site. Consequently very little space would remain outside the buildings for amenity purposes. Nevertheless, each unit would have some useable amenity space in the form of a roof terrace and a small, landscaped area to its front. Whilst restricted, the amenity areas thus provided would be adequate bearing in mind the location of the site, the intimate character of the surrounding area and the fact that the future occupants of the units would accept the situation and would opt for such a level of provision as a matter of personal choice. I therefore agree with the Council that on this issue the development would be compliant with the provisions of policy HO5 of the local plan.
24. The dwellings (apart from unit 3) would be single-aspect and north facing with other buildings adjacent to them at close quarters. I accept that if the site is

to be developed at all in a worthwhile and viable way then compromises are necessary. The various measures which would be taken to limit the amount of overlooking from the dwellings would have the side-effect of restricting the amount of light entering the habitable rooms. The Council criticises the scheme because of the restricted outlook which the residents would enjoy coupled with the limited amount of daylight that would penetrate the dwellings, particularly in relation to units 1 and 2.

25. On this issue I agree with the Council. In my conclusion, because of the shortcomings in the scheme in relation to outlook and natural lighting, a sense of claustrophobia and confinement would be experienced by the residents of the units. This would result in a poor standard of accommodation and general living conditions to the extent that the development would fail to comply with the provisions of policy QD27 of the local plan.
26. Furthermore, there would be conflict with a Core Planning Principle of the Framework because of the failure of the development to provide a good standard of amenity for the future occupants of the buildings. In addition, paragraph 58 of the Framework refers to the need to create attractive and comfortable places for people to live and visit. In the respects I have referred to, I consider the proposals fall short of the standard expected by these policies and the appeal therefore fails on this issue.
27. I have considered everything else that has been put forward in support of in opposition to these proposals. I have seen and afforded weight to the objections made to the development from local residents both in response to this appeal and to the application submitted to the Council. Nothing, including the presumption in favour of sustainable development set out in the Framework, is of sufficient substance to outweigh my conclusions above and the reasons for them.

David Harmston

Inspector



Appeal Decision

Site visit made on 17 September 2013

by Ms T L Dow BA, Dip TP, Dip UD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2013

Appeal Ref: APP/Q1445/D/13/2203490

9 Kenmure Avenue, Patcham, Brighton, East Sussex, BN1 8SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Patricia Janes against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/01756, dated 24 May 2013, was refused by notice dated 22 July 2013.
 - The development proposed is the erection of a single storey rear/side extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Brighton and Hove City Council Local Development Framework, Supplementary Planning Document 12, *design guide for extensions and alterations* (SPDBH12), was adopted in June 2013. Although this was before the Council's decision to refuse planning permission, the officer report refers to SPGBH1 which the SPD replaced. The appellant has been given the opportunity to comment on the new document and I have had regard to it in reaching my decision.

Main Issue

3. The main issue in this case is the effect of the extension on the character and appearance of the host building and the area.

Reasons

4. Kenmure Avenue is on a hill which slopes downwards in a roughly north-south direction. It is an area of bungalows, many of which have been extended to create rooms in the roof or additions to the rear. Quite a number of the properties have also infilled the original small recess between the side and rear of the dwellings. The appeal property is a semi-detached bungalow. The dwelling adjoining it, No. 11, is on higher ground than the appeal property. Number 7, which is on the opposite side of a shared driveway with the appeal dwelling, is at a lower level. Both No. 7 and No.11 have been extended at the rear. The appeal property also has an extension on the rear which would be replaced.
 5. The existing dwelling is relatively small scale in terms of its depth. The depth of the proposed extension, just in excess of 4 metres, would appear bulky and
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out of proportion with that of the existing dwelling. Given that it also extends across the whole of the width of the property, it would dominate the rear and side elevations. Although the change in ground level does result in a variable roofscape the extension, when viewed against the existing dwelling, would still appear excessively large and out of proportion with the scale of the existing property.

6. Even though the dwelling is set back from the road, the side elevation would still be seen in views from the street. Although these views would be limited, the excessive bulk and depth of the extension in relation to the existing dwelling, would be apparent. Its depth would also be greater than both adjacent extensions and deeper than others that are evident in the local area. Its size and bulk would have a detrimental effect on the character and appearance of the area. I agree with the Council that the design of the extension would be more harmonious if the articulation of the side and the rear elevations was improved, however, the infilling of the small recess and its impact on the street scene would not, of itself, be sufficient reason to dismiss the appeal.
7. I conclude that the extension would harm the character and appearance of the host building and the area and that it would conflict with Policy QD14 of the Brighton and Hove Local Plan, 2005. This policy, amongst other things, seeks to ensure that extensions are well designed and detailed in relation to the host property and the surrounding area. I have also had regard to the Council's SPDBH12 in reaching this view.

