





**Brighton & Hove
City Council**

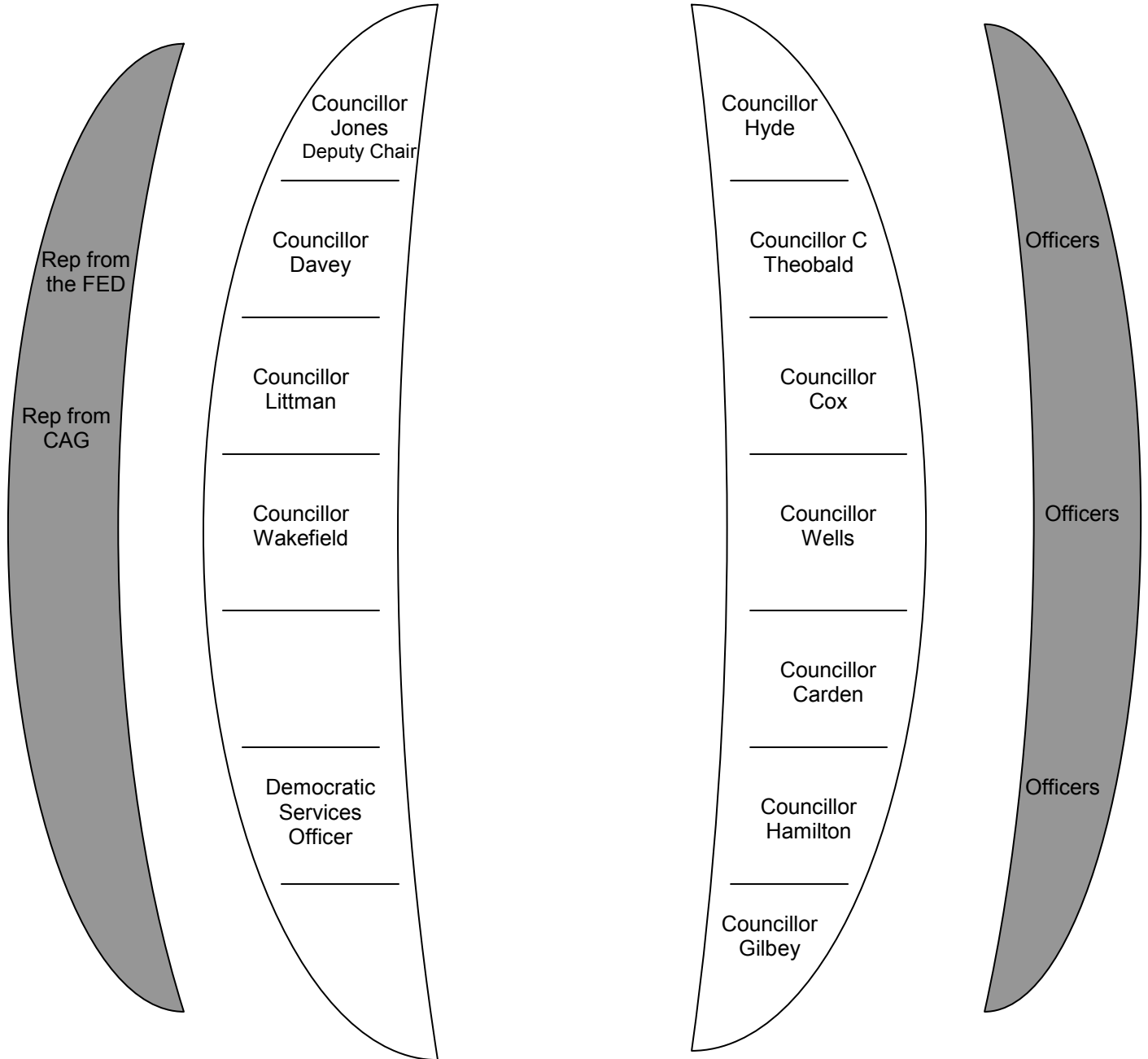
Planning Committee

Title:	Planning Committee
Date:	11 December 2013
Time:	10.30am
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Duncan, Gilbey, Hamilton, Littman, Randall, C Theobald and Wells</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group) and Chris Kift (The FED Centre for Independent Living)</p>
Contact:	<p>Ross Keatley Acting Democratic Services Manager 01273 291064 ross.keatley@brighton-hove.gcsx.gov.uk</p>

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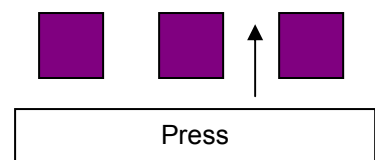
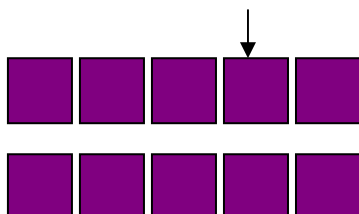
Democratic Services: Planning Committee

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



AGENDA

112. 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

113. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 20 November 2013 (copy attached).

114. CHAIR'S COMMUNICATIONS

115. PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 4 December 2013.

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

117. 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

ITEMS TO BE HEARD BETWEEN 10.30 AM & 1.30 PM

A. BH2013/01600 - City College, Pelham Street, Brighton - Outline application some matters reserved

17 - 190

Hybrid planning application comprising: Phase 1: Full planning application for erection of an 8 storey (ground plus 7) College building of 12,056 sqm and ancillary accommodation (use class D1), with associated access, infrastructure and, public realm improvements and landscaping. Phase 2a: Full planning application for demolition of Pelham Tower and erection of a 10 (ground plus 9) storey building of 12,647 sqm to provide 442 student residential units and ancillary accommodation (sui generis use class), with associated access, infrastructure, public realm improvements and landscaping. Phase 2b: Outline planning consent for the demolition of York, Trafalgar and Cheapside Buildings, and the erection of up to 125 residential units (use class C3) (access, layout and scale).

RECOMMENDATION – MINDED TO GRANT

Ward Affected: St Peter's & North Laine

PLANNING COMMITTEE

- B. BH2013/03280 - Dorothy Stringer School, Loder Road, Brighton - Full Planning** 191 - 216

Installation of an artificial turf pitch with associated fencing and floodlighting incorporating alteration to internal access and landscaping works.

RECOMMENDATION – REFUSE

Ward Affected: Withdean

- C. BH2013/01254 - 18 Wellington Road, Brighton - Full Planning** 217 - 248

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

RECOMMENDATION – REFUSE

Ward Affected: Hanover & Elm Grove

ITEMS TO BE HEARD AFTER 2.30 PM

- D. BH2013/00710 - 13 - 22 North Street, 12D Meeting House Lane and 11-14 Brighton Place, Brighton - Full Planning** 249 - 288

Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description).

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Regency

- E. BH2013/00711 - 13 - 22 North Street, 12D Meeting House Lane and 11-14 Brighton Place, Brighton - Conservation Area Consent** 289 - 298

Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops.

RECOMMENDATION – GRANT

Ward Affected: Regency

PLANNING COMMITTEE

- F. BH2013/00712 - 7-10, 13-16, 26-28 and 33-36 Brighton Square, Brighton - Full Planning 299 - 324**

Removal of existing roof structures to 7no. two storey maisonettes within Brighton Square and creation of additional floors to each dwelling to create 7no three storey town houses, Formation of new entrance stair and lift and escape stair access connecting basement to first floor level. Remodelling works to residential façade, installation of new shop fronts to existing retail A1 and A3 units at ground floor level and remodelling and renovation works to square.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Regency

- G. BH2013/00715 - 17-19, 21-23 and 37-40 Brighton Square, Brighton - Full Planning 325 - 364**

Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Regency

- H. BH2013/00716 - 17-19 ,21-23 and 37-40 Brighton Square, Brighton - Conservation Area Consent 365 - 374**

Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square.

RECOMMENDATION – GRANT

Ward Affected: Regency

- I. BH2013/03589 - Puget's Cottage, Rear of 15 North Street, Brighton - Listed Building Consent 375 - 384**

Listed building consent for alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway (Puget's Cottage).

RECOMMENDATION – GRANT

Ward Affected: Regency

PLANNING COMMITTEE

- J. BH2013/02152 - Brooke Mead, Albion Street, Brighton - Council Development 385 - 418**

Demolition of existing buildings and erection of a part 6no storey and part 5no storey building providing 45 Extra Care residential units, with associated communal spaces, landscaping works, cycle and scooter parking and community facilities.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Queen's Park

MINOR APPLICATIONS

- K. BH2013/03146 - Waitrose Ltd, 130-134a Western Road, Brighton - Full Planning 419 - 430**

Removal of trolley bay and creation of 2no trolley shelters and creation of 2no cycle racks within rear car park.

RECOMMENDATION – GRANT

Ward Affected: Regency

- L. BH2013/02231 - 125 Upper Lewes Road, Brighton - Full Planning 431 - 442**

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.

RECOMMENDATION – GRANT

Ward Affected: St Peter's & North Laine

- M. BH2013/02492 - Land at rear of 107, 109 & 111 Cowley Drive, Woodingdean, Brighton - Full Planning 443 - 456**

Erection of two storey, 2no. bedroom detached chalet bungalow with access from Pinfold Close.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Woodingdean

- N. BH2013/03162 - Flat 3, 5 Preston Park Avenue, Brighton - Full Planning 457 - 466**

Conversion of first and second floor maisonette to form 2no self-contained flats incorporating rooflights to front and rear elevation and flat roof.

RECOMMENDATION – GRANT

Ward Affected: Preston Park

PLANNING COMMITTEE

118. 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

119. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 467 - 470

(copy attached).

120. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 471 - 626

(copy attached)

121. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 627 - 630

(copy attached).

122. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 631 - 632

(copy attached).

123. APPEAL DECISIONS 633 - 682

(copy attached).

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

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

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

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PLANNING COMMITTEE

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

Date of Publication - Tuesday, 3 December 2013

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 20 NOVEMBER 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Co-opted Members: Mrs Selma Montford

Officers in attendance: Jeanette Walsh (Head of Development Control); Nicola Hurley (Area Planning Manager); Rob Fraser (Head of Planning Strategy); Liz Arnold (Senior Planning Officer); Steve Tremlett (Senior Planning Officer); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

PART ONE

99. PROCEDURAL BUSINESS

99a Declarations of substitutes

99.1 There were none.

99b Declarations of interests

99.2 There were none.

99c Exclusion of the press and public

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

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

99d USE OF MOBILE PHONES AND TABLETS

99.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

100. MINUTES OF THE PREVIOUS MEETING

100.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 30 October 2013 as a correct record.

101. CHAIR'S COMMUNICATIONS

101.1 There were none.

102. PUBLIC QUESTIONS

101.1 There were none.

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

103.1 There were none.

104. GOLDSTONE RETAIL PARK, NEWTOWN ROAD, HOVE: REQUEST FOR A VARIATION OF S106 DATED 11 APRIL 1996 SIGNED IN ASSOCIATION WITH APPLICATION 3/95/0748

104.1 The Committee considered a report of the Executive Director of Environment, Development & Housing in relation to a request for a variation of s106 agreement signed in association with 3/95/0748 – Goldstone Retail Park, Newtown Road. The Area Planning Manager, Nicola Hurley, explained that the applicant sought the subdivision of one of the units to create 5 units in total on the site, and the application sought to bring the s106 agreement in line with this. The application did not conflict with policy, and the amendment would not allow for any additional floor space. For the reasons outlined in the report the application was recommended for approval.

104.3 **RESOLVED** – That the Committee allow the completion of a variation to the s106 agreement dated 11 April 1996 relating to Goldstone Retail Park to amend the number of units permitted within the main block of Goldstone Park to be increased from 4 units to 5 units.

105. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A. BH2013/02838 - Richmond House, Richmond Road, Brighton - Full Planning - Demolition of existing 2no storey building and construction of part three storey part five storey building providing 138 rooms of student accommodation, with associated ancillary space, 76 cycle spaces, removal of existing trees, landscaping and other associated works.

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

- (2) An update was provided in relation to the policy context by the Senior Planning Officer, Steve Tremlett, resulting from an Inspector's decision on another site which was received the day before the meeting that updated the policy comments submitted in regard to the application. The policy comments previously stated that Policy CP21 could be afforded 'significant' weight; the Inspector had determined that the policy had 'limited' weight; however, by doing so the Inspector had still acknowledged the policy had some weight. The Inspector also confirmed that Policy CP21, by promoting the retention of housing sites, is in compliance with the National Planning Policy Framework (NPPF). The recommendation of the policy team in regard to the application under consideration was therefore unaltered.
- (3) The Senior Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. In reference to the above information in relation to policy; it was noted that the wording at 8.12 should be amended to give 'limited' weight to the policy rather than significant and that there was an error in recommended reason for refusal 2 in that reference to Policy QD27 of the Brighton & Hove Local Plan should not have been included. Since the publication of both the agenda and the Late List a further two representations had been received, but these highlighted no new material considerations. The application sought demolition of the existing building and construction of a new two storey building to provide 138 self-contained units for student accommodation. The site was currently vacant and adjacent to the Roundhill conservation area; to the north of the site was Diamond Court a new residential development which had been recently occupied, and an industrial estate to the north-west. Another application for student accommodation had been refused by the Committee earlier in the year for reasons in relation to design; the redundancy of the existing use and the principle of the development in relation to the emerging City Plan. The proposed scheme would be 3-storeys fronting onto Richmond Road; there would be 4 wheelchair accessible rooms and lifts on each floor; as well as associated facilities and common areas and 76 cycle spaces.
- (4) In relation to the considerations it was noted that the applicant had not adequately demonstrated that the existing use was redundant – which was in contradiction to policy. Furthermore the emerging City Plan identified the site for housing, as part of the Strategic Housing Land Availability Assessment (SHLAA), and student accommodation on the site could compromise the ability of the Council to meet housing targets. The proposed building had been designed to follow the curves of the road; however, the mass and bulk were considered excessive and would compromise some of the views into the conservation area. Officers were also concerned with the impact on amenity, and felt it was unneighbourly in relation to Diamond Court. There was also concern with some aspects of the design where units faced out onto the cycle storage, and lack of information from the applicant to demonstrate sufficient daylight or sunlight to some of the ground floor rooms. For the reasons outlined in the report the application was recommended for refusal.

Public Speakers and Questions

- (5) Ms Annie Rimington spoke in opposition to the application in her capacity as a local resident stating that residents were not opposed to development at the site or students living on the site, but had concerns about the impact on the conservation area.

Residents were also unconvinced about the argument that the development would reduce the number of HMOs in the city as the accommodation would be provided for foreign students, who normally stayed with host families and were not 'typical renters'. The population density of the area would be approximately three times that of a medium sized city suburb. The development would also damage an important green corridor; as well blocking views in and out of the conservation area. Concern was also expressed in relation to the safety of the access, and nearby traffic. The Committee were asked to refuse the application.

- (6) In response to Councillor Davey it was explained by Ms Rimington that the building had been vacated this year, but it had not been properly maintained in recent years.
- (7) Councillor West addressed the Committee in his capacity as the Local Ward Councillor and stated that the previous application had been refused by the Committee approximately six months ago. Whilst the applicant had made some changes to address concerns the fundamental reasons for refusal still remained that housing was vitally needed in the city, and the views in and out of the conservation area would be compromised. Issues still remained with the massing and bulk and concern remained with the access to the site through the conservation area; as well as noise from the windows and terraces. There was also a lack of details in relation to cycle and refuse storage, and proper consideration of flood and contaminated land. There was strong opposition to the scheme from residents, and thanks were extended for their efforts to come together a second time.
- (8) Mr Lomax and Mr Burges spoke in support of the application in their capacities and the architect and planning agent respectively. Mr Lomax stated that there was an entirely different approach to the development; he took great care in the developments he was involved within the city, and would not have proposed a scheme that he felt was not appropriate. He explained that the amenity space had been moved the centre to create a noise buffer, and concerns with amenity had also been dealt with. The building would be pitched on the south-west elevation with different treatments, and it was reported that the Conservation Advisory Group (CAG) had no objection to the scheme. The line of the railway embankment had limited life, and the main green barrier was outside of the development site. The issues in relation to cycle and refuse storage could be easily dealt with by condition, and it was highlighted there was a growing need for this type of accommodation as both universities were planning to expand.
- (9) Councillor Cox asked about Ms Rimington's comments that the type of student would not be those that would normally live in HMOs and in response it was explained by Mr Lomax that it was difficult for him to make an assessment, but he highlighted that there was low provision of specialised student housing within the city. Mr Burges confirmed the accommodation would be for both UK and overseas students.
- (10) Councillor Davey asked Mr Lomax for more information in relation to overshadowing and access, and in response it was explained that at the move in and out dates all students would be allocated time slots to ease access. In relation to overshadowing there was adequate distance between the proposed development and Diamond Court; the proposal would also be set back at the top level.

- (11) Mrs Montford clarified on behalf of the CAG that the group had not objected to the scheme on conservation grounds.

Questions for Officers

- (12) The Head of Planning Strategy, Rob Fraser, explained that evidence suggested the increase in the number of students within the city was being broadly addressed through the plans from the two universities. A statement of common ground had been agreed with the University of Brighton to seek further sites for student accommodation in Part Two of the emerging City Plan.
- (13) In response to queries from Councillor Hyde it was explained that the site was identified in the SHLAA for 12 dwellings as part of a mixed use scheme and the nearest distance between the proposal and Diamond Court was clarified. In response to a further query it was explained that the inspector decision, which had informed the weight given to policy CP21, had been received the day before the Committee, but it was important to give it consideration in view of this application and the weight that could be placed on the policy.
- (14) In response to Councillor Carol Theobald the position of the dormer windows was clarified.
- (15) Councillor Gilbey asked if the accommodation had the support of either of the two city universities, and Officers explained that they had received written confirmation to this extent, and this had not formed part of the reason for refusal.
- (16) In response to a query from Councillor Davey it was explained that the information provided had not demonstrated enough sunlight to aspects of Diamond Court; in particular as some of the units were single aspect.

Debate and Decision Making Process

- (17) Mrs Montford reinforced the comments that had been made by the CAG that the proposal was too solid; too sombre, and too dark in contrast to the bright colours of the conservation area.
- (18) Councillor Hyde explained that she knew the area very well; she appreciated the need for student housing, but felt the proposal was too much for the site and would be cramped and bulky. The suggested allocation of a mixed residential and commercial scheme seemed much more appropriate, and she would be voting in support of the Officer recommendation.
- (19) Councillor Carol Theobald stated she was torn on the application, and she acknowledged that the scheme had been amended since the previous refusal; the CAG had also not objected on conservation grounds and the proposal would 'free up' housing elsewhere as well as provide student accommodation.
- (20) Councillor Davey stated that he was concerned about the impact on Diamond Court, and he did not believe that the redundancy of the existing use had been demonstrated.

- (21) Councillor Cox noted his concern that the recent decision of the inspector had, in his view, undermined the recommendation from the Case Officer; however, he was unconvinced by the applicant's argument that the proposal would allow existing students homes to go back into residential use in the city. Councillor Cox added that he was torn, but acknowledged that the scheme was not without merit.
- (22) Councillor Jones stated that there were aspects which were an improvement, but overall the bulk and massing remained an issue. He also stated that the proposed other uses of the site had merit, and, like Councillor Cox, he was not convinced it would free up other homes within the city.
- (23) A vote was taken and planning permission was refused on a vote of 7 to 0 with 3 abstentions.

105.1 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

- i. The submitted elevational plans lack detail and clarity. Notwithstanding the lack of detail the proposed development, by virtue of its design, which includes a bulky roof form, bulky mansard dormer features and projecting bay details, is unacceptable and would cause harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road street scenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood. The mass, scale and bulk of the development is substantially larger than the existing office building and would appear out of scale and overly prominent in views of the Round Hill Conservation Area. In addition the actual/visual loss of the existing embankment would result in the erosion of the distinct barrier between the Conservation Area and the less cohesive streetscape located to the north of the site, this in turn would have a harmful impact upon the distinctive layout and predominance of green space of the area when seen in longer views. The proposal is therefore contrary to development plan policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
- ii. Part of the proposed development would occupy a site which is identified as having potential for housing provision in the Council's Strategic Housing Land Availability Assessment, which would therefore compromise the Council's ability to meet its housing needs and set an unwelcome precedent for the approval of student accommodation on other housing sites across the City in the future. For this reason the proposed development is contrary to the National Planning Policy Framework and policies CP1 and CP21 of the Brighton & Hove City Plan Part One.
- iii. The applicant has failed to demonstrate that the existing B1 office use is no longer viable and genuinely redundant by failing to adequately market the ground floor/entire building on competitive terms for a period of at least twelve months. In the absence of such evidence, the proposal would involve the unacceptable loss of employment generating floorspace. As such the proposal is contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and policy CP3 of the Brighton & Hove City Plan Part One.

- iv. The applicant has failed to demonstrate that the proposed north facing accommodation would receive sufficient levels of daylight/sunlight Furthermore it is considered that the ground floor units would have an oppressive outlook due to the positioning of the proposed cycle storage facilities, facilities which would also create noise disturbance to the ground floor residents. As such the proposal would provide a poor standard of accommodation to the future ground floor residents, harmful to the amenity of future occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
- v. The applicant has failed to demonstrate that the proposed development would not have a significant impact upon the amenities of the new development located to the north of the site, between Hollingdean Road and Sainsbury's Service road, with regards to received levels of daylight/sunlight and over-shadowing. The proposed massing, scale and bulk of the building is considered to result in an unneighbourly form of development which is considered likely to have an adverse effect on the amenities of the neighbouring northern development by way of loss of daylight/sunlight, especially in respect of the single aspect flats. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.
- vi. The applicant has failed to demonstrate that adequate refuse and recycling provision can be provided. The proposed refuse store is not large enough for a development of the size proposed based on a weekly collection by the Council. No details of private refuse and recycling collections have been submitted as part of the application. Failure to provide adequate refuse and recycling facilities would have a harmful impact upon the amenities of future occupiers of the development and neighbouring properties As such the proposal is contrary to policies SU9 and QD27 of the Brighton & Hove Local Plan and PAN 05 on Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

Informatives:

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

Note: Councillors Duncan and Littman were not present at the meeting.