Other matters

8. The Council also refused permission on the basis that the plans submitted with the application were not considered to accurately show the size and relationship of the proposal to the existing dwelling, pointing out that the plans show a difference in the height of the proposed extension between the west and south elevations, of approximately 0.2 metre. The Council gave the appellant the opportunity to correct the plans during the processing of the application but the appellant has stated that the heights and levels are accurate. Although it appears that the ground level on the plan of the south elevation is not shown accurately, it was not possible for me to be certain of this from the site inspection. As the difference in the height is relatively small, I have been able to assess the overall impact of the proposal and reach a conclusion on the substantive issue. Nonetheless, it is not clear whether the development could have been built in accordance with the approved plans had I been minded to allow the appeal.
9. Finally, I have noted the appellant's comments that there are no objections regarding the impact of the proposal on the living conditions of the occupants of adjacent properties and that many dwellings locally have been extended. However these points do not affect my overall conclusion.

Conclusion

10. For the reasons set out above I conclude the appeal should be dismissed.

T L Dow

INSPECTOR



Appeal Decision

Site visit made on 24 September 2013

by Ms T L Dow BA, Dip TP, Dip UD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 September 2013

Appeal Ref: APP/Q1445/D/13/2203332

Pineglade, Bazehill Road, Rottingdean, Brighton, East Sussex, BN2 7DB

- 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 Richard Byrne against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/01717 dated 28 May 2013, was refused by notice dated 30 July 2013.
 - The development proposed is; Replacement Garage, Carport, Store and Workspace.
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Application for Costs

1. An application for costs was made by Mr Richard Byrne against Brighton and Hove City Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this case is whether the proposal would preserve or enhance the character or appearance of the Rottingdean Conservation Area.

Reasons

4. The appeal site is located towards the end of a private driveway within the Rottingdean Conservation Area. The land around part of the site slopes quite steeply away so that the main house and buildings beyond are on considerably lower ground. The site currently houses a single storey, 'Marley' type garage and attached car port. In views from the wider conservation area, the traditional roof patterns of buildings close to the site, are a particularly noticeable and dominant feature. In views from the end of the driveway, the site is seen within the context of a more modern dwelling, No. 2 Bazehill Road, constructed in a vernacular style, and is framed by the high-walled, tree-lined drive which leads to Pineglade beyond.
5. The proposed structure would have a relatively simple design, reflecting the style of a fairly uncomplicated, agricultural building. However, it would be a very substantial building for its setting with a large footprint which would be considerably wider and longer than the existing buildings. Its increased length would bring its siting closer to the road. Despite the distance to the road, its height and scale would be very apparent in these views. The span of the front of

the building, which would be the main public view, would look overly wide and large. The pitch of the roof would appear too shallow in relation to the span. Although the half-hips would help reduce its impact, it would nonetheless appear bulky, with the base of the structure appearing disproportionately wide. Overall, the size and scale of the building would have a considerable dominating impact when viewed from the road at the end of the drive.

6. I have noted the appellant's photographs of buildings locally which show buildings with lower pitched roofs. I am not persuaded by these, however, because the overriding character in the conservation area is of buildings with a narrower span and a steeper roof pitch. The scale and proportions of the proposed structure would not therefore be in keeping with that character. Neither would the impact be sufficiently ameliorated by the sensitive choice of materials proposed.
7. The proposed building would not be prominent in views from within the conservation area more widely, although it would be seen in distance views from Beacon Hill. As such, the harm caused to the conservation area's significance as a heritage asset would be 'less than substantial', as defined in the National Planning Policy Framework. I have noted that the existing buildings are not in keeping with the character of the conservation area but they are low-key and not prominent in the public views. I have also noted the appellant's wish to enhance his storage and workspace accommodation and replace the buildings. However, neither of these points would be of such public benefit to outweigh the harm to the conservation area I have identified.
8. I conclude that the proposed building would harm the character and appearance of the Rottingdean Conservation Area. As such it would conflict with Policies HE6 and QD2 of the Brighton and Hove Local Plan, 2005. Amongst other things, these policies seek to ensure that all development enhances local characteristics and that proposals affecting the setting of a conservation area show a consistently high standard of design and detailing, reflecting the scale and character or appearance of the area, including building forms.

Other Matters

9. I have had regard to the fact that there is no objection to the proposal on the grounds of its effect on the nearby listed building, or on trees. The appellant has also pointed out that the refusal of planning permission goes against the comments of the Council's Heritage team who considered the proposal acceptable. However, these points do not affect my overall conclusion.
10. Local residents have also raised a number of concerns regarding the impact of the development on living conditions, the effect of the development on trees and possible future uses of the building but I have no reason to disagree with the Council's conclusions on these matters.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

T L Dow

INSPECTOR



Costs Decision

Site visit made on 24 September 2013

by Ms T L Dow BA, Dip TP, Dip UD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 September 2013

Costs application in relation to Appeal Ref: APP/Q1445/D/13/2203332

Pineglade, Bazehill Road, Rottingdean, Brighton, East Sussex, BN2 7DB

- 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 Richard Byrne for a full award of costs against Brighton and Hove City Council.
 - The appeal was made against the refusal of planning permission for; Replacement Garage, Carport, Store and Workspace.
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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. As set out in my appeal decision I have dismissed the development and disagreed with the applicant's assessment of its impact.
 4. The application for costs was not made with reference to any specific paragraphs of the Circular. However, the main concerns comprise both procedural points about how the application was considered and determined, as well as substantive points about the Council's justification for its reason for refusal. I deal with procedural matters first.
 5. In terms of the claim that the Council's pre-application advice was inconsistent with its final decision, there is no evidence to substantiate that the Council acted unreasonably or that misleading information was given. The Revised Design and Access Statement and note about the amendments made to the scheme, makes no reference to pre-application discussions or agreements. The Council says that the applicant did not submit any plans at pre-application stage. If that is the case, it would not have been possible for the Council to have given a fully-informed opinion on the acceptability of the revised proposal. Even if it had done so, such advice would not be binding upon the Council and the application might still have been refused, in which case the appeal would have been necessary.
 6. I have noted that the Council's decision did not follow the advice of its Heritage
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team. However, it is the role of the decision maker to balance all the issues in reaching a conclusion on an application, including those of internal and external parties. The fact that there was an internal disagreement between the teams is unfortunate. However, it is part of the process and a difference in the judgement reached does not invalidate the views of the decision maker. I deal with the substantive point about this aspect of the claim below.

7. The applicant's claim that the Council avoided cooperative dialogue during the processing of the application and refused to respond regarding why they retracted their earlier advice, is disputed by the Council. There is no substantive evidence before me either way on this point. I note, though, that the Council did not seek any amendments to the proposals. Likewise, however, there is nothing before me to indicate that an amended scheme could have been agreed. On the evidence, therefore, it is not clear whether further dialogue would have changed the outcome of the planning application.
8. Turning to the claim on the substantive point, it is quite clear that the Council fully considered the impact of the proposal before reaching its conclusion that the application should be refused. The report fully justifies the Council's decision and I do not find it inconsistent or inaccurate in its reasoning. It clearly separates the issues under consideration, explaining that there are objections on some grounds but not others. It is therefore evident that the Council had regard to the different material considerations but concluded on its merits that the proposal was unacceptable. In terms of the difference in view of the teams, the case turns on a matter of judgement and the decision to disagree with the judgement of the Heritage team has been substantiated in the report. In accordance with the Circular, evidence has been adduced to clearly demonstrate why the development should not be permitted and I do not therefore find that the Council has acted unreasonably in this respect.
9. I therefore find that unreasonable behaviour has not been demonstrated and that the applicant has not been put to unnecessary expense as described in Circular 03/2009.
10. For the reasons given above, I refuse the application for an award of costs.

T L Dow

INSPECTOR



Appeal Decisions

Site visit made on 26 September 2013

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 October 2013

Appeal A: APP/Q1445/A/13/2193130

15 Upper Rock Gardens, Brighton, Sussex BN2 1QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Beckley against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/01816, dated 7 February 2012, was refused by notice dated 16 August 2012.
 - The development proposed is erection of 1No two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton.
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Appeal B: APP/Q1445/E/13/2193131

15 Upper Rock Gardens, Brighton, Sussex BN2 1QE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr David Beckley against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/01817, dated 7 February 2012, was refused by notice dated 8 August 2012.
 - The works proposed are erection of 1No two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton.
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Decision Appeal A

1. I dismiss the appeal.

Decision Appeal B

2. I allow the appeal and grant listed building consent for 1No two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton BN2 1QE in accordance with the terms of the application Ref BH2012/01817, dated 7 February 2012 and the plans submitted with it subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than three years from the date of this consent.
 - 2) No works shall be carried out until details and samples of the materials and methods of finishing to be used have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using only the approved materials and methods.
 - 3) No works shall be carried out until full details, at a scale of 1:20 for elevations and full size for joinery items to include all windows and doors, and full size section drawings of mouldings and other architectural

features have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using only the approved architectural details, joinery items and sections.

Main Issues

3. In both Appeal A and Appeal B;
 - The effect of the proposal on the significance of the listed building and its setting within the East Cliff Conservation Area.
4. In Appeal A only there is a further main issue;
 - The effect of the development on the living conditions of neighbouring residential occupiers, with particular regard to outlook and amenity space.