B. BH2013/03146 - Waitrose Ltd, 130-134a Western Road, Brighton - Full Planning - Removal of trolley bay and creation of 2no trolley shelters and creation of 2no cycle racks within rear car park

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site was located on the northern side of Western Road, and access to the car park was via Montpelier Road and exit via Hampton Road. The proposed shelter was typical of its type, and would be made from Perspex with a curved roof.

Consideration related to the impact on the conservation area and the impact of the amenity of the neighbouring properties; Officers were of the view that that the siting would not be harmful, and the intended use was appropriate in conjunction with the retail premises. For the reasons set out in the report the application was recommended for approval.

Public Speakers and Questions

- (2) Mr Roger Amerena spoke in objection to the application in his capacity as a local resident; he stated that 5 listed buildings, and 25 residential buildings abutted the site and residents had no objection to the principle of the trolley shelter, but rather to the structures themselves as they were too long and too large. The northwest shelter would create difficulties for cars parking, and was located under a lime tree which would discolour the shelter when it produced sap. The shelters also acted as an attraction for antisocial behaviour, and residents had ongoing problems in the area. It had been suggested directly to the applicant that the shelters be relocated, but no response had been received, and it was also requested that a previous 'code of conduct' be reinstated, that had been part of a 1998 planning permission, to address the problems in relation to antisocial behaviour – in particular to issues such as lighting.
- (3) In response to Councillor Hyde it was confirmed by Mr Amerena that the residents' objection related to the location of the shelters and that the car park was continually lit all night, and added that the shelters would add to the existing problems.
- (4) Councillor Davey asked Mr Amerena if the supermarket had a working relationship with the local residents, and in response it was explained that this had deteriorated in recent years, and the code of conduct he had made reference to had expired approximately two years ago; until that point the supermarket had been communicative with residents. He added that there had not been any consultation in relation to the current planning application.
- (5) Mr Amerena explained, in response to Councillor Gilbey, that as the car park was lit all night it made the problems with antisocial behaviour worse.
- (6) In response to Councillor Jones it was explained by Mr Amerena that the siting of the shelters was key to the residents' concerns in relation to the application.

Questions for Officers

- (7) The Area Planning manager clarified that the proposed shelters would not be lit, and the planning authority were not able to consider the 'need' for the shelters.

Debate and Decision Making Process

- (8) Councillor Hyde stated that she now had concerns in relation to the application, but was aware that some of the issues raised by Mr Amerena were not planning considerations. The Head of Development Control, Jeanette Walsh, noted that the enforcement matters highlighted by the public speaker could be investigated outside of the meeting; Councillor Hyde welcomed this approach, and proposed that the

application be deferred so that the Committee could be provided with more information; this was seconded by Councillor Carol Theobald. The Area Planning Manager clarified that the 1998 planning permission referred to did not make any reference to a code of conduct.

- (9) A vote was taken on the motion to defer the application and this was carried on a vote of 4 to 3 with 3 abstentions.

105.2 **RESOLVED** – That the application be deferred.

Note: Councillors Duncan and Littman were not present at the meeting.

C. BH2013/02995 - 131 Islingword Road, Brighton - Full Planning - Conversion of existing public house (A4) to form 1no two bed and 1no three bed dwelling including erection of new front garden wall, formation of light wells to front and rear elevations, alterations to fenestration and associated works.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a two storey building with authorised use as a public house; permission was sought for the conversion into a two bedroom house and a three bedroom house which would include a new boundary wall treatment; new lightwells and alterations to the fenestration. The main considerations related to the principle of the conversion; the impact of the works and the impact on amenity and sustainable transport. The public house was in community use and policy HO20 stated that such premises could serve as an important community function; however, the building was one of many public houses in close proximity and the loss was not considered contrary to policy – the proposed use was also acceptable. The size of the units was acceptable, and the potential noise and disturbance was not considered to be greater than the current use. For the reasons set out in the report the application was recommendation for approval.

Questions from Officers

- (2) It was confirmed for Councillor Hyde that the detailing on the front of the original public house would remain.
- (3) In response to Councillor Theobald it was confirmed that Officers were satisfied that the application was in compliance with policy HO20.

Debate and Decision Making Process

- (4) Councillor Carol Theobald stated that it was a pity to lose the public house, and she would not support the Officer recommendation as she was against such closures.
- (5) Councillor Hamilton noted that where businesses were not viable they could not keep on going, and he made reference to closures in his own Ward; he added that many premises now tried to diversify their businesses with a wider food offer.

- (6) In discussion of the community asset register it was clarified by the Senior Solicitor, Hilary Woodward, that the legislation was primarily concerned with allowing communities to purchase important assets, and might lack the impetus the Committee were discussing.
- (7) A vote was taken and planning permission was granted on a vote of 6 to 3 with 1 abstention.
- 105.3 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission.

Note: Councillors Duncan and Littman were not present at the meeting.

- D. BH2013/03117 - 56 London Road, Brighton - Removal or Variation of Condition -** Application for variation of condition 1 of application BH2011/02890 to permit the premises to be in use between the hours of 08.00 and 04.00 daily with counter sales to cease at 01.00.
- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site related to a hot food takeaway, Dominoes, on London Road, and planning permission was sought for a variation of condition to amend the hours of operation to 04.00 hours daily; with counter sales ceasing at 01.00 hours. The main considerations related to the potential impact on neighbours, and Officers were of the view that these hours were acceptable. It was also noted that the current licensed hours were until 04.00 hours, but licensing and planning were two separate regimes. For the reasons set out in the report the application was recommendation for refusal.

Questions for Officers Debate and Decision Making Process

- (2) In response to Councillor Carol Theobald Officers were not able to confirm the operational hours of the other nearby 'Dominoes' takeaway.
- (3) Councillor Davey stated that he agreed with the Officer recommendation and that as London Road was improving an extension to the hours of opening as proposed was not appropriate in this location.
- (4) Councillor Carol Theobald agreed that the application was unreasonable, and noted there would be additional noise created elsewhere in the city.
- (5) A vote was taken and planning permission was unanimously refused.
- 105.4 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

- i. The proposed hours of operation, including deliveries until 04.00 on a daily basis, would cause significant increased noise and disturbance to the detriment of the amenity of residents in the immediate vicinity of the application site. The proposed hours of operation are therefore contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

Note: Councillors Duncan and Littman were not present at the meeting.

E. BH2013/02616 - Land rear of 285 Dyke Road, Hove - Full Planning - Erection of 1 no three bedroom bungalow with access from The Droveaway.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site related to the rear garden of 285 Dyke Road which was a large three storey building divided into three flats. Permission was sought for a detached bungalow; a similar type of rear garden development been granted permission at no. 283; however, it was noted that this site had a series of fundamental differences. Considerations related to the design, the siting; the impact on neighbouring amenity and the impact on highways and sustainable transport. The proposed bungalow would be close to the boundaries of the plot, and it was noted that the proposal differed from the implemented permission at no. 283 as the garden was smaller and the bungalow closer to the host property; the remainder of the garden was small – leading Officers to the view that the proposal was over-dominant. Concern was also expressed that there would a significant lack of privacy for the future occupier of the proposed bungalow. For the reasons in the report the application was recommended for refusal.

Public Speakers and Questions

- (2) Ms Julie Cattell spoke in support of the application in her capacity as the agent acting on behalf of the applicant. She stated that the design and bulk form would be similar to the neighbouring bungalow; the standard of accommodation was good, and would meet lifetime homes standards, and minor issues raised by the Case Officer could be resolved. In relation to the issue of overdeveloped it was argued that the site coverage was comparable for the area, and the distances between the building and the boundary were also comparable with the development at no. 283. In relation to overlooking it was noted that the back to back distance was less than 20 metres, and the Committee had approved schemes with similar distances.
- (3) In response to Councillor Carol Theobald it was confirmed by Ms Cattell that the land sloped away at the rear of the plot.

Questions for Officers

- (4) It was confirmed for Councillor Hyde that the remainder of the host building's garden would be 7.6 metres.
- (5) In response to Councillor Davey it was confirmed that the site was greenfield and the applicant had confirmed they were able to meet Code Level 5 for sustainable homes, and the planning authority had no reason to doubt this submission. It was confirmed for Councillor Cox that if the applicant felt they were unable to meet Code Level 5 then they would have to apply to vary the condition.
- (6) It was confirmed for Councillor Hamilton that, whilst the Area Planning Manager had no evidence to confirm, it looked likely the development at no. 283 was also this type of back garden development.
- (7) It was confirmed in response to Councillor Gilbey that the front door did not face out directly onto the access area, and the windows that would be overlooked by the property to the south were a kitchen and a toilet.

Debate and Decision Making Process

- (8) Councillor Hyde stated that her initial reading of the proposal had changed following the site visit where it had become clear that the garden of the host building was shorter than that of no. 283; at the visit the size of the plot had been measured and it was evident that it was small. Councillor Hyde went on to say that the proposal would be of detriment to the host building; however, the plot could potentially accommodate a smaller building with more garden space. It was also felt that the loss of the garden would change the character of the host building, and as such, she would be voting in support of the Officer recommendation.
 - (9) Councillor Carol Theobald echoed these comments and added that it was clear to her from the site visit that there would be little garden left for the host property; she added that the proposal was over-development and was particularly concerned in relation to overlooking. She stated that the Officer recommendation was correct and she would be supporting it.
 - (10) Councillor Gilbey also added that there was a balcony at first floor level which could potentially make the overlooking issues worse.
 - (11) Councillor Hamilton stated that what was proposed was too much for the site, and referenced an application at no. 287 which Officers confirmed was for an ancillary building.
 - (12) A vote was taken and planning permission was refused on a vote of 6 to 2 with 2 abstentions.
- 105.5 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

- i. The scheme, by reason of its scale, excessive footprint and positioning would represent an inappropriate and unsympathetic addition and would appear as an overdevelopment of the site. The scheme is therefore considered to be contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
- ii. Having regard to the close proximity of the proposed bungalow to the host property, the west facing windows and roof terrace at no.285 Dyke Road would directly overlook the east facing windows and garden of the proposed bungalow. This is not considered to be an appropriate relationship and would result in a loss of amenity and a poor standard of accommodation. The scheme is therefore considered to be contrary to policy QD27 and HO5 of the Brighton & Hove Local Plan.

Informatives:

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

Note: Councillors Duncan and Littman were not present at the meeting.

F. BH2013/03023 - 30 Aymer Road, Hove - Householder Planning Consent - Erection of boundary fence (retrospective).

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a bungalow on a corner plot; which was located in a conservation area that was the subject of an Article 4 Direction. The proposal scheme related to an existing boundary fence, and the application sought to reduce the height to 1.6 metres. The main considerations related to the impact on the character of the building and the conservation area; whilst reducing the height addressed the concern in that respect it did not address the appropriateness of the materials and design which were considered detrimental. For the reasons outlined in the report the application was recommended for refusal.

Public Speakers and Questions

- (2) Mr Hoye addressed the Committee and spoke in his capacity as the applicant. He stated that since moving into the property 2.5 years ago he and his family had undertaken work to restore the property. The original boundary had been a high overgrown hedge, and the applicant had consulted with the neighbours prior to construction of the new fence. All materials were recycled and would weather appropriately. Mr Hoye also added that the family had two large dogs and the fence was necessary for their safety and he had done his best to help improve the area.

- (3) In response to Councillor Jones it was explained by Mr Hoye that he had investigated alternative materials, and potentially retaining the hedge.

Questions for Officers

- (4) It was confirmed for Councillor Cox that boundary walls over 1 metre in height required planning permission.
- (5) It was noted in response to Councillor Gilbey that issues in relation to the applicant's pets were not material considerations.
- (6) It was confirmed for Councillor Carol Theobald that there was an objection to the materials which formed part of the reasons for refusal.

Debate and Decision Making Process

- (7) Councillor Hyde stated that she understood for reasons for removing the original hedge, and appreciated the problems for the owner in relation to their dogs, but she did not like the appearance of the fence and felt it was 'exceedingly unsightly'. She felt confident that the reasons for refusal could be overcome whilst still addressing the applicant's personal circumstances, but felt that the Officer recommendation was correct and she would support it.
- (8) Councillor Cox noted that the blocks, which had now been removed, had not been appropriate, and added that if the fence were reduced in height it would be more appropriate. He added that there were no objections to the fence, and he would not support the Officer recommendation.
- (9) Councillor Carol Theobald added that the fence was unsightly, and the material was not good enough for the area; she would support the Officer recommendation.
- (10) A vote was taken and planning permission was refused on a vote of 6 to 2 with 2 abstentions.

- 105.6 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **REFUSE** planning permission for the reasons set out below:

Reason for Refusal:

- i. The fence and entrance gate by virtue of their heavy, bulky and excessive horizontal emphasis would result in significant harm to the character and appearance of the recipient property, and the character, appearance and setting of the Conservation Area. As such, the development would be contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a

decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

Note: Councillors Duncan and Littman were not present at the meeting.

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

106.1 There were none.

107. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

108.1 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.]

109. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

110. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

111. APPEAL DECISIONS

111.1 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 16.32

Signed

Chair

Dated this

day of

ITEM A

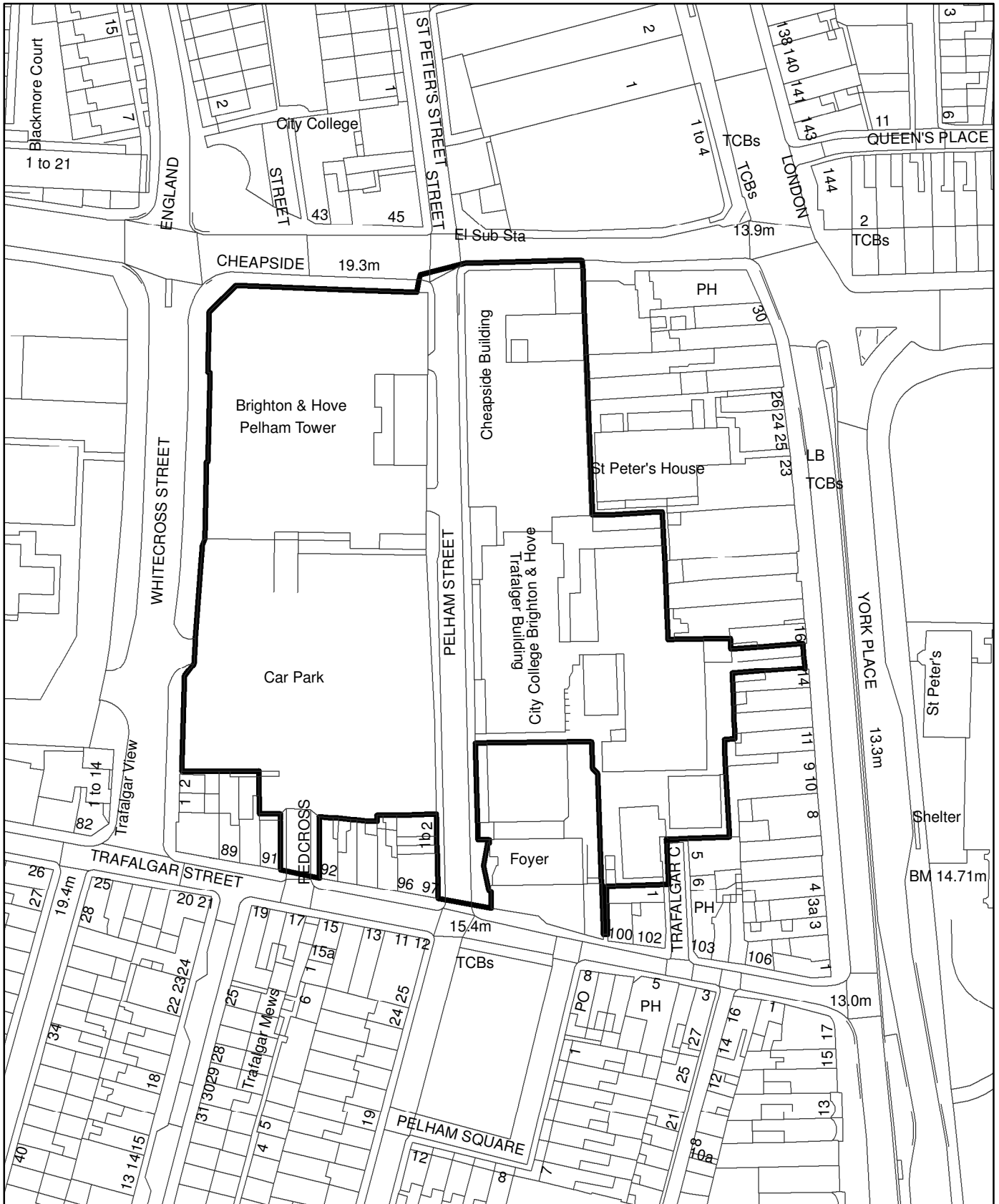
City College, Pelham Street, Brighton

BH2013/01600

Outline application some matters reserved

11 DECEMBER 2013

BH2013/01600 City College, Pelham Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01600	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Hybrid Application – Part Full – Part Outline with Some Matters Reserved		
<u>Address:</u>	City College Brighton & Hove Pelham Street Brighton		
<u>Proposal:</u>	Hybrid planning application comprising: Phase 1: Full planning application for erection of an 8 storey (ground plus 7) College building of 12,056 sqm and ancillary accommodation (use class D1), with associated access, infrastructure and, public realm improvements and landscaping. Phase 2a: Full planning application for demolition of Pelham Tower and erection of a 10 (ground plus 9) storey building of 12,647 sqm to provide 442 student residential units and ancillary accommodation (sui generis use class), with associated access, infrastructure, public realm improvements and landscaping. Phase 2b: Outline planning consent for the demolition of York, Trafalgar and Cheapside Buildings, and the erection of up to 125 residential units (use class C3) (access, layout and scale).		
<u>Officer:</u>	Kathryn Boggiano Tel 292138	<u>Valid Date:</u>	20 June 2013
<u>Con Area:</u>	North Laine Conservation Area	<u>Expiry Date:</u>	10 October 2013
	Adjacent to Valley Gardens Conservation Area		
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Harwood Savin Ltd, 23 Baynton Road, Woking, Surrey, GU22 8JT		
<u>Applicant:</u>	City College Brighton & Hove, Mr Colin Henderson, Pelham Street Brighton, BN1 4FA		

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 the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a 1.28 hectare site which contains Pelham Tower, Cheapside, York, Trafalgar and Gloucester buildings. Pelham Street is also included within the application site. The site is in use by City College for educational purposes. To the south of Pelham Tower is a surface level car park which also forms part of the application site and is accessed from Whitecross Street.
- 2.2 The application site is bordered by Whitecross Street to the west and Cheapside to the north. Adjacent to the site to the east are properties fronting York Place (1 – 31 York Place and St. Peter's House). Adjacent to the site to the south are properties fronting Whitecross Street (1-2), Trafalgar Street (87 – 105), Pelham Street (1 -2) and Trafalgar Court (1-6). On the west side of Whitecross Street are 82 Trafalgar Street, 1 to 14 Trafalgar Street and Theobold House (1 – 110) and Halfords. To the north of Cheapside is Blackmore Court which is part of the New

PLANNING COMMITTEE LIST- 11 DECEMBER 2013

England Quarter development, 43 to 45 Cheapside and 1 to 4 London Road (side elevation of Aldi supermarket).

- 2.3 Pelham Tower is a 1960's block which is 12 storeys with a height of 40 to 44 metres above the pavement level of surrounding streets. A three storey podium exists around the base of the tower which measures approximately 51 metres by 56 metres. Pelham Tower is accessed through a glazed entrance directly from Pelham Street. The materials are brick with steel window frames.
- 2.4 To the east of Pelham Street are Cheapside, York, Trafalgar and Gloucester buildings. York, Trafalgar and Gloucester buildings are Victorian in age and of varying heights and styles.
- 2.5 Gloucester building is in the south eastern corner of the site and is within the North Laine Conservation Area. This is the only building which falls within a conservation area. This is a smaller School Board building which was probably the original elementary school of 1870. The body of the building is two storeys high but the gable end is three storeys. The building is sited at the end of Trafalgar Court.
- 2.6 Trafalgar Building is a 1870s School Board building of three storeys plus a basement level. It consists of brick at the lower floors with a pebbledash upper storey and has a slate roof. On the front elevation are original sash windows, doors and wrought iron railings. There is an adjoining Dutch gabled extension at the northern end which is aligned east to west along the north face of Trafalgar. A more modern ramp exists in order to provide disabled access for the main door. A modern glass foyer links this building to the Cheapside building. Following bomb damage during World War II Trafalgar was repaired with changes to the roof and top floor.
- 2.7 York building is sited to the east of Trafalgar building and is a three storey brick building of stock brick with red brick detailing on the eastern façade. The eastern façade is detailed with three main bays with iron finials at the apex of each hipped triangular gable. The building has a double pitched roof. The western façade is simpler with three pointed gables. The southern elevation is faced with poor quality concrete.
- 2.8 Cheapside building is present on the corner of Cheapside and Pelham Street and is L shaped and mainly three storeys with an additional storey on the section of the building which is on the corner of Cheapside with Pelham Street. The building is red brick with a moulded stone cornice at the top of the ground floor. It is otherwise much simpler and less decorative than the other buildings. There is a vehicular entrance archway within the building on the Cheapside frontage.
- 2.9 An arched entranceway of brick with limestone spacers is present at 15 York Place. It has three sections in the crenelated cornice, separated by brick buttresses and with a stone moulding above the arch. The archway has an ornate gate preventing access. The archway is outside the ownership of the City College, however they do have a right of access through the archway.