Reasons

Listed Building and Conservation Area

5. The host building is listed and is within the East Cliff Conservation Area. Local Plan Policy HE1 states that proposals involving the alteration, 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 where the proposal respects the scale, design, materials and finishes of the existing building, and preserves its historic fabric. Policy HE6 concerns the setting of listed buildings. The National Planning Policy Framework sets out in section 12 the considerations with regard to designated heritage assets such as listed buildings and conservation areas, and Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The listed building, 15 Upper Rock Gardens, is a singular feature of the street scene, although attached to a terrace to the south, it bears only slight resemblance to those others, and less to buildings to the north, but it is an attractive building in itself and worthy of preservation and for its contribution to the conservation area. However, the appellant says that the portico structure is a more recent addition and this appears incongruous on the otherwise blank lower parts of the flank elevation.
7. The land for the proposed dwelling is presently occupied by some poor quality structures that do not sit well with the host building and detract from its immediate setting. However, the degree of detrimental effect on the wider setting and the conservation area is limited and the resulting space at higher level between numbers 15 and 16, and to the rear between 15 and number 12 St James's Avenue provides a separation between the differing buildings. There is however exposure of the unattractive over-sailing shower-room behind the host building.
8. There is a partially implemented permission and consent for works to the rear that would tidy some of the forgoing features, and the appeal proposals would take over some of the parts to the rear of number 15 covered by that previous

scheme and bring about the improvement of the rear over-sailing structure as well as the removal of the structures at the rear of the plot.

9. The Council's Heritage Officer acknowledges the scope for a small building in this location, but is concerned that the success of a traditional design such as this would rely over-much on the quality of the detailing, and concludes that it might be worth considering a contemporary design solution. Parts of that view are concurred with now, there is no objection in principle to the formation of an additional dwelling in this sustainable location, and the filling of the gap need not cause harm. A similar sort of relationship exists further up the road at 19, between 18 and 20 Upper Rock Gardens with a traditional form. Whilst it is quiet possible that a contemporary solution would work, the appeal application is for traditional detailing and proportions, for a small mews style cottage, of a type often seen behind and between frontage dwellings, and conditions could be employed to ensure the correct use of materials and detailing. Paragraph 60 of the Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and in this case it is not appropriate to turn away a traditional approach provided the heritage assets are safeguarded.
10. The frontage building at number 15, together with its present neighbouring terrace at 16 to 18, being set back, would not be adversely affected either in terms of their architectural or historic interest or as regards their contribution to the conservation area. The designated heritage assets would not be harmed, and in any event the public benefits of an additional dwelling in this location, close to bus services, shops and employment, would outweigh the initial effects of change. The proposal would accord with Local Plan Policies HE1 and HE6 and would satisfy the statutory tests in the 1990 Act and the requirements of the Framework in this regard.

Living Conditions

11. Local Plan Policy QD27 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 proposed, existing and/or adjacent users, residents or occupiers. Policy HO5 concerns the provision of private amenity space which is required in new residential development where appropriate to the scale and character of the development.
12. The proposed dwelling would be allocated a small enclosed patio to the rear which would have limited access to light but would provide some open space outside the private side of the house. The main amenity space would be at the front due to being allocated the raised garden associated with number 15. In relation to the new dwelling that would be usable and adequate space, albeit to the front nearer the road.
13. However, it is that raised area that appears to provide the open space for number 15, and is noted on the drawing for permission BH/1999/02304 as being for that building. In that proposal, the present sunken rear yard, which is of limited value, would be made smaller. As it is, the removal of the raised area from number 15 would leave the host building with inadequate and poor quality amenity space.
14. To the rear the patio area for the lowest level of 12 St James's Avenue is below that of the appeal site and bounded by a wall on that common boundary. The

proposed rear projection housing the dining room would be kept low with the eaves being placed below the top of that boundary wall, so that no undue change in light or outlook would occur. But, the higher ridge of the two storey part and the northern parapet wall would be higher and would appear as additional built form in the outlook of number 12 and would obstruct further light than is presently the case. Whilst on the latter point the ridge and wall are shown as being within a 30° daylight line drawn to intersect the existing higher boundary wall, a building proposed to be occupied by the new kitchen, that height of wall does not project beyond the flank line of number 15 whereas the ridge and new side parapet wall do. The result would be a loss of light and a perception of overbearing in the outlook of the dwelling to the rear. That does not occur at 19 Upper Rock Gardens as that small dwelling backs directly onto St James's Avenue.

15. On the northern side there would be a change to the outlook from flank windows within number 16, but not to the extent claimed in photographic representations, and there would remain sufficient open space over the amenity area to one side and over the proposed patio to the other to provide adequate light and air.
16. In conclusion, whilst there are aspects of the proposal that would not have an adverse effect on either existing or proposed occupiers, the removal of amenity space from number 15 would cause harm, as would the formation of the ridge and side wall at the height proposed with regard to a dwelling at the back on the parallel road, and hence the proposal would not be of the standard sought in Local Plan Policy QD27.