- 2.10 To the south of Pelham Tower is a surface car park which accommodates 118 car parking spaces which are allocated to staff.
- 2.11 Gloucester building is the only building which falls within a conservation area. Directly adjacent to the south of the site is the North Laine Conservation Area and bordering the site to the east is the Valley Gardens Conservation Area. The archway on York Place is within the Valley Gardens Conservation Area.
- 2.12 The site is in a highly accessible sustainable location and is approximately 400 metres from Brighton Station.

3 RELEVANT HISTORY

BH2008/02376: Application for outline planning permission for the redevelopment of the site for a mixed use scheme including the demolition of Pelham Tower and other associated buildings. (Phase 1) for the erection of a 14,237sqm new City College campus and ancillary uses (Class D1) and associated access. (Phase 2) additional college space and (Class D1), student accommodation (Class C1), youth hostel (sui generis), café with ancillary gallery space (Class A3), employment space (Class B1) GP Clinic (Class D1), residential use (Class C3), infrastructure and landscaping works and associated access. Access, appearance, landscaping, layout and scale to be determined for (Phase 1). Access, layout and scale to be determined for (Phase 2). Planning Committee resolution to Mind to Grant 18/03/2009. Finally disposed of by the LPA 21/09/2011.

BH2004/03312/FP: Construction of new three-storey teaching facilities on site of existing surface car park (Pelham Street West) with link to existing main college building (Pelham Tower) and, via first floor bridge link over Pelham Street, with Trafalgar and Cheapside Buildings, together with hard and soft landscaping to new college square and remaining car park. Demolition of York Building and Library and various other single storey structures on Pelham Street east site and construction of 1 and 1 1/2 storey workshops for College use and 13 live/work units, change of use of Gloucester Building to form 2 no. residential studios and refurbishment of remaining College buildings. Approved 30/06/2005.

BH2004/02739/FP: Construction of training workshop and circulation core (amendment to previously approved application BH2003/02354/FP). Approved 08/11/2004.

BH2003/02897/FP: Installation of fence around College car park. Approved 16/10/2003.

BH2003/02354/FP: Construction of new motor vehicle workshop and circulation core. Approved 16/10/2003.

BH2001/01798/FP: Erection of 3 x 2 storey temporary classroom blocks. Approved 17/10/2001.

BH2001/00001/FP: Alterations and extension to Pelham Tower complex to accommodate facilities for learning resources, catering and motor vehicles/engineering. Approved 09/02/2001.

BH2000/02792/FP: The retention of a two storey temporary classroom block (renewal of temporary permission 95/1177/FP). Approved 01/12/2000.

BH2000/00128/FP: Construction of new three-storey teaching facilities on site of existing surface car park (Pelham Street West) with link to existing main college building (Pelham Tower) and, via first floor bridge link over Pelham Street, with

Trafalgar and Cheapside Buildings, together with hard and soft landscaping to new college square and remaining car park. Demolition of York Building and Library and various other single storey structures on Pelham Street east site and construction of 1 and 1 1/2 storey workshops for College use and 13 live/work units, change of use of Gloucester Building to form 2 no. residential studios and refurbishment of remaining College buildings. Approved 10/10/2000.

BH1998/00824/FP: Temporary change of use from car park to arts and crafts open market. Approved 21/05/1998.

95/1178/FP: Erection of 4 storey foyer building for 50 residents with training facilities, café and shop. Approved 12/12/1995.

95/1177/FP: Retention of 2 storey temporary classroom. Approved 06/02/1996.

95/0980/FP: Erection of new entrance lobby to Whitecross Street including new canopy extending onto Cheapside frontage (Amendment to approval under ref: 94/104/FP).

95/0107/OA: Outline planning application. Erection of 4 storey foyer building for 50 – 53 residents with training facilities. Approved 04/12/1995.

94/1040/FP: Erection of new entrance lobby to Whitecross Street, including new canopy extending onto Cheapside building. Approved 07/12/1994.

94/0695/FP: Alterations to form new access and ramp from internal car park and closure of existing and formation of new office accommodation. Approved 31/08/1994.

4 THE APPLICATION

- 4.1. This is a Hybrid application which is a part full planning application and a part outline planning application with some reserved matters for approval.

Phase 1: College Building

- 4.2. Full planning application for erection of part 7, part 8 college building (12,056 sqm and D1 Use Class) on the site of the surface level car park along with new public square and landscaping.

Phase 2a: Student Residential Accommodation

- 4.3. Full planning application for demolition of Pelham Tower and erection of part, six, part seven, part eight and part nine storey building of 12,647 sqm to provide 442 student residential bedspaces and ancillary accommodation (Sui Generis Use class).

Phase 2b: Residential Development

- 4.4. Outline planning application with reserved matters relating to layout, scale and access for the demolition of Trafalgar, York and Cheapside Buildings and erection of 4 buildings which are two, five and part four part five and part six storeys in height and would accommodate up to 125 residential units. External appearance and landscaping are not being considered as part of this application.

EIA development

- 4.5. An Environmental Statement has been submitted with the application as required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Phase 1: College Building

- 4.6. This would accommodate the following accommodation:
- | | |
|----------------|--|
| Ground floor: | Reception area, City Business & Enterprise Admissions; breakout display space, security, print shop, hair and beauty, commercial coffee outlet and small travel shop, commercial kitchen and the 'gallery restaurant'. |
| First floor: | OLRC (learning resource centre), arts and bin and recycling centre. |
| Second floor: | Training kitchen and refectory, arts and general teaching and ICT. |
| Third floor: | General teaching/ICT, hair and beauty, break out space and staff cluster. |
| Fourth floor: | Arts and staff cluster |
| Fifth floor: | Arts, General teaching/ICT and staff clusters. |
| Sixth floor: | General teaching/ICT, staff cluster and break out space. |
| Seventh floor: | Office, training suite, meeting rooms, and external roof top plant area and photovoltaics; |
| Rooftop: | External roof top plant areas, solar panels and . |
- 4.7. The building is part 7, part 8 storeys with a three storey section on the south west corner. The south elevation contains the main entrance to the College with a secondary access at the first floor from the arts facility onto Whitecross Street. There are entrances directly onto Pelham Street for the Hair & Beauty unit at the ground floor. There are a number of exits at the ground floor into the servicing alleyway between the College building and the student building. Due to the difference in levels with the ground being higher on Whitecross Street than Pelham Street, the ground floor would effectively be at basement level on the Whitecross Street side.
- South elevation*
- 4.8. On the three storey section of the building in the south western corner proposed materials are terracotta rainscreen cladding and glazing.
- 4.9. The central section of the south elevation would be glazed curtain walling with louvers in various finishes and colours at the second to seventh floors. To the east of this there is a rendered vertical strip at ground to seventh floors.
- 4.10. The eighth storey section to the west of the entrance would consist of a buff coloured brick slip cladding system at the third to sixth floors and rainscreen cladding at the seventh floor. At the rooftop an aluminium powder coated screen is proposed to the plant area which is set back from the building line at the south and west.
- 4.11. At the section of the building to the east, glazed curtain walling is proposed at the ground to first floors. To the east of the rendered section the curtain walling would continue up to the fourth floor with coloured louvers over. To the east of this there is a section of the building which protrudes forward at the second to fifth floors and would be a mixture of buff coloured brick slip cladding system and curtain walling. The sixth floor would be set in slightly from south and east building lines below and would consist of rainscreen cladding and at the rooftop an aluminium powder coated screen is proposed to the plant area which is set

back from the south and east building lines. Five concrete column are proposed at the ground to bottom of the second floor which would support the projecting elements of the building above.

East elevation (Pelham Street)

- 4.12. Glazed curtain walling would exist at the ground and first floors with mainly buff coloured brick slip cladding system at the second to fifth floors. There would be a small section of glazed curtain walling at the southern end at the second to fifth floors. Rainscreen cladding is proposed at the sixth floor with the plant screen above.

West elevation (Whitecross Street)

- 4.13. The two storey section of the building in the south west corner would again be finished in terracotta rainscreen cladding. The recessed element of the building at the first and second floors (effectively ground and first at street level) would be glazed curtain walling with glazed sprandral panels. To the north of this, buff coloured brick slip panels are proposed, which would project slightly forward on the western building line. Buff coloured brick slip panels are again proposed at the third to sixth floors with the terracotta rainscreen cladding at the seventh floor. The recessed screen to the rooftop plant would be above.

North elevation

- 4.14. A mixture of buff coloured bricks and terracotta rainscreen cladding is proposed to this elevation with a mixture of different openings.

4.15. Public Square

- 4.16. A new public square is proposed to the south of the college building which would be accessed via Pelham Street and Redcross Street.

Phase 2a: Student Residential Building

- 4.17. A total of 442 bed spaces are proposed which include:

- 18 x 9 bed clusters;
- 23 x 8 bed clusters;
- 8 x 7 bed clusters.

- 4.18. At the ground floor of the building plant, refuse store, cycle store, kitchen servery, common room, office and gym are proposed along with an external courtyard. At the first to the ninth floors the cluster flats are proposed. Photovoltaics are proposed on the part of the rooftop.

- 4.19. The building is primarily a 'U' shape and fronts Whitecross Street, Cheapside and Pelham Street with a courtyard in the centre. The upper floor is set back from the building line on all street frontages. There is a single storey section of the building to the south adjacent to the College Building. The main entrance to the accommodation would be via a ground floor undercroft on the Pelham Street elevation. Gated access is proposed through the undercroft which would lead to the courtyard area. Two lobbies are proposed, one for the student accommodation and one for the gym. There is a secondary service entrance point at the first floor at Whitecross Street (upper ground at street level).

West elevation (Whitecross Street)

- 4.20. The building is part seven, part eight, part nine storeys on this elevation. The ground floor would effectively be a basement level due to the difference in ground levels. The first floor would also be partly below pavement level particularly on the corner of Cheapside and Whitecross Street. In order to address this level change and still allow light to the first floor and railings and a lightwell is proposed.
- 4.21. The materials would be terracotta rainscreen cladding at the first floor with render system above and the top floor would be set back and would be aluminium rainscreen cladding. A projecting bay feature is proposed at the third to sixth floors on the corner of Cheapside and Whitecross Street and glazed curtain walling is proposed for this elevation. The rendered section of the building between the seven and eighth and eighth and ninth storeys is broken up by glazed curtain walling both with a section which is recessed and angled. Windows in the rendered sections would have a vertical emphasis and either a rendered or coloured metal panel adjacent to them.

North elevation (Cheapside)

- 4.22. This elevation of the building would also be broken up into three different heights. The ground levels are higher on the corner of Cheapside and Whitecross Street than the corner of Pelham Street and Cheapside. The ground level of the building would be at the pavement level on the corner of Pelham Street and Cheapside. However on the corner of Whitecross Street and Cheapside, only part of the first floor would be visible above the pavement. A lightwell and railings are proposed on the western part of this elevation.
- 4.23. The building would be part six, part seven and part eight storeys, however, the eight storey section would effectively be seven storeys above pavement level due to the difference in levels. A similar materials treatment to the west elevation is also proposed to this elevation, with the majority of the building being render on this elevation with aluminium rainscreen cladding at the upper level which is set back. Glazing curtain walling and terracotta rainscreen cladding are proposed to part of the ground and first floors. Glazed curtain walling which is part recessed and angled is also proposed to break up the rendered sections of the elevation which vary in height.

East elevation (Pelham Street)

- 4.24. As with the other proposed street frontages, this elevation of the building would also be broken up into three different heights and would be part eight, part seven and part six storeys in height. Glazed curtain walling is proposed at the ground floor with rendered sections above and the top floor would again be aluminium rainscreen cladding and recessed. Glazed curtain walling which is part recessed and angled is also proposed to break up the sections of the elevation which vary in height.

Phase 2b: Residential Development

- 4.25. This part of the application is an outline with layout, access and scale to be considered as part of this application. External appearance and landscaping would be considered at the reserved matters stage. Drawings which show the

elevations are therefore indicative in terms of the design and external appearance of the buildings. However, the height of the buildings falls under scale and therefore does need to be considered as part of this application. Drawings which show the internal layout of the buildings are indicative only and would need to be agreed at a later stage, through a condition.

- 4.26. Up to 125 residential units are proposed. However, indicative floor plans show 123 units are proposed and would consist of 57 x one bedroom flats and 66 x two bedroom flats. This differs from other information within the application where the mix was given as 5 studios, 54 x 1 bed units and 66 x 2 bed units. However, the internally layouts are indicative. The principle of up to 125 units would however be established as part of this application.

Block A

- 4.27. This building would be part four, part five and part six storeys with a maximum height of 17.3 metres on the Pelham Street frontage. The main Pelham Street elevation would be six storeys in height with the top floor set back from the building line. Indicative floor plans show that this building could accommodate 43 x one bedroom units and 58 x two beds (total 101 units). 12 disabled parking spaces are proposed to the rear which would be accessed from Cheapside via an undercroft.

Block B

- 4.28. This building would be five storeys with a maximum height of 15.75 metres above Pelham Street. Indicative floor plans show that this building could accommodate eight x two bedroom units and two x one bedroom units (total 10 units).

Block C

- 4.29. This block would consist of two rows of buildings and both would be two storeys with a pitched roof over. Trafalgar Court would be opened up and the two buildings would follow a similar front building line to Trafalgar Court properties and the Gloucester Building. The indicative floor plans show that 12 x one bed units could be provided. Garden areas are proposed for the ground floor units.

- 4.30. The route through the archway at 15 York Place and access to/from Trafalgar Court would be opened up.

4.31. Gloucester Building

- 4.32. It is proposed to bring this building into use as a crèche. It is not considered that the change of use from educational use (D1 Use Class) to a crèche (D1 Use Class) would constitute a material change of use.

5 PUBLICITY & CONSULTATIONS

External

Councillors Deane and West object to the proposal and their letter is contained as an appendix to this report.

- 5.1 **Neighbours: 155** representations of objection have been received from the addresses which are contained in full within the appendix to this report. The following grounds of objection are stated:

Construction

- The noise caused by demolition and construction will have an unacceptable impact on residents.
- There will be a significant amount of dust as a result of demolition and construction.
- The future residents of the scheme will have triple glazing and mechanical ventilation, however existing residents will not be protected.
- The construction works will cause structural damage to existing buildings.
- Adjacent residents are at home during the day due to shift work and illnesses and will be exposed to construction noise during the day.
- The noise and vibration will be unacceptable for people who work from home and local businesses.
- Length of construction period is not temporary (up to 5 years).
- There will be a reduction in property prices and the Council should give compensation to residents for loss of amenity and reduction in property prices.
- The construction will have an adverse impact on trade.
- Damage to historic buildings caused by construction vehicles.
- Conditions should be imposed by planning committee which seek that full structural surveys should be done to adjacent properties.
- Loss of amenity due to construction site entrances being adjacent to residential properties.
- The Council have failed to properly assess the effect of the construction impacts on local residents. To grant approval would be a breach of the Council's own planning policies (policy SU9 and QD27 of Local Plan) and would be an unlawful decision and would be challengeable by judicial review
- The applicant has not addressed the earlier EIA Regulation 22 request for 'further information' in relation to the noise and vibration chapter. In particular the amended noise and vibration chapter mentions Pelham Street as a potential sensitive receptors but does not mention specifically numbers 1 and 2; does not detail exact plant and machinery for the operational phase; does not detail the exact methods and plant to be used for the demolition and construction period and has not assessed the noise levels at adjoining residential properties which will be within 10 metres of construction activities. Noise levels will exceed the 65 dB threshold recommended within the ES.
- The applicant has misled the Council and the public with regard to stating that construction impacts are not material planning considerations and by stating they do not have a detailed construction plan.
- Recommended daytime limits for construction noise will be exceeded at around 100 properties.
- The noise predictions for adjoining properties are higher than WHO recommended levels.
- The ES doesn't predict vibration levels at adjacent properties.

Communication & Consultation

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- The College have been misleading about the amount of consultation they have carried out.
- The Council should not give any weight to the consultation results reported by the College.
- It is not possible to deduct from the consultation if any of the respondents were local residents.

Public Square

- Noise and disturbance and antisocial problems.
- Students could drink and smoke in the square and hold parties.
- Will cause loss of privacy for adjacent residents
- People will congregate in then alleyway causing noise and disturbance
- The College don't secure the existing car park and it is used by street drinkers at night.
- The College are vague about when the gates to the alleyway will be locked.
- The plant operational times indicate the restaurant will be open until 11.30pm. So the alleyway would need to be open until this time.

College Building

- Loss of educational floorspace on site (18,112 m² - 60%) which is contrary to policy HO20 and the College is manipulating their figures.
- The Council needed to secure an additional 10,000 square metres of education floorspace when the decision was taken to mind to grant on the 2008 scheme.
- The applicant has not satisfactorily demonstrated that the redevelopment allows for a more efficient use of floorspace nor that there will be enough room for students.
- The new building would not be fit for purpose as it will not have enough teaching space.
- There is enough room for the College within the existing buildings with room for expansion. The college should borrow money to improve the existing buildings rather than rebuild.
- Timetable efficiency means longer hours of operation and greater impact on neighbours.

Student Accommodation

- The student accommodation (442 bedspaces) is contrary to policy CP21 as more than 300 bedspaces are being provided and the density of development is incompatible with its location.
- The site is near to other student accommodation Co-op (351 bedspaces), Buxton's (86 beds) Circus Street (486) Phoenix (298) Bellerby's (394) and there would be a concentration of 2,057 students next to or within half a mile of North Laine which would lead to studentification and is contrary to the 2009 Council's Report 'Students in the Community'.
- The Council's Report 'Students in the Community' found that St Peter's and North Laine was one of the most highly populated areas of students in Brighton & Hove and that noise complaints from student houses and halls of residents was a common complaint from residents.

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- The 'Students in the Community' Report also found that noise complaints in the street caused by students was too a common complaint and that the head of Environmental Health felt that there was little protection for the problem of street noise.
- The students will cause late night disturbance both at the site and in the surrounding streets and this could force existing residents to move out of the area.
- The ES does not assess the impact of late night noise and assessment.
- The Management Plan does not address antisocial behaviour in surrounding streets.
- The increase in students will cause a change in demographics which will result in too many young people and a lower class of shops, and would adversely affect the character of the North Laine.
- The local pubs will become full of students.
- It is not known who will manage the student accommodation when it is the holidays.
- The management plan will not stop noise disturbance.
- The North Laine area used to be quiet at night but now there is regular noise and disturbance and antisocial behaviour. Owner occupiers are already moving out mainly due to antisocial behaviour and vandalism. This application will adversely affect the mix of people within North Laine and its character.
- Increase in rubbish and broken glass on the street.
- The durations of the impacts will be forever, the frequency will be most nights and there will be no opportunity to reverse the impacts.
- The proposal will not free up family housing as they will just be filled with students again.
- Police at the Licensing Strategy Group on 28 October 2013 recognise that since the Licensing Act came into force the movement of people between midnight and 6am is colossal and the police are stretched to the limit.
- Students will smoke outside the building or in the public square and this will cause a nuisance.
- There Universities are not a benefit when there are people in the City which have to live near students.
- This proposal will replicate the problems which have been experienced by residents as a result of Phoenix Halls.
- Purpose built student accommodation does not resolve problems associated with students but makes them worse as high numbers of students are concentrated in one place.
- Limited amenity space provision for students.

Design, impact on conservation areas and listed buildings

- Trafalgar and York Buildings are key to the architecture of the North Laine and should not be demolished
- The proposed buildings will totally dominate and appear alien and obtrusive and cause significant harm to the North Laine conservation area and are not appropriate in terms of height and design.
- The proposal do not respect the urban grain of the North Laine.
- The development would obliterate strategic views

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- The proposal is contrary to policies QD1, QD2, QD4, QD27 and HE6 of the Local Plan and CP12 of the City Plan.
- The college and student buildings are inappropriate in height and do not relate to the previous Conservation Area Character Statement which requires that development must address the 6 to 8 storeys on the New England Quarter to the north-west and the domestic scale on the North Laine.
- The proposal is contrary to the North Laine Conservation Area Study and as such an approval would be unlawful could be challengeable by judicial review.
- The submitted photomontages are misleading and do not show the true impact on the North Laines conservation area.
- The buildings are little architectural merit cheap and ugly.
- The site is not suitable for tall buildings and replacement buildings should be no more than three storeys in height.
- The car park is the only last un-built space in the area.
- The proposal would harm the setting of Pelham Square.
- Development is overcrowded on site and too dense.

Amenity – Operational Impact

- Loss of light to property caused by new buildings.
- The daylight/sunlight/overshadowing chapter of the ES has omitted surrounding windows belonging to adjacent properties. Concerns about the accuracy of this chapter and the calculations.
- Loss of privacy to property and amenity areas caused by new buildings.
- Loss of view to property and amenity areas caused by new building.
- Odours caused by restaurant.
- Noise from the auditorium/arts space.
- Concerns about wind speeds on Whitecross Street.
- Concerns about the accuracy of the wind assessment

Residential scheme

- Must include affordable housing.
- Council will have no control over the design and height of the buildings could be 10 storeys in height.
- Lack of amenity space for future residents.
- The scheme could result in a total of 380 people which will not be families and is likely to be rented to students which will result in the number of students as a result of the development being 822.

Gloucester Building

- Object to the use of Gloucester Building a crèche with an outdoor children's play areas as it will cause noise and disturbance.

Transport

- Pedestrianisation of Pelham Street should be avoided as this will mean a large detour for vehicles and will put pressure on surrounding streets.
- Will increase on street parking demand where there is already a waiting list
- Increase in traffic as a result of students

Other Issues

- The proposal is similar to the recent application for student accommodation at Richmond House (BH2013/02838) and should be refused for similar grounds, particularly as the mass scale and bulk of the proposed development is substantially larger than the existing College Building and would appear out of scale and overly prominent to in views of the North Laine conservation area, and the student accommodation and the public square would have a significant impact on the amenities of local residents and in particular noise and disturbance, as it does not make any provisions for on street parking in the surrounding area,
- The 2008 application should be given little weight as the Phase 2 development was less dense and didn't include students and the impact of the 2003 Licensing Act is now much clearer and the high number of students is beginning to have a negative impact on residents lives.
- The application is full of inaccurate information and the EIA is not robust.
- The College have asserted that the Council's Environmental Health Officer (EHO) is satisfied that his concerns have been addressed prior to any formal consultation response from EHO.
- The College have asserted that construction impacts are not material planning considerations.
- The re-consultation letters took several days to arrive and therefore the consultation period has been less than 21 days.
- The period of time between the consultation period ending and the report being finalised does not leave sufficient time for the Council to properly assess any representations received.
- Letter of support are not from local residents are some have connections with the College.

5.2 **30** individual representations of support have been received from the addresses which are contained in full with the appendix to this report. The following grounds of support are stated:

- Provision of improved high quality educational, skills and training facilities with modern teaching space.
- Current educational facilities on site are not fit for purpose.
- Improvement, enhancement and refurbishment of the environment of the area between London Road and the North Laine.
- Provision of outdoor community space.
- Mix of uses will fund new college facilities.
- Contribution to City's need for homes and student accommodation.
- Will relieve pressure on other areas for student houses.
- Resulting economic benefit, including inward investment, to the City.
- Removal of unsightly older buildings.
- Greater accessibility to new college building.
- Will be in keeping with ongoing projects in the New England Quarter.
- No government funding is being used for the development.
- The development will create jobs.

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- 5.3 **80** standard representations have been received and the addressed are listed in the appendix. Ground for support are summarised below:
- Current buildings are not fit for purpose.
 - Need more inspiring teaching and learning areas to give facilities and student social spaces that future generations need.
 - Will not only provide first class learning facility but also improve the whole environment between London Road and the North Laine.
 - Will allow the College to become a real asset to the residents of Brighton and Hove.
- 5.4 **26** standard representations have been received and the addressed are listed in the appendix. Ground for support include those stated above plus the additional reason below:
- New hairdressing salons will be far more state of the art, attract more customers and realistic to working in the industry.
- 5.5 **101** standard representations have been received and the addressed are listed in the appendix. Ground for support are summarised below:
- City College is the most important provider of education and training for young people and adults in Brighton and Hove, particularly from minority and hard to reach backgrounds.
 - Current buildings and facilities are not good enough to deliver the top quality curriculum these members of the community need.
 - Whole redevelopment, including student residential accommodation, will help to regenerate the run-down area between North Laine, London Road and New England.
 - Will boost business, make the area safer and more accessible for vulnerable people, and provide new jobs and opportunities.
 - Important that young people, coming to study at University, have somewhere clean and safe to live.
 - Will also help free up housing for families and permanent residents in areas of the City where there is currently a lot of private student housing.
- 5.6 **Brighton & Hove Archaeological Society:** The proposed development is close to a number of find sites which have produced Romano-British material. Therefore suggest that the County Archaeologist for his recommendations.
- 5.7 **Brighton & Hove Business Forum:** Support the application. The buildings at the campus are long past their sell-by-date and it is a travesty that young people have to learn in an environment that dates back to the 1970s. The College is one of the City's greatest assets but has inadequate facilities that prevent it from reaching the outstanding status that is required to produce the workforce of the future. The proposal will provide first class learning facilities that the students deserve and will also improve the built environment between London Road and

the North Laine. The removal of car parking is welcomed. Aware of objections from local residents but the City must build for its future.

5.8 **Brighton & Hove Economic Partnership:** The buildings are not fit for the purpose of 21st century educations. The proposal will provide a first class learning facility but also contribute to the regeneration of the London Road area. City College is an incredible asset to the City and this proposal would allow it to continue to deliver the highest standard of education. The proposed student accommodation would help the City cement its place as one of the most popular university towns in the UK which will in turn provide a world class workforce.

5.9 **CAG:** The Group recommend refusal due to the inappropriate nature of the design. The Groups also recommended that if the scheme is approved the following matters should be considered:

- More detailed consideration should be given to the retention of the properties at Trafalgar House, York House and Cheapside;
- Historic nameplates should be part of the development;
- The proposed wood cladding on the canopy of the main College Building is inappropriate due to the likely effects of weathering.

5.10 **County Ecologist:** Comments made on 29 August 2013.

5.11 The sycamore tree will be removed. This tree was identified as one of the species of greatest value in the context of the site along, but of low ecological value in the context of the local area. The tree has been assessed as having negligible potential for bats. In this context, and considering that a line of trees will be planted as part of the development, the loss of the single sycamore is acceptable.

5.12 There was reference in the previous Biodiversity Chapter to the ES to related to the provision of a roof terrace to be planted to provide structural diversity, including log piles. A roof terrace and the tree line will provide “green stepping stones”, broadening the green corridor between The Level and the Brighton Station Greenway, therefore a roof terrace should be provided.

Comments made on 30 July 2013

5.13 The level of surveys undertaken is sufficient to inform appropriate mitigation, compensation and enhancement. There are unlikely to be any significant impacts on any designated sites or protected species. The majority of the site comprises hardstanding and buildings and is of low ecological value. The habitats of greatest value are the mature planted trees within and in the area surrounding the site. Trees should be retained and protected where possible in line with the submitted arboricultural report. The site has negligible potential for reptiles, bats, dormice, great crested newts and invertebrates and therefore no mitigation is needed for these species.

5.14 York Building has a high potential for breeding herring gulls. Under Section 1 of the Wildlife & Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from

being damaged, destroyed or taken. Demolition of the building should take place outside of the bird nesting season (generally March to August inclusive). If this is not reasonably practical then a nesting bird check should be carried out prior to any clearance works by a appropriately trained, qualified and experienced ecologist. If nesting birds are found then an appropriate buffer zone should be maintained until the young birds have fledged and left the nest. Alternatively, netting could be erected over the flat roof prior to the bird nesting season. In addition if nesting birds are found in any vegetation to be cleared, clearance must stop until the fledglings have left.

5.15 The following mitigation proposed within the ES should be supported:

- Retention of the sycamore tree;
- Tree planting immediately to the west of the Cheapside development;
- Using appropriate native species of local provenance where possible and including herb species within the planters;
- Creation of a roof terrace which should be planted to provide structural diversity, including log piles;
- Planting scheme should include native species of benefit to wildlife;
- Incorporation of swift boxes, sparrow terrace nest boxes and bat boxes;
- Incorporation of a replacement flat roof for nesting gulls;
- External lighting should take account of national guidance in relation to bats.

5.16 **East Sussex County Archaeologist:** Although this application is situated within an Archaeological Notification Area, there has been a very high level of past impact on this site by both the construction of the current buildings and the previous construction and demolition of the Victorian terrace housing. Therefore believe that it is unlikely that any significant archaeological remains survive. The potential for deeper Pleistocene deposits is also low given the sites location on the side of the chalk combe valley and well to the north of the known extent of the Brighton raised beach deposits. For this reason make no recommendations.

5.17 **East Sussex Fire & Rescue Service:** No objections. Make the following comments:

5.18 The size and height of the proposed development will require the installation of fire fighting shafts and dry riser installations in order to satisfy the requirements of Building Regulations. Although this will be enforceable at Building Regulations approval stage, the applicant should be advised to ensure that the necessary provision for fire fighting access, both for personnel and vehicles and for hydrants for water supplies is considered at an early stage, to ensure that their inclusion later does not necessitate changes to plans which will require further Planning Approval. Recommend that full automatic sprinkler provision is included in the plans for the new development in the interests of both the safety of persons using the premises and business continuity.

5.19 **English Heritage:** With regard to the proposed development, English Heritage's remit is in relation to the setting of the two highly graded buildings in proximity to the site St Bartholomew's Church listed at Grade I to the south and addresses

Ann Street and is visible in views from Pelham Street ; and St Peter's Church listed at Grade II* to the east. English Heritage also has a remit to provide advice where the LPA perceived that a proposal would affect the character or appearance of a conservation area, in this case the North Laine and Valley Gardens Conservation Areas which sit to the south and east of the site respectively. This response therefore focuses mainly on these three issues, and does not seek to provide detailed advice on design matters as these are most appropriately addressed by the LPA's own specialist conservation and design staff.

5.20 Trafalgar and York Buildings are considered by the LPA as undesignated heritage assets, of some historic and architectural interest as part of the development of the Brighton Board Schools by Thomas Simpson & Son. English Heritage agrees with this assessment, and their loss, and the impact this would have on the character of the conservation areas must be weighed against the wider public benefits of the proposal (NPPF para 135). The Trafalgar Building was at the time of construction a handsome building with alternating bands of brick and stonework and elaborate Dutch style gables. The Pelham Street elevation has been much altered by later additions, and while of some townscape merit, its loss is likely to be outweighed by the public benefits associated with the scheme. English Heritage was unable to access the site to make a full assessment of the York Building, which we understand to be a more intact example of the historic school use, but we agree with the Council's Conservation Officer that the townscape value of the asset is limited, and the creation of a new east-west pedestrian access route through the site is a significant public benefit. A further school building, Gloucester is to be retained. It is indicated as being outside of the application site boundary, but within the ownership of the applicant. This building is within the North Laine Conservation Area and makes a positive contribution to it. We understand the building to be vacant, and its exclusion from the application site leaves it vulnerable. The crèche proposal seems a sensible one and would provide a sustainable use for this building (in line with paragraph 131 of the NPPF) which would be the only remaining building representative of the historic school use in this location.

5.21 Turning to the western part of the site, the Pelham Tower and surface car park bear no relation to the historic street pattern in this part of Brighton, which was originally more akin to the tight urban grain of the North Laine Conservation Area to the south. The redevelopment of this part of the site offers a clear opportunity to enhance the setting of the conservation areas and begin a process of tying back together this part of Brighton's townscape in a more coherent way. English Heritage accepts that a higher density development is required here, and that the principle of taller buildings, of up to nine storeys has been accepted in previous iterations of the proposals. The scale and massing of the new buildings represents an appropriate transition between the Valley Gardens and the North Laine Conservation Areas, and the larger scale development to the west. Buildings would step down in height from west to east with the topography which will help retain or enhance most key views. The prominent view of the tall gable end of St. Bartholomews Church, and its fine rose window would be enhanced, in part facilitated by the slight widening of Pelham Street and its proposed use as a

shared space, which offer the additional benefit of improving opportunities for visitors to enjoy this aspect of the Church.

- 5.22 English Heritage is in general supportive of the scheme, but recommends that greater consideration is given to the inclusion and adaptation of the Gloucester building, and that the advice of the LPA's design officer is sought in relation to the new build proposed, particularly the elevations fronting Pelham Street within the setting of St Bartholomew's Church.
- 5.23 **Southern Water:** The exact position of the combined sewer and water mains must be determined on site by the applicant before the layout of the site is finalised. It might be possible to divert the public sewer as long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Therefore recommend conditions to require the protection of public sewers and water apparatus and for a formal application to be made in order for connection to the public sewer.
- 5.24 Southern Water's initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDs). Under current legislation SUDs rely on facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDs facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 5.25 Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on site mains to be made by the applicant or developer. An informative to this effect is recommended.
- 5.26 **Environment Agency:** No objection subject to conditions to require the following:
- Contaminated land desk top study, site investigation and if necessary remediation work and verification report;
 - Contaminated land discovery and remediation;
 - Prior approval of any SUDS infiltration of surface water into ground;
 - Prior approval of piling and any ground source heating and cooling systems;
 - Prior approval of the foul and surface water drainage system;
 - Prior approval of any storage of oils, chemicals and contaminative materials;
- 5.27 **North Laine Community Association (NLCA):** Object to the proposal. The proposed development would have a detrimental impact on the North Laine conservation area. The proposed development is more dense than the existing

college buildings and is at odds with the small scale nature of the North Laine which consists of largely narrow Victorian streets of terraced houses of two or three storeys organised on an irregular linear grid street pattern with dominant materials being painted stucco walls of brick or bungaroosh and slate roofs. The proposed development does in no way enhance the buildings or townscape of North Laine and will have a detrimental impact on the skyline of North Laine. The College have submitted additional views from Sydney Street and these views accord with the drawings that the NLCA have produced and show how the proposed College would block the view north of Sydney Street and there would be less skyline visible from Sydney Street. The proposed building is not an improvement over Pelham Tower as it will be closer to the North Laine. The proposal has little architectural merit and the height, scale, bulk and design of the proposals will appear quite alien to the small scale nature of the North Laine. The proposal is contrary to policy QD4 of the Local Plan and policy CP12 of the Submission City Plan.

- 5.28 The proposal for a 10 storey student building will not enhance the small scale townscape of the North Laine. The proposal does not comply with the requirements of the Tall Buildings SPG and the visuals are misleading.
- 5.29 It is inappropriate to have outline planning applications for schemes which are adjacent to conservation areas. Six storeys is too high for the new residential buildings and the development will be too dense. CAG members were told it may well be higher once a developer has bought the site.
- 5.30 There is no mention of the application documents of listed properties in Pelham Square or on Kensington Place. There is no reference to the requirement of the North Laine Conservation Area Study and the need to reinstate the original building line where lost (Pelham Street).
- 5.31 The problems with the public space close to Phoenix Halls were highlighted in the 2009 Scrutiny Report on 'Students in the Community' along with other significant problems with student behaviour and the studentification of areas. The Report found that North Laine and St Peter's was one of the most highly populated area of students in Brighton & Hove and that noise complaints from within student housing, from within halls of residence and from surrounding streets were common complaints from residents. The Head of Environmental Health and Licensing said he felt that addressing the problem of street noise was a gap in protection for residents.
- 5.32 Students are likely to gather in the public space to smoke and to have large scale gatherings. There is no management for the public square and it will become a magnet for anti-social behaviour. Already this area has problems with rough sleepers and street drinkers. Pelham Square has to be closed after 6pm because of antisocial behaviour. There are constant references within the application documents to the North Laine being vibrant which means extremely lively. Residents do not want a lively area they want to be able to enjoy their homes in peace. The applicant has not shown that the requirements of Submission City Plan policy CP21 have been met and the scheme is contrary to policies SU10 and QD27 of the Local Plan. The potential noise and disturbance

as a result of 442 students located on this site as well as 351 students at the Co-op and 86 at Buxtons is a major concern in terms of noise and disturbance to residents. The NLCA is not anti-student or anti young people. The issue is that residents are already woken up by rowdy drunken behaviour on their doorsteps and most of it is from students.

5.33 The scheme will result in the significant loss of educational floorspace on site and would be contrary to policy HO20 of the Local Plan. There is not the flexibility within the plans to provide for an increase in student numbers for the future.

5.34 The applicant's consultation prior to the submission of the application was flawed and it does not have the support of local residents.

5.35 The construction period will include activities such as demolition and piling and will generate impacts such as noise, dust and vibration over a wide area and would affect many people. The construction would last 4 years with piling for 20 weeks and will make the lives of people who live near by intolerable.

5.36 Sussex Police:

Comments made on 22 November 2013:

5.37 A monitored CCTV system should be a consideration both internally and externally throughout the development and recommended that a set of operational requirements is drawn up. Lighting will also be key and should be commensurate with the CCTV equipment.

5.38 Welcome the decision to gate the alleyway adjacent to 2 Whitecross street. Regard should also be given to reducing the opportunity for skate boarders in all public areas and to prevent members of the street community taking advantage of the public spaces. Consultation should be undertaken with the local Neighbourhood Policing Team so they can highlight any concerns and provide possible solutions.

Comments on made on 15 July 2013

5.39 Due to the application being outline comments are broad and more detailed comments will be provided at the reserved matters stage.

5.40 The City has level of crime which are above average when compared to the rest of Sussex, however, given the sites location within the heart of the City, do not have undue concerns with the present level of crime within the immediate area.

5.41 Have some concerns regarding the amenity of the residents that border the development, particularly 2 Whitecross Street whose property abuts a proposed pedestrian walkway which leads to a public square. The unobserved area within the walkway could encourage loitering and become a hot spot and experience loitering and acts of antisocial behaviour. Within the 7 attributes of Safer Places under Access and Movement is states '*Crime and anti-social behaviour are more likely to occur if there are several ways into and out of an area, providing potential escape routes for criminal activity*'. Question whether this proposed route is fit for purpose and indeed necessary, when there is adequate access into the square from Redcross Street approximately 50 metres away in addition to the

access at Pelham Street. Recommend that the main access points into the development should be Pelham Street and Trafalgar Street. This approach ensures that the entry points into the development provide good active frontages with the public areas benefiting from being overlooked.

- 5.42 Security into the site and the college academic buildings will be important but the security into the residential blocks will be of paramount importance. Communal doors to accommodation blocks should have an access control system fitted with independent room doors benefitting from a PAS 024 accredited door, complete with security chain and viewer fitted. All ground floor and easily accessible windows are to conform to BS 7950 (PAS024 as of the end of 2013) with laminated glazing to a minimum thickness of 6.4mm, P1A. To remove opportunist theft at ground floor I recommend that all ground floor openers have limiters fitted. LPS 1175 SR2 products for doors and windows could also be considered throughout the development and would be an acceptable alternative. Postal arrangements should be made to remove post delivery through individual doors.
- 5.43 The Safer Places document from the ODPM (2004) offers a good practice guide for the creation of well designed and safe places through the planning system. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder.
- 5.44 **The Brighton Society:** Object to the proposal. The scheme is first and foremost a property scheme and will destroy the character, scale and grain of North Laine. It would loom large against the small scale nature of the North Laine and would be contrary to policy HE6 of the Local Plan. The replacement of 12 storey Pelham Tower with a new tower of 10 storeys which will be wider and bulkier is not acceptable. The views are inadequate and misleading and the proposal will have a significant adverse impact on the view from Sydney Street. The proposal is contrary to policies QD1, QD2, QD4 of the Local Plan.
- 5.45 The proposal is contrary to policy DA4 of the Submission City Plan as 442 student bedspaces are proposed rather than the 300 specified in the policy. This combined with the 351 at Co-op, 86 at Buxtons, 400 at Circus Street and 350 at Bellerby's will add 1,280 students to the City and will turn it into a student town. The public square will result in noise, disturbance and anti-social behaviour.
- 5.46 The Trafalgar and York buildings are undesignated heritage assets and these buildings along with the archway at 15 York Place should not be demolished.
- 5.47 **The Regency Society:** Welcome some aspects and object to some aspects. The existing car park has been in need of redevelopment for some years and welcome the new public square and new route through from Redcross Street to York Place. However question the need to demolish Pelham Tower as it is a good example of the department's work (Brighton Borough Council). For sustainability reasons more consideration should be given to its refurbishment.

Advocate the retention of all buildings to the east of Pelham Street and suggest they are used as student accommodation. Consider that the outline scheme does not contain enough detail about the design of the proposed buildings.

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

Internal:

5.49 **Accessibility Officer:** It is appreciated that this is not a detailed application for the internal layout for the housing, but the following observations may help when finalising the design.

5.50 Lifetime Homes

- There seem to be several doors that lack the necessary 300mm space at the leading edge.
- Some of the spaces within the bathrooms look fairly tight.
- There are many situations when achieving the necessary 300mm handrail projection beyond the top and bottom of flights would restrict the route of travel to an unacceptable extent. There are also situations where the handrail extension would not be possible due to the presence of doors.
- There may be situations when where the required 1200mm between the faces of kitchen units is not provided.
- The LPA will need to have details of level or sloping access to the building at the appropriate time but that should presumably be relatively easy to achieve given the site levels.

Wheelchair Accessible Units

5.51 If normal policy rules are being applied to this application, there would be 5 wheelchair accessible units in the affordable sector and 2 in the market sector (7 total). It would be useful to have the accessible units identified because none of the layouts indicated so far appears suitable in respect of space immediately inside the entrance door, space to store and charge an electric wheelchair or scooter or space for a suitable accessible bathroom.

5.52 The accessible units will all have to be at the entrance level because the design only provides for one lift per core and wheelchair accessible units above the entrance level would need access to two lifts.

5.53 **Air Quality Officer:** The Air Quality Chapter of the ES is very thorough and considers the developments impact on local air quality including potential changes in traffic flow (including bus services) and emissions from a CHP gas fired process.

5.54 The CHP is predicted to contribute $4.5 \mu\text{g}/\text{m}^3 \text{NO}_2$ to the eight or nine storey eight of the development. Whilst ambient concentrations at this height are expected to be at background levels and compliant with standards the contribution represents 11% additional to the annual mean standard for NO_2 .