Conclusions

17. The formation of a new dwelling in this sustainable urban location would not adversely affect the listed building or its setting, nor the character and appearance of the East Cliff conservation area, but the siting of the building and aspects of its height would impair the outlook and enjoyment of the amenity space of an adjoining dwelling and would leave the host building with inadequate amenity space, contrary to Development Plan Policies previously cited and the requirement of the Framework that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations, and therefore weight attaches to failings in the performance of the proposal in providing adequate living conditions to neighbours. For the reasons given above it is concluded that the planning Appeal A should be dismissed.
18. There is no reason to withhold listed building consent for the works as the considerations set out in the second main issue above do not apply to Appeal B. Conditions are required to seek samples and full-size architectural detail drawings, and with this provision and for the reasons given above, it is concluded that Appeal B should succeed.

S J Papworth

INSPECTOR

Appeal Decision

Site visit made on 19 August 2013

by Catherine Hughes BA (Hons) MRUP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 October 2013

Appeal Ref: APP/Q1445/D/13/2201209
13 Carlisle Road, Hove, East Sussex BN3 4FP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs G Hetherton against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/01221, dated 16 April 2013, was refused by notice dated 11 June 2013.
 - The development proposed is a single storey extension to the side and the rear to create further habitable accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to the side and the rear to create further habitable accommodation at 13 Carlisle Road, Hove, East Sussex BN3 4FP in accordance with the terms of the application, Ref BH2013/01221, dated 16 April 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 062.EXG.01 and 062.PL.01/A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

Procedural matters

2. The plans as submitted as part of the planning application (Drawing No. 062.PL.01) show a door out onto the flat roof of the proposed rear extension from the rear first floor study of No. 13. This is inconsistent with the elevational details on the same drawing. As part of this appeal this plan has been amended (Drawing No. 062.PL.01/A) to remove this door, replacing it with a full height window in the centre of the existing bay. I am satisfied that no interests would
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be prejudiced by accepting the amended plan and I have come to my decision on the appeal on that basis.

Main Issues

3. The main issues in this appeal are the effect of the proposed extension on
 - the character and appearance of the host property and the wider area,
 - the living conditions of the occupiers of Nos. 11 and 15 Carlisle Road with particular regard to privacy and noise and disturbance.

Reasons

Character and appearance

4. Carlisle Road is an attractive residential street of mostly linked two storey dwellings leading to the seafront at Hove. The rear elevations of properties in the vicinity of the appeal site as visible from its rear garden display a range of alterations, extensions and balconies. Immediately alongside to the north No. 15 Carlisle Road has a single and two storey rear extension, in addition to a dormer with a Juliette balcony at second floor level. Beyond No. 15, and also visible from the rear garden of the appeal site, No. 17 has been extended to the same depth as No. 15, and the proposed development at No. 13, at two storeys with a further single storey extension into its garden.
5. To the south of the appeal site No. 11 projects into its garden to the same extent and in the same form as the existing rear elevation of the appeal site, with a balcony at first floor level facing its rear garden.
6. The proposed development would add a single storey side and rear extension to No. 13. This would project as far as the existing two storey extensions to the north of the appeal site and would amount to an increase of only 1m over the existing rear projections of No. 13 and No. 11. In design it would reflect the form of the single storey element of the immediately adjacent extension at No. 15.
7. Contrary to the Council's decision, I find that the built form of the proposed extension would introduce a simplicity of appearance to the rear elevation of the appeal property, which currently exhibits a range of depths and finishes, when viewed from its garden and surrounding properties. Furthermore, the single storey nature of the proposed development would be considerably less bulky than the existing adjacent two storey rear extension at No. 15.
8. For these reasons, I conclude that proposed extension would be in keeping with, and would not harm, the character and appearance of the host property and the wider area. It therefore would comply with Saved Policy QD14 of the Brighton and Hove Local Plan 2005 which requires alterations and extensions to be well designed, sited and detailed in relation to the host property, adjoining properties and to the surrounding area.

Living conditions

9. The flat roof of the existing rear extension to No. 13 acts as a small balcony at first floor level with access out from the rear study from a door in the bay

window. The same arrangement exists next door at No. 11 which has a balcony of similar scale. As a result both properties are overlooked by each other to some degree. The two storey extension at No. 15 has clear glazed windows in both the side and rear elevations which also overlook the appeal site. As the proposed side and rear extension would be single storey in height, I do not consider that it would result in any loss of privacy to the occupiers of adjoining properties.

10. The flat roof of the proposed rear extension would however be approximately one metre greater in depth than the present one. This larger roof would be of a scale that would enable the new balcony to be used for sitting out and a greater level of activity than is possible on the existing modest balcony.