5.55 The development is predicted to contribute close to half (0.43) of $1 \mu\text{g}/\text{m}^3 \text{NO}_2$ to existing air quality hotspots at residential properties close to the A23- York Place

and Cheapside junction. Using the Sussex Air Quality and Mitigation Guidance such a development contribution to an existing area of exceedance can be characterised as medium adverse with the need for mitigation conditions for a recommendation for planning approval.

5.56 Recommend the following conditions:

- Contribution towards local air quality investigations (modelling and monitoring) in support of the Air Quality Management Plan and alternative fuel strategies requested to the sum of £25,000;
- Wiring for electric plug in for vehicles re-charging. The wiring should be in place before any surface parking is completed and should not add significantly to development cost;
- The flue height of the main gas fired CHP should be at least 2.5 metres above roof apex and has a velocity of at least 2.5 metres per second.

5.57 **Arboricultural Officer:**

Comments made on 1 October 2013

5.58 The possibility of the retention of the Sycamore tree has now been thoroughly explored. Remain disappointed that its retention is not possible, however, given that extensive tree planting is planned for the public square (including screening for the houses behind the square), therefore satisfied that this tree cannot be retained and reluctantly agree to its loss, subject to a robust landscaping plan regarding tree planting in the area.

Comments made on 2 August 2013

5.59 No objection subject to certain conditions. The Arboricultural report submitted with the application is comprehensive. Should this application be granted consent, two street trees will be lost to facilitate the new parking lay-by. One young Sycamore that has been categorised as a "B" grade – this means it is of moderate quality with an estimated remaining life expectancy of at least 20 years. This tree, although planted in a heavily residential area, is of relatively small stature and it is felt that the impact of its loss will not be too great. One semi-mature London Plane, also categorised as a "B" grade, will also be lost. Again, although it is of larger stature than the Sycamore mentioned above, the Arboricultural Section would not object to its loss at this time. It is to be hoped that an extensive landscaping condition will adequately compensate for the loss of the above two trees and the Arboricultural Section would ask for replacement trees to be contained within this condition.

5.60 A further tree on the site itself is also earmarked for removal, however, the Arboricultural Section objects to the loss of this tree and questions why it is felt necessary to remove this tree at this time. It is a mature Sycamore tree that has been categorised as an "A" grade, meaning it is a tree of high quality with an estimated remaining life expectancy of at least 40 years.

5.61 This tree is the only tree of some maturity and stature in the vicinity, and according to the plans, the area within its vicinity is laid to landscaping. The Arboricultural Section would ask that this tree be retained if at all feasible and

protected during the course of the development along with other trees that are due to be retained.

- 5.62 Tree T10, a Sycamore within the grounds of 89 Trafalgar Street, is covered by Tree Preservation Order (No 3) 2009 and as such any building works carried out within the Root Protection Zone of this tree must be the subject of a Construction Method Statement paying due regard to the tree's environment.
- 5.63 A full and comprehensive Arboricultural Method Statement should be the subject of a condition attached to any consent granted covering items such as, amongst others, Tree Protection measures, Utility Service Connections, Site Compound configuration, Site monitoring programme, Pruning operations etc.
- 5.64 **Building Research Establishment Limited (BRE):** The BRE were appointed by the Local Planning Authority to independently assess the **daylight, sunlight and overshadowing chapter and the wind environment chapter of the ES.**

Comments made on 21 October 2013 on Daylight/Sunlight/Overshadowing Chapter received on 7 October 2013

Existing Properties - Daylight & Sunlight

- 5.65 Trafalgar View: Loss of daylight to all windows would be within the BRE guidelines and therefore not significant. There would be no impact on sunlight to these properties as the new development would be located to the north of all of these properties.
- 5.66 87 – 91 Trafalgar Street & 1- 2 Whitecross Street: The window locations in the ES map now appear to correspond to the actual window layout. The ES predicts that loss of light to all windows in the rear facades of 87-91 Trafalgar Street would not meet the BRE Guidelines. VSC with the development in place would range from 11-23% and would be between 0.65 and 0.73 times their existing values. This would be a significant loss of light. In this façade there are thought to be two kitchen windows and 5 bedroom windows.
- 5.67 The ES predicts that all windows at 1 & 2 Whitecross Street would meet the BRE Guidelines except for the ground floor windows and the right hand first floor window of 2 Whitecross Street, which marginally fail. This would be a minor loss of light.
- 5.68 In total for both 87 – 91 Trafalgar Street and 1 to 2 Whitecross Street 20 windows would have a loss of light outside the BRE guidelines. However, some of these may not light habitable rooms, or may be secondary windows to rooms with another, larger window.
- 5.69 There would be no impact on sunlight to these properties as the new development would be located to the north of all of these properties.
- 5.70 92 – 96 Trafalgar Street & 1 to 2 Pelham Street: The window locations in the ES map now appear to correspond to the actual window layout. The ES predicts a loss of light to 12 windows in the rear of properties 92 – 96 Trafalgar Street which

would not meet the BRE guidelines. However, some of these windows may not light habitable rooms. Most of the windows would have a loss of light only marginally outside the BRE guidelines.

- 5.71 Loss of light to 1-2 Pelham Street would be within the BRE guidelines.
- 5.72 There would be no impact on sunlight to these properties as the new development would be located to the north of all of these properties.
- 5.73 Foyer Housing: The western elevation of this building would experience some loss of light as a result of the new college building, however, the light received would still be within the BRE guidelines. The east elevation would experience an increase in light as a result of the demolition of York Building and replacement with lower buildings. This increase in light is small for most windows, apart from two at the ground floor where the increase in light is significant.
- 5.74 Loss of sunlight to this building would be within the BRE Guidelines. Many of these windows would not experience a change in the amount of sun received.
- 5.75 1-4 London Road: Although windows to this building have been analysed they are thought to be commercial space within the Aldi Supermarket.
- 5.76 45-47 Cheapside: Loss of daylight to all windows would be within the BRE guidelines.
- 5.77 Loss of Annual Probable Sunlight Hours (APSH) would be within the BRE guidelines, although 15 (not 17 as stated within the ES Chapter) would experience a loss of winter sun outside the guidelines. The winter sunlight hours with the new development in place would be less than 5% and less than 0.8 times the value before (more than 20% reduction), and the reduction in sunlight over the whole year would exceed 4% of annual probable sunlight hours. This would be classed as a minor impact. It is not known how many of these windows light main living rooms.
- 5.78 New England Quarter flats (Blackmore Court, Cheapside): These flats are some distance away and the daylighting and sunlighting impacts would be negligible.
- 5.79 15 – 19 and 21 – 23 Trafalgar Street: These flats and houses face north towards the development across Trafalgar Street, but their view of it would be restricted by the existing housing opposite. Loss of daylight to all windows would be within the BRE guidelines. There would be no impact on sunlight.
- 5.80 Trafalgar Court: These windows would have an oblique view of part of the new development. There would be very small gains in light following redevelopment. There would be no impact on sunlight.
- 5.81 8 – 30 York Place: The ES now includes all windows which were missing previously. There is a mistake in the VSC tables for 8 – 10 and 11- 14 York Place. The reported changes do not agree with the values of the VSC for the same windows. Assuming the basic VSC values are correct, most of the

windows would have small increases in light. For seven windows (two in 11 and one in each of numbers 13, 14, 16, 17 and 18 York Place) the gain in light would be significant.

- 5.82 There would be little change in the sunlight received by these windows. Any loss of sun would be within the BRE guidelines and some windows would have small gains.
- 5.83 Hobgoblin Public House: The rear of the building is currently obstructed by the Cheapside building. Most of its windows would have small increases in daylight and sunlight following redevelopment.
- 5.84 St Peter's House, York Place: The main facades face north and south. The new development would have a negligible impact on daylight to most windows, but four windows (on the ground floor on the south side) would experience a significant increase in light. Any loss of sunlight would be within the BRE guidelines.
- 5.85 Theobald House: This tower block would have a view of the new College Building. Loss of daylight and sunlight to all windows would be within the BRE guidelines.

Proposed Buildings – Daylight

- 5.86 For the college building, the vertical sky components would be generally reasonable giving good access to daylight for the majority of locations.
- 5.87 Vertical Sky Components (VSCs) for the outer facades of the student residential are also good. However, there is restricted daylight provision to the lower floors of the windows looking into the internal courtyard. Around 60 windows would have vertical sky components less than 15%, meaning that very large windows would be needed to provide enough daylight. In cases like this the BRE recommends carrying out an Average Daylight Factor (ADF) to check if the proposed rooms will receive enough daylight. For a student room, ideally an ADF of 1.5% (the minimum recommendation for living rooms in the BS806 Part 2 should be achieved. As a bare minimum the recommendation for bedrooms (1% ADF) should be met. The ES Chapter carried out such an analysis for a 'worst performing room' in the student accommodation, using a large floor to ceiling window. This shows that it is possible to obtain an ADF of 1.5%.
- 5.88 The main concern for daylighting of the new buildings is the siting of Building A of the proposed residential development. Its main west façade is directly opposite and within close proximity to the student residential building and part of the college building. The ES Chapter has now carried out an analysis of with the balconies removed from windows in this critical location. All of them would now have VSCs of above 5%. An ADF analysis for a for a 'worst performing room' in Block A, using a large floor to ceiling window, shows that it is possible to obtain an ADF of above 1.5%. The scheme is an outline only for this element and room layouts have yet to be decided. For the final scheme the Council may wish to recheck daylight and sunlight provision.

- 5.89 It should be possible to design Buildings B and C to achieve adequate daylight, as they are less obstructed and do not have large balconies.

Proposed Buildings Sunlight

- 5.90 The majority of rooms in the new residential development are indicated to face east or west and therefore receive some sunlight, even if most do not meet the guidelines within in BS8206 Part2. Building B is predominantly north facing, but the indicative drawings show that bedrooms have been faced in the north façade and the living rooms each have an east or west facing window. This is a sensible arrangement.

Overshadowing – Open Spaces

- 5.91 The development is to the north of gardens/amenity spaces to the rear of Trafalgar Street, Whitecross Street and Pelham Street and would therefore result in no additional shading on March 21.
- 5.92 Three of the four open spaces within the new development would receive adequate sunlight; the fourth (the courtyard in the student residential block) is marginal.

Comments made on 18 July 2013

Daylight – Existing Buildings

- 5.93 Loss of daylight would be outside the BRE guidelines for some windows in 87-96 Trafalgar Street and 1-2 Whitecross Street. The data in the ES Chapter gives a total of 17 windows that would not meet the guidelines. However some of these light bathrooms or circulation areas, and there are other windows which they have not analysed. Overall, between 12 and 18 windows would be expected not to meet the guidelines, and some of these would only be marginally below the recommendations. None of these figures are consistent with the summary in the ES (pages 14-15) which states that 4 rooms in 88-91 Trafalgar Street and three in 92-95 Trafalgar Street experience minor adverse impacts. The summary also cites 5 windows in the City College Building (probably this refers to Foyer Housing) with minor adverse impacts; although all the windows in this building in fact meet the BRE guidelines.
- 5.94 Loss of light to all the other buildings analysed would be within the BRE guidelines, and there would be significant increases in light to a small number of windows (eleven in total).
- 5.95 The window locations in the map within the ES do not correspond to the actual window layout. In number 91 Trafalgar Street there are two windows at second floor level and one on the first floor, but two windows at first floor level have been modelled. The left hand one of the two windows at second floor level is understood to light a hallway.
- 5.96 In numbers 89 and 90 Trafalgar Street the correct number of residential windows has been modelled but the levels do not appear to be correct; these windows are at first and second floor level. The second floor windows are understood to light bedrooms; the first floor windows are understood to light a kitchen in 90 and a bathroom in number 89 Trafalgar Street.

- 5.97 In 1-2 Whitecross Street there are a glazed door and smaller window in each property at ground floor level, which have not been modelled. These may light living rooms or kitchens.
- 5.98 In addition the ES chapter appears not to have modelled the rear extensions to numbers 90 and 91 correctly, in particular the sloping walls.
- 5.99 The ES Chapter has also omitted to analyse some windows in 11 and 12 York Place. In the centre of the figure is the rear extension to number 12, the end elevation of which contains two windows at first and second floor level. To the right there are first floor windows at the rear of number 11, which are understood to light kitchens. These windows should be analysed as they are close to the boundary and would have a direct view of the new development.

Daylight – Proposed Buildings

- 5.100 Some of the windows to the internal courtyards of the proposed student residential accommodation receive limited amounts of daylight. A more detailed calculation is recommended to show whether these rooms would have enough daylight.
- 5.101 A major concern is the limited daylight provision to the west side of the proposed new residential building A, which is heavily obstructed by the student accommodation and college opposite and by its own balconies. The siting and massing of this block should be reviewed.

Sunlight

- 5.102 Sunlighting impact to surrounding windows could not be reviewed because Hilson Moran's data are obviously incorrect, exceeding the theoretical maxima in many cases. However it is not expected to be a major issue because the most obstructed windows (those listed above) face north.
- 5.103 Comments from the BRE regarding the wind assessment are included below:

Comments made on 4 October 2013 regarding the wind environment chapter dated the 17/09/2013:

- 5.104 The wind environment chapter of the ES is based upon a wind tunnel investigation undertaken at BMT. The BRE are well aware of BMT, its facilities and its professional reputation. The wind tunnel investigation appears to have been undertaken in a proper manner.
- 5.105 BMT have used the wind comfort criteria developed by Lawson for London Docklands. These criteria are similar to (but not the same as) the Lawson (1980) criteria that BRE would normally use. This means that numerical results are then interpreted ('or binned') into the different wind comfort categories (e.g. standing walking etc). Therefore, since the numerical are small, the 'binning' process almost always produces the same wind comfort criteria category. This means that differences between assessments of the wind conditions made using either the Docklands or the 2008 wind comfort criteria are, for practical purposes, unimportant.

- 5.106 The results from the ES Chapter are consistent with the wind conditions the BRE would expect to see for a site in Brighton which is away from the seafront. The Wind Assessment is clear and easy to understand. Furthermore, the BRE endorse the decision made to analyse the wind tunnel assessment using the Thorney Island long-term wind statistics which has been justified within the ES Chapter.
- 5.107 The BRE consider that the wind tunnel testing work undertaken is reasonable and that there are no errors in either the test methodology or in the analysis processes. The BRE support the conclusions reached in the ES and the assessments of the likely wind conditions around the existing and proposed schemes.
- 5.108 By comparing the baseline and proposed worst case season results it can be seen that the proposed scheme worsens slightly the wind conditions along the east side of the northern end of Whitecross Street. The ES Chapter does not comment specifically on this degradation, but instead it notes (correctly) that the wind conditions of these two scenarios are appropriate for its intended pedestrian usage. The reason for the BRE bringing this to the Council's attention is that, even though the wind conditions are appropriate, the proposed scheme is likely to be perceptibly windier in this area and new buildings causing noticeably windier conditions tend to be noted by the public.
- 5.109 Redcross Street is not shown on any of the plans given in Source 1 of the ES and therefore the BRE were unable to comment on the findings.
- 5.110 The Legislative and Planning Context section of the ES Chapter does not consider all of the relevant planning guidance and requirements. There are a number of other documents which may be of relevance.

Comments made on 26 July 2013

- 5.111 The wind chapter of the ES is based upon a series of Computational Fluid Dynamics (CFD) simulations conducted by an unknown author. This review has raised a number of important concerns regarding the robustness, thoroughness and accuracy of the CFD study and therefore also the wind chapter of the Environmental Statement.
- 5.112 These concerns are briefly summarised as follows:
- The CFD study considered only mean wind speeds; important gust effects are therefore missing.
 - The meteorological data used as input to the CFD simulation does not correlate with UK Met. Office data for the same weather station.
 - No details are provided regarding the process by which the weather station data has been corrected for the conditions at the site. The calculated direction factors are not stated and so this process cannot be verified.
 - A number of locations around the proposed development are shown to have wind speeds of around 25 m/s (Beaufort Force 10), but this is not discussed in the text. Such winds speeds would make it almost impossible to walk, are

likely to uproot trees and cause significant structural damage to nearby buildings.

- The accuracy and validity of the CFD results are called into question by the inclusion of such findings which are considered unlikely in practice.
- The building's geometries have changed since the CFD tests were conducted. An additional CFD test showed that the changed building geometries had a significant impact upon the result obtained; therefore the results presented are no longer valid for the updated form of the proposed development.
- A number of the CFD flow plots show unexpected, unexplained or otherwise anomalous flow features that do not correlate with those which would be typical around such buildings.

5.113 **City Clean:** If the student refuse is only collected weekly then recommend a refuse store of 240m². Recommend that 25 bins are provided for the residential scheme.

5.114 **Education:** Seek a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate. In this instance would seek a contribution of £138,062 in respect of primary (£59,184) and secondary education (£78,878).

5.115 The closest primary school to the development is St Bartholomew's C of E Primary school which currently has no surplus capacity. The next closest community primary schools are Carlton Hill Primary, St Pauls CE Primary School, Elm Grove Primary, Queens Park Primary, Fairlight Primary and St Luke's Primary. Of these schools only Fairlight has any surplus places and even then this is only in Years 5 – 6, the lower years of the school are now full and we anticipate this being the case for the foreseeable future.

5.116 It is entirely appropriate to request a sum of money for primary and secondary education in respect of this development. It is expected by the DfE that we should maintain between 5% and 10% surplus places to allow for parental preference. Taking the schools mentioned above there are a total of 2,520 primary places available and currently there are 2,427 children on roll. This gives an overall surplus of just 4%.

5.117 **Economic Development Team:** Fully support the application as it will provide the majority of City College's learning and teaching facilities. Request a contribution through a S106 agreement for the payment of £183,060 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the refurbishment of the building.

5.118 The Planning Statement submitted as part of the suite of documents to support the application sets out in detail the rationale to the comprehensive redevelopment of the site detailing the educational facilities, student accommodation and

'enabling' development (private residential) which all form part of the hybrid planning application which is fully supported.

5.119 City College is the only vocational further education provider in the City and work with a wide range of partners in the delivery of the priorities for the City. They are a key partner in the City Employment and Skills Group assisting in the delivery of the 3 key priorities of the City Employment and Skills Plan 2011-14 for Brighton and Hove. Together with this, City College has taken a leading role in the Brighton and Hove Apprenticeship Strategy Group by establishing an Apprenticeship Training Association which will increase the opportunity for businesses to create apprenticeship positions.

5.120 Should the application be approved, the Developer Contributions Interim Technical Guidance, Local Employment and Training provide the supporting information to request a contribution through a S106 agreement to the Local Employment Scheme. The table included within this section of the Guidance sets out the various levels of contributions depending on the proposal. In this instance it is requested that the following contributions are sought;

- New commercial development - the college of 12,056m² @ £10 per m² = £120,560
- New residential units 125 @ £500 per unit = £62,500
- The total amount sought through the S106 agreement = £183,060

5.121 Together with this an Employment and Training Strategy will also be required, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the percentage by 20% local employment (where appropriate) for the construction of the new buildings.

5.122 **Environmental Health:**

Comments made on 15 November 2013

5.123 Recommend approval, subject to a number of conditions to control, noise, potential land contamination issues and light.

Noise and Vibration

5.124 The most current version of the report is dated 31.10.2013. The report demonstrated that both attended and unattended readings were taken for ambient noise levels on 2nd and 3rd of October 2012. An unattended period of 27 hours was undertaken at two sites and attended monitoring was carried out for a period of 1 hour and 5 minutes. The readings taken are important as they form the basis for a number of future areas. In particular, the lowest readings form the basis for future external plant to be designed to operate against. Of equal importance, the readings also provide the consultants with figures to calculate threshold limits for construction site noise, which is conversant with the processes identified and listed in BS5228:2009, parts 1 and 2.

5.125 The ambient noise readings also reflect the sites noise climate and what measures may be necessary to provide the college with a useable building and

indeed an appropriate studying environment for students in the Site B build. It is stated in a number of areas that the predominant noise is that caused by road traffic noise. All the documents referenced within the report are appropriate, necessary and current. These are BS4142, BS8233, BS5228:parts 1 and 2. An educational reference of BB93 is also used to ensure that the internal spaces within the college are capable of being used for teaching purposes.

Construction Site Noise

- 5.126 The acoustic report in making predictions about construction site noise also references that the site has a number of residential receptors in close proximity, with these being Whitecross Street, Pelham Street, York Place, Trafalgar Street, Cheapside, Theobald House, and Pelham Tower, as the build will be phased and once the college is built, this will also become a noise receptor and require protection during the SRA build. There is also an Outline Methodology for the construction phase which has been drawn up by Osborne.
- 5.127 The report details that the whole site is likely to take around four years to complete, with an initial breakdown being Phase 1 as 84 weeks and Phase 2 being 112 weeks. It is stated that the likely areas for concern with regards to noise in the construction phases is piling. However the report is clear in that it states that mitigation measures will be in place to minimise and reduce noise levels from the build. References are made to a prior working agreement through section 61 of the Control of Pollution Act 1974, which allows the City Council to set hours, and conditions necessary for the build with the aim of protecting local residents. Would anticipate that any end contractors would be required to sign up to a phased section 61. The report indicates that the client is willing to undertake this and as such, would recommend that this is best achieved through an undertaking in the section 106 phase. This has regard to best practicable means as defined in section 72 of the Control of Pollution Act 1974 and additionally, the British Standard 5228:2009, Parts 1 and 2.
- 5.128 Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour, especially given the length of the proposal being approximately 4 years. This may be achieved using a Construction Environmental Management Plan which also requires the final developer to sign up to a section 61 prior agreement as above. Whilst the department are required to investigate complaints, we are unable to provide inaudibility as a criteria during the construction period. Any CEMP would also contain measures to control dust on the site during construction phases. We are duty bound to further consider best practical means.
- 5.129 Chapter 15 also makes reference to the fact that the proposed developer is committed to having onsite automated monitoring for both noise and vibration. Such monitoring will allow an assessment against the levels as described above during the construction phase. Baseline vibration monitoring will also be carried out prior to construction commencing. Vibration is considered within the report

on both the effect on people and equipment in buildings and additionally the impact on buildings themselves with three British Standards appropriately referenced (5228, 7835 and 6472). Paragraph 15.97 provides a description of the likely levels and the report goes on to discuss the likelihood of adverse comment from occupiers of buildings is considered to be low. The college building will also become a receptor.