11. While balconies are features of adjoining properties and as a consequence the rear gardens of both the appeal site and adjoining properties are overlooked to some degree, elevated sitting out areas are not characteristic and the introduction of such a feature would introduce the potential for noise and disturbance of a different nature to the occupiers of adjoining properties. I have therefore imposed a condition requiring no access from the first floor rear room onto the flat roof of the proposed extension to prevent its use as a balcony. On that basis I conclude that the proposed extension would not harm the living conditions of the residents of Nos 11 and 15 Carlisle Road with particular regard to privacy and noise and disturbance. As such it would not conflict with those aims of Local Plan Policies QD14 and QD27 that seek to protect the amenities of neighbours.

Conclusion

12. For the reasons above and having regard to all other matters raised I conclude that the appeal should be allowed.

Conditions

13. In addition to the standard time condition I have imposed a condition preventing the use of the flat roof as a balcony in the interests of the living conditions of the occupiers of adjacent properties, as outlined above. I have also required that external materials of the extension hereby permitted shall match those used in the existing building in the interests of the character and appearance of the area. In addition, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is imposed.

Catherine Hughes

INSPECTOR

Appeal Decision

Site visit made on 19 August 2013

by Catherine Hughes BA (Hons) MRUP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 October 2013

Appeal Ref: APP/Q1445/D/13/2200992

6 Stanmer Avenue, Saltdean, Brighton BN2 8QL

- 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 Ashley Skein against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/01014, dated 26 March 2013, was refused by notice dated 10 June 2013.
 - The development proposed is single storey extensions (re-submission of BH2013/00209).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey extensions at 6 Stanmer Avenue, Saltdean, Brighton BN2 8QL in accordance with the terms of the application, Ref BH2013/01014, dated 26 March 2013, and the plan Ref 599/03A as amended by Drawing No. SK01 submitted as Appendix 3 to the Grounds of Appeal.

Procedural Matters

2. The description of development was changed by the Council to reflect that the proposed development was built in part at the time of the planning application site visit, and thus the application was in part retrospective. At the time of my site visit however the works had been completed and the property was furnished and occupied. The application is therefore retrospective and as a result I have retained the original description and have dealt with the appeal on the basis of the extensions as built.
3. The appellant has submitted a revised drawing Ref SK01 with the Grounds of Appeal. This shows the position of the rear extension as built, about 1m from the site boundary. At my site visit I noted that the rear fenestration as built differs from that shown on the amended plan with the kitchen door omitted in favour of a large window. These differences are minor and do not alter my consideration of the appeal based on the amended plan.

Main Issue

4. The main issue in this appeal is the effect of the rear extension on the character and appearance of the host property and the wider area.
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Reasons

5. Stanmer Avenue is made up of detached bungalows arranged around a central green area. Dwellings and plots are modest, with the majority exhibiting some visible form of alteration and extension to their appearance over the years when seen from the road.
6. The works to No. 6 which are the subject of this appeal have recently been completed. These comprise two matching single storey extensions to the front of the property and a further single storey extension to the rear. The Council has not raised any objection to the alterations to the front of the bungalow which it considers preserves the symmetry of the front elevation of the property. I similarly find these to be appropriate additions to the bungalow.
7. The extension to the rear projects some 4 metres from the original rear wall across the width of the property and extends beyond it by approximately 1.3 metres on the south eastern side of the building. Given the modest size of the plot this is a sizeable extension. However, the resultant scale and footprint of the dwelling is comparable to those of other nearby bungalows including No. 8 immediately to the west, and the extension projects the property no closer to the rear boundary with the properties in Westfield Avenue South than as is the case with adjoining bungalows.
8. Although the side projection of the rear extension is visible from the road, it is set back and subservient in scale to the main dwelling. In this regard it is comparable in massing and appearance in the streetscene to the garages which are to be found set back alongside many of the bungalows in Stanmer Avenue and a number of nearby similarly extended properties.
9. For these reasons I conclude that the single storey extensions as built to 6 Stanmer Avenue are in keeping with the surrounding development and do not harm either the character and appearance of the host property or the wider area. In this regard, they comply with Saved Policies QD2 and QD14 of the Brighton and Hove Local Plan 2005 which require extensions to be well related to the existing building and the positive qualities of the neighbourhood.

Other matters

10. Rear gardens here, as viewed from the appeal site across the low boundaries between gardens, are predominantly of limited depth. The land to the rear of the appeal site slopes steeply away to the north resulting in properties in Westfield Avenue South lying at a significantly lower level to the appeal property and its neighbours. Although the rear extension closes the distance between the appeal property and Nos. 44 and 46 Westfield Avenue South, I noted at my site visit that it was not possible to look into the rear windows or garden of either of these neighbouring properties from inside the rear extension given the steeply sloping ground.
11. In addition, mature planting and fencing along the boundary between the appeal site and No. 46 prevents overlooking of this property. No. 44 is currently overlooked from the rear boundary of the garden of the appeal site given the low boundary fence between the two gardens. However, the extension does not exacerbate this existing situation.

Conclusion

12. For these reasons, and having regard to all other matters raised, the appeal is allowed. As the extensions have already been erected there is no need to attach the usual time limit condition. No other conditions are necessary.

Catherine Hughes

INSPECTOR

Appeal Decision

Site visit made on 19 August 2013

by Catherine Hughes BA (Hons) MRUP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 October 2013

Appeal Ref: APP/Q1445/D/13/2200327

97 Freshfield Road, Brighton BN2 0BL

- 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 N W Crisp against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/00577, dated 18 February 2013, was refused by notice dated 18 April 2013.
 - The development proposed is a second storey back extension with internal alterations to kitchen and bathroom.
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Decision

1. The appeal is dismissed insofar as it relates to the alteration to the roof of the rear outrigger to create additional habitable space.
2. The appeal is allowed insofar as it relates to the replacement of the existing basement window with a door and steps down to the front elevation and planning permission is granted for the replacement of the existing basement window with a door and steps down to the front elevation at 97 Freshfield Road, Brighton BN2 0BL in accordance with the terms of the application, Ref BH2013/00577, dated 18 February 2013 so far as relevant to that part of the development hereby permitted and the following condition:
 - 1) The door and steps to the front basement elevation hereby permitted shall be built in accordance with Drawing Nos. 12 and 14 insofar as the plans relate to this part of the development.

Procedural matters

3. The description of the development was changed by the Council to 'alteration to roof of rear outrigger to create additional habitable space. Replacement of existing basement window with door to front elevation'. The application plans also show new steps down to the basement. I have therefore added "and steps down". to the second sentence of this revised description of the development and based my decision on that, as this more accurately describes the appeal proposal.
 4. The works to the front elevation do not form part of the Council's Decision Notice, and the Council has raised no objection to this aspect of the proposed
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works. However, as it forms part of the appeal before me I have addressed it in this decision. At the time of my site visit this work had commenced. This aspect of the proposals is therefore partly retrospective and I have dealt with this on this basis.

Main Issue

5. The main issue in this appeal is the impact of the proposed alterations on the character and appearance of the host property, the adjoining dwelling, No. 99 Freshfield Road, and the wider area.

Reasons

Alterations to the roof of rear outrigger

6. No. 97 is part of a long terrace of two storey Victorian residential properties on the west side of Freshfield Road. Despite alterations and the addition of dormer windows to many properties including No. 97, the terrace retains an attractive regularity of design and appearance in the streetscene.
7. The dwellings along the terrace have two storey projections at the rear, referred to as 'outriggers' by the Council. These rear projections were constructed with pitched roofs paired with adjoining properties, and reinforce the attractive rhythm of the terrace when viewed from the rear gardens.
8. The rear projection of No. 97 adjoins a matching one at No. 99 with which it shares a pitched roof. The proposed development would replace the pitched roof of the rear projection of No. 97 with a flat roof at the height of the existing ridge, in order to create another bedroom.
9. Notwithstanding the existing flat roofed dormer window in the north-eastern roof slope of the pitched roof of the rear projection of No. 99, the proposed flat roof would fundamentally unbalance the symmetry of this pair of rear extensions.
10. The appellant has drawn attention to existing alterations to the rear projections in the vicinity of the appeal site. In particular, to No. 95 immediately next door and to Nos. 83, 85 and 105 Freshfield Road. With regard to the very prominent flat roof rear extension to No. 95 immediately adjacent to the appeal site, the bulk and massing of this extension is entirely out of keeping with the rest of the terrace such that it is disruptive and at odds with the prevailing character and appearance. The flat roofs to the rear of Nos. 83 and 85 are paired and so, although their rooflines disrupt the rhythm, they do not unbalance the shared rear projections as would be the case with the proposed development. No. 105 retains the original pitched roof to its rear projection.
11. I accept that there are a number of flat roofed alterations to rear projections within sight of the appeal site. However, these conflict with the prevailing character of the terrace. Furthermore, the Council has stated that there are no planning records for most of these extensions, which in any event predate current policies and the Local Plan. At my site visit I found that, despite such alterations, the original rhythm of the pitched roofs on the rear projections of this lengthy terrace dominates its character and appearance when viewed from rear gardens.

12. While the proposed alterations would not be visible in the streetscene the extension to provide accommodation at second floor level in the rear element of the dwelling would be visible from adjacent gardens and from properties in East Drive to the rear.