Operational Noise

- 5.130 Noise with regards to the day to day operation of the college would relate to the operation of external plant located on the college roof and any servicing of the site. A condition is necessary to ensure that all site plant when running cumulatively is able to meet the City Councils noise standard which is 10dB below background noise level in accordance with BS4142. It is important too that any external plant is free from any low frequency tones which by their nature are noticeable and do attract complaints.
- 5.131 A reference is also made to life safety plant and testing this on a monthly basis during weekday and working hours, to minimise any impact on either site users or adjacent residents. A condition is necessary to control this also.
- 5.132 The external plant condition will also apply to the operational electrical sub station which the consultants indicate is capable of meeting the specification and which is located between the college building and the SRA.
- 5.133 There are also elements within the student accommodation of living areas being above or adjacent to inherently noisy areas. An example being first floor bedrooms above a gymnasium area and as such there is a requirement for enhanced noise insulation or soundproofing. This is suggested within the noise report in paragraph 15.131 and may be achieved through a suitable condition. A similar example is student accommodation in close proximity to any plant rooms.
- 5.134 Note from discussions with the case officer that there are repeated references in letters citing Phoenix Halls. Investigations in the past by the department for the site identified that problems had been caused in the main by student bedroom windows and communal room windows being left open and as such the escape of both music noise and people noise. Students gathering and not being ushered in was also cited as an issue. The department have worked hard with the educational facilities to address these points and I am not currently aware of any recent problems.
- 5.135 I also note that in previous comments dated 3rd October 2013, I made reference to the student induction process. I note that I have since received and reviewed an amended document which details the stringent student welcome package which incorporates both noise and anti social behaviour into the document. This was dated 30th September 2013.
- 5.136 Whilst the department are able to investigate noise complaints received, there is an element of responsibility on the part of the college to manage the students

and areas under their control. An additional area which will be conditioned is the management of open realm spaces and land under the college's control.

Protection of college users and student accommodation from existing noise levels

- 5.137 The report acknowledges that the facade and windows are the important design features to keep unwanted noise out and prevent break in. For the college, it is stated that opening any windows will increase noise levels which can have an impact on teaching and internal spaces. As such natural ventilation is suggested using window and acoustically treated louvers, however this is very much at a design stage and not yet finalised. As such this may be dealt with using an appropriately worded condition.
- 5.138 Similarly, the Student Residential Accommodation is noted as requiring upgraded thermal double glazing and a ventilation system on three of its four facades. These are the North, East and West and whilst glazing recommendations are made in paragraphs 15.155 and 15.161, ventilation requirements are still to be specified and it is acknowledged that these will be finalised at the design stage. As such a condition is necessary to finalise these prior to construction commencing that will detail exactly what is necessary, and where.
- 5.139 It is appropriate that a condition is applied to ensure that the levels are actually met and that a scheme of testing to be agreed is carried out post construction but prior to occupation to demonstrate that levels in BS8233 are met.

Potential Land Contamination

- 5.140 It would appear that Ashdown Site Investigation have already examined the car parking area and not identified any significant contamination. This is relevant as the car park is where Phase 1 and the new college building will be placed. As such, it is recommended that a discovery strategy be placed to deal with any unexpected or accidental findings during that particular phase of construction. Any such reports are usually caveated to suggest that whilst all due diligence has been exercised, by its very nature, there can always be pockets of localised contamination which were not obvious or foreseeable during a site investigation.
- 5.141 However, it is apparent that there are other potential sources of contamination within the site boundary, as the Waterman Environmental document suggests areas such as engineering workshops, oil storage tanks, plant rooms, chemical storage, waste storage and print rooms. The graphical conceptual site model in the May 2008 Waterman report also suggests a suspected air raid shelter and old fuel storage sheds and suspected underground coal storage areas (see below), hence comments earlier memos, responded to by the agents on 17th September 2013.
- 5.142 Whilst it is noted that Ashdown have examined the car parking area, as above this is key as it is the location for the new college building, however, it is also apparent that there is some disparity between what may be at the site. Whilst a discovery strategy may suffice for the college building, Phase 1, Site A, new phased land quality assessments are necessary for the demolition of Pelham

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Tower and the 3 blocks of residential properties which are part of the outline build. Any future land quality assessments must be redone to reflect the proposed end uses, and not the 2008 scheme which was different.

- 5.143 Any revised land quality assessments must reflect any localised planting or landscaping schemes and additionally the green-spaces which appear to be gardens at the rear of Block C (see below). Any further works must be targeted, include appropriate up to date references and standards and reflect the proposed end uses. They should also make reference to the sites previous reports having been carried out. This may be achieved through phased conditions for both 2a(the student residential accommodation (SRA) and 2b, the outline residential flats.
- 5.144 Any revised reports must also account for asbestos, as there is a conflict in what is discussed in the Waterman report and conceptual site model on page 18 and that of the agents letter dated 17th September 2013 (Harwood Savin Limited) about asbestos.
- 5.145 Whilst the Waterman report dated 2008 accounts for cemented asbestos in zone 1 for the majority of the site, the consultants letter suggests all known asbestos was removed during the 1990's as part of the Hunter Works initiative from central government.
- 5.146 As above, phased land quality assessment conditions are necessary for further elements of the site build.

Lighting

- 5.147 Chapter 19 of the ES is related to lighting. It would appear that a site survey has been carried out in January 2013, and levels and calculations undertaken with a Lux contour plan evident in drawing number DFL-0208-SL001in Appendix P1. Note that previous comments on the lux contours concerns regarding an area in Whitecross Street and note the response received from the applicant which suggested that this was not as a result of any new college lighting but existing street lighting. The response dated 19th August 2013, suggests too that there is further design to be carried out and as such a condition would be appropriate to ensure that the appropriate standards are designed to. Sensitive receptors are noted as being at likely locations such as properties backing onto Trafalgar Street, Whitecross Street, Pelham Street and York Place.
- 5.148 Any future lighting documentation must have reference to both horizontal and vertical illuminance to account for the varied receptors around the site. Theobald House for example has residential receptors at a variety of heights which need to be carefully assessed.

Comments made on 22 October 2013

Noise and Vibration

- 5.149 For such a detailed application, it lacks sufficient details to be able to make an informed judgement. It is appropriate to detailed design at such a detailed design stage.

- 5.150 The report relies on acoustic monitoring which was carried out over a 27 hour window from 11:00 hours on 2nd October to 14:00 hours on the 3rd October 2012. This was a Tuesday to a Wednesday and used unmanned recorded equipment to provide a summary of noise levels, reflected in Table 15.10. The manned monitoring was complimented by a Hilson Moran employee carrying out noise readings for an hour and 5 minutes at 3 locations with a varying degree of durations. Of 14 measurements taken, these differ considerably between 3 minutes, 4, 5,10 and 15 minute durations. Measurement point B appears to be at the main entrance to the existing college car park. The monitoring locations and duration of the survey are not representative of the future use of the site and the report does not identify representative individual sensitive receptors.
- 5.151 The levels arrived at are important as they form the basis for subsequent construction site noise calculations and plant criteria to be met for operational external plant. The applicant/consultant has not provided rationale as to why Tuesday and a Wednesday were chosen and whether for the uses being proposed, these are in fact representative. Given the uses proposed, the length of the survey should be considered and reviewed.
- 5.152 As for any acoustic assessment, would also expect to see the full time history data for the measurements made, and rationale on why readings have been used as part of the assessment methodology.
- 5.153 The ES Chapter opens in chapter 15.1 stating that the chapter considers the potential impacts of noise and vibration from the demolition, construction and subsequent operation of the proposed development. However, consider that it does not robustly do either. The only discussions with regards to construction, stops at using a table from Annex C of BS5228:2009, of likely noise and worst case scenarios. There is little assessment of significance and assessing who will be impacted and when, aside from deriving threshold levels. The report whilst arriving at Construction Thresholds in paragraph 15.61, goes onto reproduce likely noise levels from operational activities in plant, from BS5228:2009, and acknowledges that in reality more than one activity will happen simultaneously, so levels could be higher. However, the report stops abruptly and does not further discuss any significance impact as one would expect and make further references to Annex E and specifically E2. The table of noise data is also produced at 10m, whereas if construction is carried out adjacent to the boundary, receptors are likely to be closer than this. The site is a complex build at many levels with noise sensitive receptors located around the site in all directions. Whilst table 15.12 in the report uses a percentage on time system, there is no discussion within the report of how long the build will actually take. Therefore consider that the construction implications of the site and the build have not been properly assessed and as such need to be revisited. Paragraph 15.2 reinforces this and also highlights the importance of this being appropriately assessed and includes "*the greatest potential for adverse impacts is likely to be demolition works and construction activities such as piling*".

5.154 In terms of operational noise, there is extremely limited coverage within the report, which is argued by the author as being due to the fact that the detail can be worked out at a later date. Consider that this is a detailed major planning application but again lacks detail. Specifically, the following areas require attention:

- A list of all operational site plant needs to be presented with an idea of exactly where it is, when it will run and at what noise level. Specifically, is the plant cumulatively capable of meeting the city councils noise condition of 10dB(A) below existing background?
- The glazing specification for all facades and all storeys for all buildings need to be specified to ensure that levels within BS8233 and BB93 (where appropriate) are met.
- The ventilation for all rooms at all facades at all storeys needs to be considered further and a specification stated as to what level of protection is necessary.
- An assessment should also be made of balconies and external amenity spaces that one might wish to enjoy.
- Would also expect to see an enhanced level of soundproofing in excess of part E of the Building Regs for areas where living accommodation is placed below students in the SRA build. Specifically, sources such as kitchens, gymnasiums, common rooms need further consideration as to the level and type of attenuation necessary to protect residents.
- Details of kitchen layout to include flues, extracts, inlets and odour management systems to be employed.
- Details of how open spaces will be managed with specific reference to night time to prevent congregations and people noise. Similarly, designated smoking areas should be clearly defined with an outline as to how these will be managed and enforced as necessary.
- Details of the frequency, location and timings of site servicing for the college, the student accommodation and the residential flats.

Comments made on 3 October 2013

5.155 There is currently insufficient information within the detailed planning application on which to make an informed judgement. There are significant areas still to be addressed.

Noise and Vibration

5.156 Raise a series of questions/points which are summarised below:

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- 5.157 Query whether BS8233 will apply to all residential accommodation on the site?
- 5.158 Noise sensitive receptors, 1 and 2 Pelham Street and 1 and 2 Whitecross should also be included.
- 5.159 Query the monitoring locations of 1 and 1A, why the weather information and noise climate for the monitoring period cannot be commented on and need further information on the maximum L90 levels for positions 1 and 2. In addition there is no account or explanation for the difference in duration of manned monitoring.
- 5.160 It is unclear how the figures presented for the background noise are being arrived at. This needs to be explained in detail. Need confirmation over how the figure for Trafalgar Street been arrived at without any obvious monitoring taking place and why it has been raised to 60dB.
- 5.161 It is unclear why methods and plants for the construction stage are unknown. A number of construction activities could be happening at any one time on the site which would result to higher noise levels than those presented in the table 15.12. Need clarity over how the figures are being used from table 15.12 to derive a worst case scenario. Request to see a plan of A and B with distances of 25 and 50 metres marked. Also question the relevance of the 50 metres comments as the site will not be built/commenced without some form of mitigation measures in place.
- 5.162 When discussing the noise sensitive receptors within 25 metres in para 15.68 the report doesn't mention those identified earlier within para 15.40.
- 5.163 Threshold values with regard to construction noise are discussed within the report and used potentially for impact assessment, yet no further figures or assessment is carried out. There is no apparent discussion over fixed limits for a ten hour working day and a continued assessment against such levels. The original Noise and Vibration Chapter (para 15.67) indicates that daytime limits are unlikely to be exceeded beyond a distance of approximately 25 metres. However there are a number of receptors within 25 metres. Also note the caveat that the limit would likely be exceeded for earthmoving, piling and concreting, which are not insignificant tasks.
- 5.164 When site A (Phase 1) is being development, where will the routes in and out be and who will be impacted. If the consultants are able to estimate an additional 39 HGVs as a result of the demolition phase then this would indicate there must be an operational plan and comprehensive of what will happen when. This would afford more accurate significance planning in line with BS5228.
- 5.165 Need confirmation whether Continuous Flight Augur piling will be used and whether or not site hoarding, acoustic panels, selection of plant (i.e. electric over diesel) and the tendering of most appropriate plant/kit for the job are proposed as mitigation measures.

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- 5.166 Need clarification over what is meant by the octave band noise levels predicted to be on the new College Building in table 15.13.
- 5.167 Whilst appreciate that the college is the applicant, there is clearly a need for business continuity during site A being built. There is little if any assessment of how BB93 or day to day business will be achieved with an immediately adjacent construction site. If windows are not capable of being opened during the operational phase, see little evidence that they will be capable of being opened during construction.
- 5.168 Would expect to see full calculations and façade modelling for the student accommodation building and the college and a commitment to resolving the upgraded thermal glazing and attenuated ventilation devises.
- 5.169 Would expect there to be an assessment of the plant which is needed at this stage and the likely noise levels. Need confirmation over whether a sub-station is proposed. Note a degree of plant on the college building roof at 7/8th storey and whilst screening is suggested, it is difficult to know if such a mitigation technique will be appropriate. Would expect to see a firm idea of the type and number of plant as well as a detailed appreciation of the noise it will create, when and how this will best be mitigated. Understand that a CHP option is being proposed for the college building, I am unclear what power options are proposed for the student accommodation building. This should be clarified and any acoustic impacts subsequently assessed.
- 5.170 Need clarification over what routine control measures are proposed to mitigate the impact of delivery noise.
- 5.171 The report is also silent on adjacent or rather above and below uses. In particular for the student accommodation, in drawing P1240, revision B, note a number of potential noise sources below residential accommodation, without any obvious references to increased or enhanced soundproofing. These include plant rooms, a common room, a kitchen and servery and a gymnasium. Would expect to see arrangements in place to have a specification in excess of the current Part E building regulations to afford the students protection.
- 5.172 The kitchen area is situated next to the Whitecross Buildings on Whitecross Street. Need information on how air will be extracted, when such plant will be in use and an assessment of its impact for local residents. Would expect references to how odour will be controlled.
- 5.173 Need information on where smokers will be permitted to congregate. Has this been considered and if so, where is it likely to be placed and what assessment has taken place?
- 5.174 With regards to the outline consent, has an assessment been made of any external amenity areas for block A (phase 2B-private residential). Balconies are apparent at the ground and fifth floors and this should be assessed. It is also unclear how 2B will be serviced or indeed where refuse storage will be placed.

- 5.175 On reading the Noise and Vibration Chapter, it is unclear as to how long the process may take. Previous iterations have made the suggestion of a four year build, however, this is not apparent in the most current revision. Some clarity should be provided as to how long the development will take.
- 5.176 I have also read through the site history in terms of noise complaint . Whilst not exhaustive, the following were apparent:
- Music being played in art rooms over the summer months by foreign students causing daily noise;
 - Allegations of noise from carpentry workshops;
 - Noisy generators for which a noise abatement notice was served;
 - Allegations of fans running on the roof all night;
 - Noise from students using the car park late at night and noise from trumpets/saxophones etc.

Student Residential Management Plan

- 5.177 A structured induction process should be considered where it is stated at the outset that noise, disturbance and antisocial behaviour will not be tolerated. This has worked in other locations with residential students and local PCSO's in combination with the anti-social behaviour team have reinforced the message. A good tool for reinforcing such messages is that if offenders are found guilty for noise in a magistrates court, it is a criminal record. Similarly, as part of the sanctions for dealing with noise, the department regularly seize noise making equipment which can often include pc's and laptops. Students are not always entitled to have such materials returned. Another useful method employed elsewhere is the use of guarantors in addressing students behaviour where there have been repeated offences.
- 5.178 Would also expect to see measures of how the City College will manage the public square.
- 5.179 Note that there are repeated references in letters citing Phoenix Halls. Investigations in the past by the department for the site identified that problems had been caused in the main by student bedroom windows and communal room windows being left open and as such the escape of both music noise and people noise. Students gathering and not being ushered in was also cited as an issue. The department have worked hard with the educational facilities to address these points and I am not currently aware of any recent problems.

Potential Ground Contamination

- 5.180 The Ground Contaminations chapter fails to produce source, pathway and receptor relationships in a meaningful conceptual site model. It is unclear who carried out the site walkover or when this was done. It is apparent too that Ashdown Site investigation appear to have examined the car park area in 2008, however there is no obvious site data, contaminant concentrations, lab reports, trial pits or logs. This too is accompanied by a 4 page document from Harwood Savin Limited dated 17th September 2013 which provides responses to the previously raised questions. This should be retained on the public file for reference. The document in combination with the ES Chapter goes onto

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suggest that further site investigation may be achieved through suitably worded conditions and to include the flexibility of a continuing discovery strategy that will afford various degrees including future parts of the build. It is suggested that as each part of the build commences, suitable site investigation may take place.

Comments made on 25 July 2013

5.181 There is currently insufficient information on which to comment.

Noise and Vibration

5.182 Raise a series of questions/points which are summarised below:

5.183 Rationale needs to be provided regarding why a Tuesday-Wednesday period was chosen and why the weather information cannot be provided for the monitoring period. The manned surveys appears to be 12:10 hours to 13:15 hours, not 12-13:30. The variation in times spent and the monitoring intervals at positions A,B and C needs to be explained and clarification is sought regarding why the noise climate cannot be commented on. Would an attended lunch time survey of 45 minutes have missed vital rush hour impacts, especially traffic related?

5.184 How was the Pelham Street and White Cross position calculated as 65 dB? How was Trafalgar street been calculated without any obvious monitoring positions? Have York Place and Theobald House been included as noise receptors.

5.185 Clarification over whether vibration was measured at site.

5.186 Noisy working hours should only be 08:00 hours to 18:00 hours Monday to Friday and 09:00 to 13:00 hours Saturdays. Night time working will not be permitted.

5.187 Clarification over how the threshold values have been calculated. These change from 67-70, 65-65 and 60-65. This needs to be explained.

5.188 Note that it is stated that at this time, the demolition process is unknown, as is where and what plant might be situated and how long this might run for. In the absence of this, the consultants have added a schedule of potential upper activity noise levels, which whilst depicting what plant makes what noise, it is not an accurate assessment of significance and does not take into account cumulative working operations.

5.189 Further information is sought over on site noise and vibration monitoring. As a four year build, would expect to see a greater level of commitment to how this will be tackled and with a potential move towards automated site monitoring.

5.190 Predictions are made to determine what level of glazing and/or ventilation might be necessary to afford both the college and residential community the commensurate level of acoustic protection. Effectively, it is being suggested that upgraded thermal double glazing is needed, as is a means of ventilating the various properties/rooms and the suggestion made that further works and

surveying is necessary. Prior to any further works happening, the consultants need to verify the predicted levels as above to ensure that these are representative.

- 5.191 It is suggested that external plant is not known at this early stage and as such can not be factored into the workings. Would expect to see an idea of exactly what is located and where.
- 5.192 Note that servicing is referenced as all being via Whitecross street. I would expect to see some comprehension at this late stage as to what type and level of servicing is needed and from this, an accurate gauge of what impact it is likely to have.
- 5.193 Concerns raised regarding noise insulations and potential break out internally with mixed use proposals.

Potentially contaminated land

- 5.194 Raise a series of questions/points which are summarised below
- 5.195 Need to consider if there any specific contaminated land issues present for the retained Gloucester building as a crèche?
- 5.196 Need confirmation over whether or not ground source heat pumps are proposed.
- 5.197 The Chapter needs to consider whether historic coal storage areas, air raid tunnels which, petroleum tanks, asbestos, radon or other radioactive substances, gas risk contamination hot spots and perched water need to be assessed in more detail.
- 5.198 A discovery strategy is mentioned briefly in the text, but should be a more prominent feature of the document.
- 5.199 Need confirmation regarding whether or not any intrusive site investigation been carried out.
- 5.200 Specific depths have been suggested for planting and further information needs to provided regarding how these were calculated and if they were guided by any site investigation and contaminant levels.

Lighting

- 5.201 It would appear that a site survey has been carried out in January 2013, and light levels and calculations undertaken. The chapter has assessed lighting with regards to both the construction and operational phase and correctly acknowledges that light can and is dealt with as a statutory light nuisance if complaints are made to the Council's Environmental Health Department. The document has identified that there are sensitive receptors at Theobald House, the rear of properties at Trafalgar Street and York Place and newly introduced residents themselves, yet these do not appear to be discussed any further as to how they will be protected.

5.202 Heritage:

Comments made on 3 October 2013

- 5.203 It is noted that the retained Gloucester Building has now been included in the site location plan and this is welcomed, though the lack of firm proposals for its refurbishment and reuse remains disappointing. It is noted that the York Place archway is not within the College's ownership but that they retain a right of way through it. As well as the retention of the arch itself, the existing cast iron railings and dwarf brick wall in the passageway should also be retained and this should be shown on the landscaping masterplan.
- 5.204 Additional details have been submitted showing the proposed timber and planted screening to the southern side of the new College square and this is considered to be acceptable.
- 5.205 The revised proposals have not addressed original concerns in respect of Phase 2b. The case for an additional public square in this location is still not convincing. This part of the scheme does not have sufficient sense of enclosure and in urban design terms this area would work better, both visually and functionally, if the mews-style flats on the west side were extended to match those on the eastern side. It is still considered that it would have been preferable for block C to have been mews houses rather than flats but this could be partly addressed if the elevations are appropriately broken down vertically to resemble individual houses. The indicative elevations now submitted go some way towards addressing this concern but this would require further design work at the reserved matters stage. It is noted that the indicative elevations to the residential blocks facing Pelham Street have changed and there is a danger that these may appear too repetitive and monotonous and this will require further consideration at the reserved matters stage.
- 5.206 Since the previous comments details of the hard and soft landscaping for the site have been submitted. The approach to this is broadly welcomed and the proposed materials are considered to be of suitable high quality. However, it is considered that there would be too many different paving materials, giving Pelham Street and the public spaces and unduly cluttered feel. A simpler palette of materials, as can be seen in New Road, would work better.

Comments made on 19 July 2013

- 5.207 The demolition and redevelopment of the existing Pelham Tower and the development of the adjacent car park site are very welcome and would have substantial benefits for the setting of the adjoining conservation areas (North Laine and Valley Gardens) and for the settings of a number of listed buildings in the vicinity. Views of St Bartholomew's Church and St Peter's Church would be enhanced and views to and from both conservation areas would also be enhanced. The development scheme as a whole would also bring substantial public realm benefits, particularly the environmental improvements and shared space scheme for Pelham Street itself and the creation of a new east-west pedestrian link via the York Place archway. The scale, massing and layout of the new buildings is considered to be appropriate and the design of the College

and student housing buildings would be of acceptable design quality and would sit acceptably in the mixed context of the site between the small scale urban grain of North Laine and large scale modern development of the New England Quarter. These public benefits are considered to justify the loss of the historic York and Trafalgar school buildings, given their relatively low significance.

- 5.208 However there are a number of outstanding concerns about the proposals that were raised at pre-application stage but which have yet to be satisfactorily resolved. These are the uncertain future of the historic Gloucester Building (which has not been included in the site boundary); the unaddressed need for repairs to the York Place archway and the need to retain the original railings; the adequacy of the proposed screening of the rear of Trafalgar Street properties from within the new College square; the appropriateness of the new public square east of Pelham Street; and whether the phase 2b residential development has made full and efficient use of the southern part of the site accessed from Trafalgar Court. It is considered that these matters should be addressed further before a recommendation can be made.
- 5.209 The City College site comprises the existing 1960s Pelham Tower and surface car park south of it, together with the older college buildings to the west of Pelham Street. Most notable amongst these are the York Building and Trafalgar Building. These were established on the site following the Education Act of 1870, with Trafalgar being the first. They were designed by Thomas Simpson & Son, who designed all of the Brighton Board Schools of this period in a common late-Victorian Free Style, with steep slate roof, ornate gable and elevations in brown and red brick. A number of such schools in Brighton are listed. The Trafalgar Building, however, underwent major alteration in the 20th century, when its steep, ornate gables were lost and a further wing added. It nevertheless has some townscape and historic interest. The York Building has been subject to various incremental additions and is now completely landlocked. It has some architectural and historic interest but little or no townscape value. Both buildings are considered to be undesignated heritage assets.
- 5.210 The site lies between the historic urban grain of two conservation areas to the south and east and the large scale redevelopment of the New England Quarter to the north and west. Immediately to the south is the North Laine conservation area and immediately to the east the Valley Gardens conservation area. Development of the site would impact upon the setting of both areas. North Laine is a mixed-use, small scale area with a tight urban grain, its regular street pattern corresponding to the sub-division of the former arable fields, known as laines, on which it was developed. It retains much of its 19th century development, generally two and three storeys, and has a lively urban character. Valley Gardens conservation consists of generally larger, grander development from the late 18th to late 19th centuries fronting onto the public gardens that run in a linear fashion from the Old Steine to The Level. One small part of the site is within the Valley Gardens conservation area; this is the red brick arch and associated railings on York Place, which originally gave access to the schools. The existing Pelham Tower harms the setting of both conservation areas and the surface car park harms the setting of the North Laine conservation area.

- 5.211 A number of listed buildings lie in the vicinity of the site. Most notable in this respect are the grade I listed St Bartholomew's Church, which closes the view north along Pelham Street with its very tall gabled nave and rose window, and the grade II* listed St Peter's Church to the east, the Gothic pinnacled tower of which can be seen from Whitecross Street across the car park. The plinth to the tower block intrudes upon the view of St Bartholomew's looking north along Pelham Street and the tower block harms the setting of St Peter's Church in long views from the east. Close to the site are the listed buildings of Pelham Square and 97 Trafalgar Street (which occupies the corner of Pelham Street). To the east the settings of the listed terraces of St George's Place and St Peter's Place are currently compromised by the slab-like massing of the Pelham Tower.
- 5.212 Within the City College ownership but immediately outside the proposed site boundary is the Gloucester Building in Trafalgar Court, which lies within the North Laine conservation area. This building was part of the Pelham Street Schools, being an addition of c1908 to the earlier York and Trafalgar Buildings, and believed to have formed classrooms for the infants school. It is of similar style, though it has not been attributed to the Simpsons, and survives intact. It contributes positively to the appearance and mixed-use character of North Laine but is currently vacant.

The Proposal and Potential Impacts

- 5.213 This application has been subject to lengthy and positive pre-application discussions and the proposals have evolved positively as a result of those discussions. The application must be considered in the light of the previous application for this site which the council was Minded to Grant.
- 5.214 This application is a hybrid application. Phases 1 and 2a involve mid-rise to tall buildings as defined in SPGBH15. The precise boundaries of the tall building areas have not yet been defined (this will be done via the proposed Urban Design Framework SPD). It cannot therefore be stated at this stage that the site lies within a tall building area but it lies at the south eastern extremity of the Brighton Station/New England tall building area as described in SPGBH15 and City Plan policy CP12. The site contains the 11 storey Pelham Tower and immediately to the west is the 20 storey Theobald House (a 'very tall' building). It is therefore reasonable to conclude that there is potential for tall buildings (over six storeys) on the land between Pelham Street and Whitecross Street. The application proposes an 8 storey (plus screened plant) college building on the car park site and a student housing block of between 7 and 9 storeys above street level. Due to the different floor to ceiling heights of college and residential uses, the two buildings are of similar height where they are immediately adjacent but both buildings reflect the topography of the site by stepping down from west to east and, in the case of the student housing building also from south to north. The phase 2b residential buildings to the west of Pelham Street would be no higher than six storeys and would not constitute tall buildings.
- 5.215 The height and massing of the tall buildings has been carefully considered in relation to the existing tall building on the site, the immediate context of the site

and the wider context including the various designated heritage assets and the need to consider impacts on long views. The site forms a transitional area between the small scale, tight-knit urban grain of the two conservation areas and the large scale contemporary development of the New England Quarter. The demolition of the Pelham Tower would provide a substantial benefit to the setting of all of the designated heritage assets and would enhance all of the identified key views. Development on the unattractive surface car park would also benefit the character and appearance of North Laine. A view of the upper part of the tower of St Peter's Church would be lost from Whitecross Street but this is not a planned or key view.

- 5.216 Key views of the site, particularly in relation to the settings of the conservation areas and the settings of the listed buildings, were identified at the pre-application stage and the existing, previously Minded to Grant and proposed views are all shown in the EIA. These demonstrate that in each case where the development would be visible the view would be enhanced by the proposed development and moreover that this application would overall be less visible in longer views, and more sympathetic in its massing, than the previous Minded to Grant scheme. In assessing the appropriate height for the phase 2b residential buildings it was considered that 18m (or 6 storeys) was the maximum height that this part of the site could accommodate without harming the historic Valley Gardens roofline in view from the east, south east and north east.
- 5.217 The height and massing of the buildings is therefore considered to be acceptable. The loss of the York and Trafalgar Buildings, as undesignated heritage assets, is considered to be acceptable give the wider public benefits of the scheme and in particular the substantial benefits to the settings of the various designated heritage assets.
- 5.218 The proposed layout reflects and reinforces the original street pattern and the opening up of a new east-west route from Pelham Street to York Place via the historic archway is a substantial benefit in urban design and terms, particularly as it would be linked to the new north-south route via Trafalgar Court, which is currently an uninviting cul de sac dominated visually by the blank end elevations of additions to the York Building. This network of pedestrian routes provides increased permeability via clearly legible routes and better access to public transport and London Road. It would also enhance, and better reveal the significance of, the York Place arch and the Gloucester Building, in accordance with paragraph 137 of the NPPF. The new route via the York Place archway should retain and refurbish the existing historic iron railings that are associated with the archway and the plans should be amended to reflect this. The proposed street improvements to Pelham Street, to provide a shared space environment, is very welcome and would provide an attractive link in the north-south pedestrian route between North Laine and London Road and the New England Quarter. Detailing and materials will be crucial to its success.
- 5.219 However, it is of significant concern that the Gloucester Building has not been included within the site boundary. This is an attractive historic building which contributes positively to the appearance and character of the North Laine conservation area and would, if the other College buildings are demolished, be

the only remaining part of the former Pelham Street Schools. The Planning Statement and Design and Access Statement refer to it being converted to a crèche for the College so it is unclear why this building is not included within the site boundary and why it does not form part of the Phase 1 proposals. Paragraph 131 of the NPPF states that “in determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation”. It is therefore very disappointing that there are no firm proposals to re-use and restore this building and it is not currently possible to be confident about the future of this building. It is also unclear whether the repair of the York Place archway would form part of the scheme; it will certainly need some repairs.

Phase 1 – College Building

- 5.220 The design of the College building is considered to be of acceptable quality and of a distinctiveness that is appropriate to its function and status as an educational and community building. It has an appropriate relationship of solid to void and its proportions achieve an appropriate balance of vertical and horizontal. The south-facing elevation, with its central glazed section rising full height, would provide an interesting and lively entry frontage and would give the building a local landmark quality in views from North Laine. The ground floor uses and glazed elevations would provide an appropriate degree of street level interest. The overall palette and mix of materials appears suitable but samples will be needed and the choice of colour, texture and jointing of the brick slip cladding will be especially crucial.
- 5.221 The short remaining length of Redcross Street would be repaved and landscaped to form the principle entry point from Trafalgar Street and this is very welcome, subject to detail. This phase includes a new public square to the south of the building. At pre-application stage concerns were raised about whether this is an appropriate location for a public square, given that its south side would be faced by the somewhat unattractive and incoherent rear elevations and extensions of the Trafalgar Street properties. The response to these concerns has been to propose screening in the form of a line of birch tree planting along the southern edge of the square with predominantly evergreen cover planting at low level. South of the planting would be “vertical element screen fencing” set on a plinth. This is shown in broad terms on the masterplan and described in the Design and Access Statement. However, given the fundamental importance of this issue it is considered that greater detail should be provided at the application stage. This should include a plan and a section drawing of the screening, both at no smaller than 1:50 scale.

Phase 2a – Student Residential Building

- 5.222 The proposed student housing building is considered to have an acceptable relationship with the College building, providing a continuity of fenestration and roof treatment along Pelham Street and Whitecross Street but with an appropriately simplified design and subtly differentiated cladding material. The simplicity of the elevations and materials could have been bland but the elevations are successfully broken up vertically by elements of tall narrow glazing that is partially recessed, whilst the Cheapside corners are enlivened by

projecting bays. The Pelham Street and Cheapside elevations would have suitable ground floor interest.

Phase 2b – Residential Development

- 5.223 The scale and footprint of the proposed residential buildings is considered to be acceptable and the indicative elevations show an appropriate breaking down of the elevations to vertical elements with balconies to provide depth and shadow. It would have been preferable for block C to have been mews houses rather than flats and it would be useful to have an indicative elevation of these units to provide reassurance that the internal layout would allow the elevations to be broken down vertically to resemble individual houses.
- 5.224 The case for an additional public square in this location is not convincing. This part of the scheme does not have sufficient sense of enclosure and in urban design terms this area would work better, both visually and functionally, if the mews-style flats on the west side were extended to match those on the eastern side. Such an approach would also make fuller and more efficient use of this central, brownfield site in accordance with policy CP14 of the City Plan Part 1 and policy QD3 of the Local Plan.

Housing:

Comments made on 21 November 2013

- 5.225 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 note that the developer is offering 20% of the units for affordable housing which equates to 25 units. Our preference would be that we achieve our 40% affordable housing in line with our housing brief. This equates to 50 units. I understand we have received the final report from the DV who agrees with the Viability Report and is in agreement with the development costs values and residual land value calculations.
- 5.226 Would expect that 2 of these units (10%) should be built to fully wheelchair accessible standards in line with our affordable housing brief
- 5.227 These units should be owned and managed by one of our Registered Providers of affordable housing
- 5.228 Our affordable housing brief reflects the very pressing need for affordable homes in the City. We currently have over 17,000 people on the joint housing register waiting for affordable rented housing and 794 people waiting for low cost home ownership

Comments made on 25 June 2013

- 5.229 In line with Policy HO2 of the Local Plan and our affordable housing brief this scheme should provide 40% affordable housing on this site which equates to 50 units. Would expect 10% (5) of the affordable housing units to be built to fully wheelchair accessible standards in line with The Council's Affordable Housing Brief.

- 5.230 Tenure Mix: The tenure mix of the affordable housing units will be agreed through negotiation on a site by site basis and a phase by phase basis informed by housing needs assessment and site/ neighbourhood characteristics. Generally across the city the required tenure split for affordable housing will be 55% affordable rented and 45% shared ownership housing. The affordable homes should be owned and managed by one of our Registered Providers who have signed up to Brighton & Hove Council's Housing Strategy
- 5.231 Unit Size and Type: For the city as a whole the preferred affordable housing mix in terms of unit size and type to be achieved is:
- 30% one bedroom units
 - 45% two bedroom units
 - 25% three + bedroom units
- 5.232 Although the Strategic Housing Market Assessment April 2008 shows that the greatest need (numerically) is for smaller, one and two bedroom properties there is significant pressure on larger, family sized homes. We note that this application makes provision for studios and one and two bed units. We would not require studio units for affordable housing. A Local Lettings Plan will be drawn up with the Registered Provider and the City Council and some of the units will be targeted at people downsizing from larger family homes.
- 5.233 Nominations: When the development is completed the City Council will be able to nominate people from the housing register for 100% of the affordable rented housing units on initial lets with 75% on subsequent lets.
- 5.234 Design & Quality Standards: The Council will expect high standards of design, layout and landscaping for all developments which reflect the character of the area and reflect local distinctiveness. All new schemes within the Homes & Communities National Affordable Housing Programme must be built to meet or exceed the current Design & Quality Standards (April 2007)
- 5.235 Amenity Space: We note that there is shared amenity space in the form of a amenity square semi private shared gardens and private balconies.
- 5.236 Sustainability: We understand the homes will be built to meet Code Level 3 for Sustainable Homes rating.
- 5.237 Homes for people with Disabilities: as previously mentioned 10% of the affordable homes be built to wheelchair accessible standards. We currently have 331 people waiting for wheelchair accessible housing, many of these disabled people are currently living in unsuitable homes that prevent them living independent and dignified lives.
- 5.238 **Planning Policy:** The proposal is acceptable in planning policy terms subject to the following:
- Justification for and securing the amount of affordable housing; and

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- The applicant demonstrating, through the Management Plan, how the potential for harmful impacts on residential amenity, resulting from an increased provision of student accommodation than that stated in City Plan Policy DA4, will be minimised.
- 5.239 The aim of the proposal, to improve the educational facilities, routes through and around the site for pedestrians, and the creation of new open spaces, is welcomed. It is recognised the college contributes not only to the educational offer but also to the social, cultural and economic success of the city and wider region.
- 5.240 The proposal involves a net loss of 18,112m² of D1 teaching floorspace. However evidence submitted by the applicant satisfactorily demonstrates that the redevelopment allows for a more efficient use of floorspace and that there will be sufficient floorspace for the current number of students and further planned increases.
- 5.241 In terms of the level of student housing, the level of provision is significantly higher than the allocation in City Plan Policy DA4. The increased provision of student housing is not, in principle, contrary to the allocation in Policy DA4 nor Policy CP21 (which anticipates additional provision through a criteria based assessment of Part 2 of the City Plan). Nevertheless the applicant will need to assure the Council that the provisions in CP21 relating to managing the impact of disturbance in the neighbouring residential area can be fully addressed. The applicant has provided a strategic paper to justify why this level of provision is necessary. Nevertheless an appropriate management plan demonstrating how the effect on residential amenity will be mitigated is required.
- 5.242 It is important that a robust justification and independently assessed viability study for the relatively low level provision of affordable housing in the residential element of Phase 2 of the scheme is provided to justify the exceptional circumstances.

New England Quarter and London Road Development Area

- 5.243 The site is located within the Policy DA4 Development Area identified in the submission City Plan. The scheme is considered to be consistent with the strategy for this Development Area in a number of ways:
- Supports Local Priority 4 through improvements to further education facilities;
 - Provision of new student housing accommodation;
 - The provision of new public squares, improvements to the public realm and improvements in pedestrian connectivity (such as reopening the link to York Place) are in accordance with Local Priority 6.
- 5.244 The London Road Central Masterplan Area (SPD no. 10) identifies the site for a “new Further Education “Knowledge Quarter” involving demolition of majority of existing college buildings and replacement with new college facilities and additional mixed uses”. The proposed scheme is therefore in conformity with this vision. Furthermore, the scheme would also contribute towards achieving

the broader aims of the SPD such as improving the public realm and pedestrian connectivity.

Educational Needs

- 5.245 The scheme would result in a significant loss of educational floorspace, classified as a community facility under Local Plan Policy HO20, as detailed in the 'context' above. Policy HO20 allows for the loss of a community facility where the use is replaced within a new development, and seeks to ensure 'new' facilities remain available on similar terms and that they are equal to, or better than, the existing facilities.
- 5.246 Paragraph 2.42 of the Planning Statement submitted to support the application indicates that the current level of Guided Learning Hours provided by the college would only require in the region of 18,000m² of new build accommodation due to the layout improvements and more efficient use of space which would result from a modern facility. This compares to the total current level of 34,000m² in the existing older buildings across the college's three sites in the city. The development strategy of the college is to provide a total of 20,256m² floorspace comprised of 12,056m² at the Pelham Street site through the scheme under consideration and 8,200m² through refurbishment of the existing floorspace at the Wilson Avenue site. This level of floorspace can accommodate the existing level of Guided Learning Hours and some level of increase derived from a future increase in student number.
- 5.247 The supporting Planning Statement indicates that student numbers (comprised of 16-18 year old learners and apprentices, and adult apprentices) will increase by 971 by 2021/22, as well as a 25% increase in HE, international and full-cost training. Although the proposed scheme provides some spare capacity for the planned future increase in student numbers, it has not been clearly set out how much additional floorspace would be required to provided the extra Guided Learning Hours needed to support this level of increase. Further assurance that there is flexibility to allow for any further future expansion (in appropriate locations) would be welcome - in compliance with Policy HO20.
- 5.248 Policy HO20 also sets out preferences for alternative uses where it has been demonstrated the site (or part thereof) is not needed for the current or alternative community uses. It is felt the proposed uses either accord with these preferences or can be justified e.g. student accommodation compliments the college.

Student Accommodation

- 5.249 There is currently no policy to address the provision of student housing within the adopted Local Plan 2005. It is important therefore to consider the proposal against Policy CP21 of the submitted City Plan, Part 1. The provision of student accommodation on this site is supported by Policy CP21 which allocates the site for purpose built student accommodation with 300 bedspaces as part of a wider mixed use scheme. The increased provision of student housing in the proposed scheme (442 bedspaces) is not, in principle, contrary to the allocation in Policy DA4 nor Policy CP21 (which anticipates additional provision through a criteria based assessment of Part 2 of the City Plan). Nevertheless the applicant

will need to provide assurance that the provisions in CP21 relating the impact upon residential amenity in the surrounding area can be fully addressed. The site is situated close to a large permitted scheme for student housing at the former Co-op building which will provide 351 student bedspaces, as well as a further scheme at the former Buxtons site which will provide 86 student rooms. The potential concentration of student accommodation in this area is a consideration. The Student Residential Management Plan submitted to support the application should clearly demonstrate how the potential for harmful impacts on residential amenity resulting from the increased provision will be minimised.

- 5.250 It is noted that the student housing now has the support of the University of Sussex, in compliance with criteria A6 of Policy CP21.

Residential Development

- 5.251 The provision of up to 125 residential units, consisting of a mix of one and two bed units, as part of Phase 2 is supported by City Plan Policy CP1, and will make a welcome contribution towards the achieving the City's housing target. This is significantly more than the 60 units allocated to this site in the 2012 SHLAA Update. The mix of dwelling sizes should be considered using the most recent assessment of the city's housing needs in order to comply with Policy HO3.