13. For these reasons I conclude that the proposed alteration to the roof of the rear outrigger to create additional habitable space at No. 97 Freshfield Road would be harmful to the appearance of the host property, the adjacent property and the wider area. It would thus be contrary to Saved Policy QD14 of the Brighton and Hove Local Plan 2005 which requires alterations to dwellings to be well designed in relation to adjoining properties.

New door and steps to front elevation

14. In their report the Council has raised no objections to the replacement of the existing basement window with a door to the front elevation, noting that a number of similar alterations have been made along this terrace and that the works would be set substantially below ground level. The Council has also raised no objections to the formation of steps to the basement. From my site visit I similarly find these features to be appropriate alterations to the property.

Conclusion

15. For the above reasons and having regard to all other matters raised, the appeal is dismissed insofar as it relates to the alteration to the roof of the rear outrigger to create additional habitable space. The appeal is allowed insofar as it relates to the replacement of the existing basement window with a door and steps down to front elevation.

Conditions

16. As work to replace the front window and install the front steps to the basement has started I have not applied the standard time condition. As they were not complete at the time of my visit I have applied the condition that the works, insofar as the plans relate to this part of the development, should be carried out in accordance with the approved plans.

Catherine Hughes

INSPECTOR



Appeal Decision

Site visit made on 30 July 2013

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 October 2013

Appeal Ref: APP/Q1445/A/13/2195163

43 Dyke Road Drive, Brighton, BN1 6AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Crowther against the decision of Brighton and Hove City Council.
 - The application Ref BH2012/04019, dated 18 December 2012, was refused by notice dated 25 February 2013.
 - The development proposed is loft conversion with rear dormer to maisonette.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion with rear dormer to maisonette at 43 Dyke Road Drive, Brighton, BN1 6AJ in accordance with the terms of the application Ref: BH2012/04019, dated 18 December 2012, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this Decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: ADC535/LP, ADC535/BP, ADC535/01A, ADC535/02A and ADC535/03.

Main Issues

2. I am mindful that paragraph 17 of the National Planning Policy Framework takes account of the needs of residential communities to secure a good standard of amenity for all existing and future occupants of buildings. Also I acknowledge that the proposal would provide much needed family accommodation, but these personal circumstances are transient and I can accord them little weight in support of a proposal for a permanent built extension. Therefore, the main issues in this case are: firstly, the effect on the character and appearance of the host building and the rear of the wider terrace and secondly, on the adjoining Preston Village Conservation Area.

Reasons

3. The appeal site is situated on the north eastern side of Dyke Road Drive, within a long curving terrace on ground that rises up to the north west. The terrace is
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predominantly two storeys to the front elevation with three storeys (including basements) provided to the rear elevations which have been altered and extended over time. These alterations include the provision of box dormer roof extensions to a number of the buildings. The terrace backs onto a vacant and overgrown development site which itself fronts onto the A23 (Preston Road) the opposite side of which forms the boundary to the Preston Village Conservation Area.

4. The proposed dormer would be of a substantial box type construction with a flat roof. Plain hanging tiles would clad its elevations which in themselves are quite a common feature in Sussex.
5. The Council's Supplementary Planning Guidance Note 1: Roof Alterations and Extensions (SPG) was approved following public consultation and states that often modern loft roof extensions are over-sized and relate poorly to the design of the existing building. The SPG goes on to state that schemes that rely on extensions of this type to gain the major part of their usable space are generally unacceptable and will be resisted. The appellant points to a box dormer of a similar size to the appeal proposal to the rear of 39 Dyke Road Drive, granted planning permission by the Council (Ref BH2007/03799). In that case, the rear roof pitches of both adjoining properties had dormers and the Council accepted that the proposed design did not conform to the SPG, but concluded that the character and appearance of the parent building would not be harmed.
6. I am aware that the development plan policy context has not changed since that decision was made and whilst I have not been given the full details of the background to other dormers constructed along the terrace, they have now become a predominant theme, albeit that there are none at Nos 41-45, at and near the appeal site. Nevertheless, the terrace reads as one-and-the-same building mass from Preston Road and, on balance, the proposed rear dormer would not adversely impact upon the character and appearance of the host property or the rear of the terrace as a whole. The proposal therefore complies with Policy QD14 of the Brighton and Hove Local Plan 2005 (Local Plan) in that the proposed dormer would be sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
7. As to the second issue, by virtue of the degree of separation between the Conservation Area and the appeal site, in addition to the largely vegetated nature of the intervening site, with tall mature trees running close to the rear of the terrace, the visual impact of the proposed dormer from the public realm would be limited. Views out of the Conservation Area would not be materially harmed and would preserve the character and appearance of its setting, in compliance with Policy HE6 of the Local Plan which deals with development within or affecting the setting of Conservation Areas.
9. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

C J Tivey

INSPECTOR