- 5.252 No indication of the mix of private and affordable units has been provided at this stage. The Local Plan policy relating to affordable housing provision on 'windfall sites' has more weight than the City Plan policy on affordable housing (CP20), therefore the requirements of Policy HO2 would normally be applied to secure 40% affordable housing provision subject to the tests set out in the policy. Nevertheless it is acknowledged that essentially this scheme is being funded by an enabling development. The overall priority for this site is to provide a modern academic campus for City College and both the housing provision and student housing provision on the site are contributing financially to this overriding aim. As affordable housing would normally itself be subsidised from the values generated from development (which are in this case contributing to the provision of academic buildings) it is reasonable that a reduced contribution might, in principle, be justified subject to confirmation of viability appraisal by an independent party.

- 5.253 Private amenity space should also be provided in the residential development in accordance with Policy HO5. Contributions towards the provision of outdoor recreation space should be sought in order to comply with Policy HO6 once a full application for the development of the residential accommodation is received.

Open Space

- 5.254 The extent of housing, both student and residential units raises a concern especially in view of the significant shortfall in on-site sport and recreation provision. The 'college plaza' is welcomed and accords with policies QD20 and QD19.

Waste Management

- 5.255 A large quantity of demolition waste will arise through the demolition of Pelham Tower and the Trafalgar, York and Cheapside Buildings. The information provided by the applicant within Chapter 18 of the supporting Environmental Statement adequately demonstrates how it proposed to minimise the waste arising, and manage the waste that does arise as far up the waste hierarchy as practicable, in line with Policy WMP3d of the Waste and Minerals Plan.
- 5.256 The Environmental Statement indicates that facilities will be provided to enable 67% of municipal waste generated by the completed development to be recycled. Provision of infrastructure to achieve this level of recycling will be in compliance with Policy WMP3e.
- 5.257 **Planning Projects:** Recommend that public art to the value of £130k is provided in line with policy QD6 of the Brighton & Hove Local Plan.
- 5.258 **Private Sector Housing:** No comments to make under the Housing Act.
- 5.259 **Sustainability:**
Comments made on 25 November 2013
Student residential development
- 5.260 Positive aspects of the SRA proposals include:
- BREEAM Multi Residential 'excellent' and 60% in energy and water sections;
 - Combined Heat and Power plant (Gas based CHP) as lead boiler with gas boiler back up;
 - 9.8kWp of photovoltaic panels (70m²);
 - Target: targeted 25% CO₂ reduction against Part L Building Regulations;
 - Enhanced U-values and airtightness, efficient lighting;
 - Target water usage 4.4m³ per person/day;
 - Water efficiency;
 - Proposed Energy Management Strategy for in use energy to maximise performance.
- 5.261 Total emissions for the SRA scheme are estimated to be 551tonnes CO₂/yr after savings from energy efficiency and renewables have been applied.
- 5.262 A BREEAM Multi Residential Pre-Assessment report has been submitted on BREEAM 2011 version which details how an 'excellent' score can be achieved. This version is up to date with current national standards. Whilst there is commitment in the document to achieving a 60% score in water and energy sections but references to whether this will be achieved are contradictory on pages 4 and 5 and in the tables provided. Currently the energy section appears in the Table, page 4 to be on track to score 55% at most (if 'definite', 'possible' and 'difficult' scores are added up this scores 16/29 or 55%). The water section appears in the table to score a potential 78%. Whilst the energy score falls slightly below the targeted credits, a 60% target should be maintained in the condition. A commitment is made to achieve SPD08 standards within the executive summary page 4, within the D&A Statement at page 29, and elsewhere in the Sustainability Statement. It is recommended therefore that in

the event of approval the expected standard be conditioned as usual including 60% in energy and water sections of BREEAM.

- 5.263 The Energy Strategy acknowledges that currently no heat networks are in place in the local area; and that the buildings will be owned and operated by separate organisations. For this reason the buildings will not be linked up under a site wide district heating system. Whilst this is not feasible at this stage, it is recommended provision be included for future connection in order that *opportunities for future connection* could be followed in the event of favourable conditions in future.
- 5.264 Incoming local policy identifies this area having excellent potential for District Heat networks. The Submission City Plan Policy DA4 – ‘New England Quarter and London Road’ states that local priority 11 (page 57): *‘Development within this area will be expected to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability’*
- 5.265 Similarly SPD10 - London Road Central Masterplan also encourages District heating solutions.
- 5.266 Whilst a scheme wide heat network solution has been ruled out at this stage, it is recommended that as a minimum, any centralised energy plant installed into the proposed buildings within the scheme should have provision for future connection to any future decentralised heat network.
- 5.267 Letter written 17 September 2013 from agent Harwood Savin:

District Heating System

In respect of the SRA, Hilson Moran have confirmed that the ability to allow a connection to a future District Heating System (DHS) is relatively straightforward and involves leaving valved connections from the main header pipes to allow pipes to be run from the plant room along a defined route to the street to allow connection to the DHS. Space for plate heat exchangers (PHEs) are normally required to allow hydraulic separation of the systems. In this case we have been advised that it would be reasonable to say that the PHX's will be located where the CHP is sited, as the CHP would be redundant if the building was connected to a DHS.

- 5.268 This approach has now been agreed in a letter from consultants Hilson Moran for the SRA, but Ramboll for City College imply that the development will not have capacity to supply energy to other buildings. However, if a future District Heating system is implemented in the area, this could potentially supply heat to the College building. Therefore it is recommended that a condition be applied that provision for future connection be secured for all buildings: SRA, College and potentially residential also.
- 5.269 If a District wide scheme is developed in future, connection may offer economic and carbon benefits which the owner may wish to take advantage of and which would deliver area wide benefits.

- 5.270 To demonstrate that the plant has provision to connect, details of the energy centre, potential for expanding plant within this; and capped connections; and proximity to potential future network routes; or access points should be conditioned.
- 5.271 Renewable technology in the form of Photovoltaic array PV for electricity generation is proposed for the highest roof terrace of the tenth floor. An area of 70m² of active PV is recommended, which is expected to generate 7megaWh/yr, reducing emissions by 3.7tonnesCO₂/yr. Other roofs could provide capacity for further solar technologies, and ideally should be designed to be ready for future retrofit in the event this opportunity can be implemented in future.
- 5.272 The proposed energy strategy has addressed relevant aspects SU2 by including energy efficient design and renewables.

College development

- 5.273 Positive aspects of the college proposals include:
- Target: targeted 20% CO₂ reduction against Part L Building Regulations;
 - Gas boiler for heating;
 - Renewable technologies to be installed: solar hot water 50m², photovoltaic panels/glazing to produce circa 100MWhrs/yr and air source heat pumps to provide cooling when required;
 - Solar hot water technology to provide hot water for site wide HW demand including the beauty salon, toilets, showers and kitchens. Estimated to save 33% energy use associated with hot water demand. Glazed atrium roof incorporating integrated photovoltaics glazing;
 - Passive design measures: maximisation of natural lighting, solar shading (louvers);
 - Water efficiency: Low flow taps/showerheads, target water usage 105 litres/person/day;
 - Rainwater harvesting to be considered for WC flushing (greywater recycling ruled out).
- 5.274 The BREEAM Pre-assessment report submitted shows a pathway to achieve BREEAM 'excellent' and to achieve over 60% in energy and water sections. There is a commitment in the Design and Access statement to meet these standards.
- 5.275 However, the version the pre-assessment has been developed on is an older 2008 version. However, the assessment is carried out on a 2008 Version of BREEAM Education. This has not been update to reflect more stringent standards introduced after Part L Revision in 2010. Therefore if this assessment was undertaken on a more recent version, such as 2011, it would achieve a 'very good' score only, which would be below the standard expected for a major development. This is confirmed in the *Ramboll City College BREEAM Pre-Assessment Report, Appendix B* in Design Team emails, noting that a BREEAM 2008 score of 73.84 'excellent' would achieve 60.6% 'Very good' rating in BREEAM 2011. The use of a current version of BREEAM is inherent in

the policy standards of both SU2 and SPD08. The 2008 version of BREEAM represents values prior to Part L enhancement 2010, and therefore is not a robust current standard. The certifying body BRE may have allowed assessment under this version because the development is likely to have been registered under the previous scheme. If registered anew with BRE it is unlikely this would be permitted.

5.276 It is disappointing that an older version of BREEAM has been used. Consultants Ramboll refer to financial viability as justification for this.

Residential Development

5.277 Positive aspects of the residential outline application proposals include:

- Commitment to achieve Code for Sustainable Homes Level 4.

5.278 As this is an outline planning application, it is recommended that the roof design is developed to be capable of accommodating the maximum quantity of solar technologies across the residential scheme, and that the orientation, form and design be developed to maximise passive solar design and climate proofing to deliver the energy performance expected in the Local Plan and submitted City Plan.

Site wide

5.279 Positive aspects of the site wide proposals include:

- Drought resistant planting;
- Tree planting in raised planters with under planting;
- Sustainable materials: all timber products for construction and temporary site timber to be responsibly sourced; peat & natural limestone will not be specified; all materials and insulation products to have a low global warming potential (<5);
- Sustainable waste management: site waste management plan to be developed; target to minimise waste created and divert from landfill 80% of construction waste;
- Considerate Constructors Scheme to be adopted (with score of 35 minimum);
- Operate an ISO14001 Environmental Management System throughout construction process.

5.280 It is disappointing that the landscaping approach has not included food growing or fruit trees following good practice that has been proposed on other academic and mixed use development, as encouraged by Planning Advice Note 06 Food Growing and Development.

Comments made on 20 August 2013

5.281 The application addresses some but not all sustainability policy as set out in Local Plan SU2/16, SPD08. Currently one of the key standards expected through SPD08 is not fully addressed, this refers to the BREEAM standard for the College building. The proposals include many positive features including low carbon design and incorporation of renewable technologies.

- 5.282 The Design and Access Statement commits to all 3 construction elements achieving the standards set out in SPD08 for major development: college, residential halls and housing. These standards are: for the non-residential elements to achieve BREEAM 'excellent' with a score of 60% in energy and water sections; and for residential elements to achieve Code for Sustainable Homes (CfSH) Level 4.
- 5.283 The College residence is proposed to be assessed under BREEAM Multi Residential (version 2011), and the college building under BREEAM Education (version 2008).
- 5.284 The use of an older, 2008 version of BREEAM for the College Building reflects a standard prior to updates in national building regulation. An 'excellent' score under 2008 would represent an estimated 'very good' score in a current version of BREEAM. This would not meet the SPD08 standard which sets out an 'excellent' standard as the recommended minimum for major development. The use of a current version of BREEAM is inherent in the policy standards of both SU2 and SPD08. The 2008 version of BREEAM represents values prior to Part L enhancement 2010, and therefore is not a robust current standard.
- 5.285 If a recent version of BREEAM Education to assess the college development was used, it is estimated that a 'Very Good' score only would be achieved. Whilst BREEAM 'very good' is still a challenging score that reflects good sustainability practice, it would fall below standards expected under SPD08. It is disappointing that BREEAM 2008 has been used and there is no explanation or justification for this lower standard.
- 5.286 The applicant should be encouraged to adopt a more up to date version of BREEAM. If expected standards cannot be met on site, then justification should be provided for this.
- 5.287 Positive aspects of the SRA scheme include: BREEAM Multi Residential 'excellent' with 60% score in energy and water; central, efficient gas combined heat and power plant; renewable electricity generation via a 9.8kWp photovoltaic array (70m²); targeted 25% CO2 reduction against Part L Building Regs; enhanced fabric performance; efficient lighting; water use minimisation; use of sustainable materials; sustainable waste construction.
- 5.288 Positive aspects of the College scheme include: a targeted 20% CO2 reduction against Part L Building Regs; efficient centralised gas boilers for space and water heating; installation of renewables including photovoltaic panels and glazing integrated photovoltaics to produce 100MWhrs/yr, solar hot water 50m² array, and air source heat pumps for cooling where required; water efficiency measures; feasibility study to be undertake for rainwater harvesting for WC flushing:
- 5.289 Positive aspects of the residential development; a commitment to achieve Code level 4 is proposed at this stage.

5.290 **Sustainable Transport:**

Comments made on 22 October 2013

5.291 No objections to the application subject to the inclusion of the necessary conditions and contributions secured via a S106 agreement.

Cycle Parking

5.292 The minimum cycle parking standards for each element of the development are:

Student residential – 147 spaces minimum:

College – 51 spaces minimum:

Residential – 125 spaces for residents & 42 spaces for visitors.

5.293 The applicant previously proposed 42 cycle parking spaces for the college with 8 additional spaces to the south of the development within the public realm. The applicant is now proposing 48 cycle parking spaces between the SRA and college building and 8 spaces within the public realm. This now meets the minimum standards in SPG04. The proposed shelter and spacing of the stands are also deemed acceptable.

5.294 While for the student accommodation the applicant is proposing 80 Sheffield stands (160 spaces) within the SRA building. As previously stated while this meets the minimum standards in SPG04 the Highway Authority would have liked to have seen more cycle parking, given that students could be deemed more likely to cycle than other members of society.

5.295 For the residential and crèche elements of the development the applicant has now provided further details in relation to the proposed cycle parking arrangements. For the residential block A the applicant is proposing cycle stores at lower ground floor level (Drawing number P1290) accessed from the car park. There appear to be 48 Sheffield stands proposed (96 cycle parking spaces). When scaling from the Proposed Trafalgar Court Elevations (Drawing number P1288) the cycle store access appears only to be 1m in height. The applicant could be proposing something similar to 'cyclepods'. Further details should be secured by condition.

5.296 While for block B the applicant states that they intend to provide cycle parking within the undercroft and for block C vertical cycle storage would be provided in communal hallways.

5.297 Indicative floor plans suggest that there are 101 units proposed in block A, 10 units in block B and 12 units in block C.

5.298 Therefore the applicant must provide the following minimum cycle parking spaces for each block:

- Block A – 101 spaces for residents and 34 for visitors:
- Block B – 10 spaces for residents and 3 for visitors:
- Block C – 12 spaces for residents and 4 for visitors.

- 5.299 In order for the cycle parking to meet policy TR14 of the Local Plan it must be secure, convenient, well lit, well signed and wherever practical, sheltered. To ensure policy compliant cycle parking is provided the Highway Authority would recommend the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets, section 8.2.22. It should be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for some people to use. Further details in relation to cycle parking should be secured via condition.

Disabled Parking

- 5.300 The applicant previously proposed 16 disabled spaces in the car park to the rear of block A. As requested the applicant has amended the design of the bays so that they accord with the Department for Transport (DfT) produced Traffic Advisory Leaflet 5/95 and now proposed 13 spaces. These spaces are now considered acceptable and in line with SPG04.

Vehicular Access

- 5.301 Previously there was contradictory information provided in relation to vehicular access and access to Pelham Street in the Planning Statement. Chapter 6 of the Planning Statement has now been revised.

Student Move In/Out

- 5.302 Previously the Highway Authority asked for further information in relation to the number of spaces that would be available for loading/un-loading at the start and end of term. The applicant has stated that there will be the opportunity for 4 vehicles to load/un-load on Whitecross Street and 2 vehicles on Pelham Street. The Highway Authority has no objections to these arrangements.

Construction

- 5.303 The applicant has now submitted a Draft Construction Plan. The applicant is proposing that the existing access on Whitecross Street will be the main access with deliveries occasionally from Pelham Street. The plan states that operatives will not park on site and they will be encouraged to use alternatives means of transport. The applicant also states that the use of a park and ride facility will be explored. Other positive measures include:

- Strict delivery times to avoid peak hours including college start and end times:
- Delivery routes provided to sub-contractors:
- A consolidation centre away from the site:
- Unloading of deliveries from within the site:
- Highway sweeping and vehicle cleaning undertaken.

- 5.304 These measures are welcomed by the Highway Authority and will help reduce the impact the construction period has on the highway network. The need to provide these measures should be secured by appropriate means.

Public Realm

- 5.305 A S278 agreement will be required to enter into for the proposed works associated with any area of the adopted highway, including Pelham Street,

Trafalgar Street and Redcross Street. Further detailed plans of the proposed highway works need to be produced prior to entering into the S278 works.

5.306 Pelham Street

- The applicant is proposing to relocate the existing motorcycle bays on Pelham Street to Whitecross Street these works will be agreed as part of the S278 agreement.
- The applicant has now made provision for a footway either side of the carriageway on Pelham Street. While full details have not been provided at this stage there appears to be adequate space to provide a footway either side of the carriageway and a suitable carriageway width, further details will be required as part of the future S278 agreement.
- The applicant is proposing bollards to prevent vehicular access the new pedestrian link to York Place between the private residential blocks. While this may be effective in preventing access it may not have a positive impact upon the street scene. Alternative arrangements such as trees or planters could be considered.

5.307 Whitecross Street

- The applicant is now proposing a recessed loading bay within the footway. This is deemed acceptable and further details would be provided as part of the S278 process.

5.308 Trafalgar Street

- The applicant has now indicated appropriate entry treatments at the edge of the site on Trafalgar Street, Redcross Street and Cheapside.

5.309 Trafalgar Court

- It appears that the applicant is intending to restrict vehicular access from Trafalgar Court by implementing bollards. Further details will be secured at reserved matters stage.

Comments made on 31 July 2013:

- 5.310 Cannot recommend approval of this application as further information and clarification is required.

Pedestrian Access

- 5.311 Broadly speaking the proposal is deemed to be enhancing pedestrian access both to and through the site. In terms of pedestrian permeability through the site the general principles that appear to be adopted are welcomed. The formulisation of the pedestrian desire line from Pelham Street across the existing car park to the North Laine via Redcross Street is welcomed. The proposed pedestrian route from Pelham Street to York Place improves permeability through the site. The applicant is also proposing a shared surface treatment to Pelham Street to try and reduce through traffic and provide for pedestrian movements. Further comments in relation to the proposed changes to pedestrian access are covered in the Public Realm section of these comments.

5.312 In terms of individual access into buildings these are deemed acceptable. However, no doors should open out onto the adopted highway as this is an offence under the Highways Act 1980. Some doors appear to be outwards over the highway on Pelham Street.

Cycle Parking

5.313 SPG04 provides the minimum cycle parking standards for the proposed land uses. They are as follows:

- C3 Houses in multiple occupancy (HMOs) – 1 space per 3 bed-sits:
- D1 Educational Establishments – 1 space per 250m² part thereof:
- C3 Residential Dwellings – 1 car space per dwelling plus 1 space per 3 dwellings for visitors.

5.314 In order for the cycle parking to meet policy TR14 of the Local Plan it must be secure, convenient, well lit, well signed and wherever practical, sheltered. To ensure policy compliant cycle parking is provided the Highway Authority would recommend the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets.

5.315 Therefore for this development the minimum cycle parking standards are:

- Student residential – 147 spaces minimum:
- College – 51 spaces minimum:
- Residential – 125 spaces for residents & 42 spaces for visitors.

5.316 The applicant appears to be providing 42 spaces for the college with 8 additional spaces to the south of the development within the public realm. The 42 spaces for the college are between the college building and the student accommodation and appear to be in secure covered units. This level of cycle parking is just below the minimum standards however there is plenty of space within this area to provide additional cycle parking.

5.317 While for the student accommodation the applicant is proposing 80 Sheffield stands (160 spaces). While this provision meets the minimum standards in SPG04 the Highway Authority would have liked to have seen more cycle parking, given that students could be deemed more likely to cycle than other members of society. There could be scope to provide additional cycle parking, where the college cycle parking is.

5.318 It should also be noted that the site layout proposed masterplan drawing (drawing number P1105) presents different information to the SRA building proposed floor plans drawing (drawing number P1240). The masterplan drawing doesn't include cycle parking in this location while the SRA proposed floor plans does.

5.319 It is not apparent from the submission as to the proposed level of cycle parking for the residential and crèche elements of the development. The applicant should provide clarification on this matter.

Disabled Parking

- 5.320 SPG04 states that the minimum disabled parking standards within a CPZ are as follows for the proposed land uses:
- All C3 uses (HMOs & Residential Dwellings) – 1 space per 10 dwellings:
 - D1 Educational Establishments – 2 spaces plus 1 additional space for 2500m² of floor space or part thereof.
- 5.321 The applicant states within section 4.4 of the submitted Transport Assessment that they are proposing the retention of 15 existing spaces to the east of Pelham Street and that they will be Blue Badge holder parking, associated with the private residential units and the crèche. However, on submitted site layout plan (drawing number P1105) the applicant indicates 16 spaces and does not provide an adequate clear zone to the side of each bay to allow convenient access into and out of a vehicle for a disabled person.
- 5.322 As stated at pre-application stage any off-street disabled bays should be designed in line with the guidance provided in the Department for Transport (DfT) produced Traffic Advisory Leaflet 5/95. Where a bay is perpendicular to the access aisle the bay should be 4.8m by 2.4m with an additional clear space of 1.2m either side of the bay and to the rear.
- 5.323 The applicant is intending to provide on-street disabled bays to serve the student accommodation. They have indicated 7 on-street disabled bays on Pelham Street. This is not ideal as the on-street disabled bays are not for the sole use of disabled residents living within the student accommodation.
- 5.324 While not ideal the Highway Authority would not object to the provision of disabled bays on Pelham Street to serve demand from the student accommodation. Blue Badge holders can park for free in the following areas:
- Pay & Display bays or shared Pay & Display/Resident CPZ permit bays:
 - Disabled bays: or
 - Single or double yellow lines where it is safe to do so for a maximum of 3 hours and where a loading ban isn't in force.
- 5.325 On this basis there is deemed to be sufficient opportunities in the local area to cater for the demand from Blue Badge holders associated with the student residential accommodation and therefore would not warrant a refusal of the application. The final design of Pelham Street and the proposed level of on-street disabled car parking will be agreed as part of the S278 agreement.

Servicing

- 5.326 Deliveries currently servicing the development access the site via Pelham Street. The applicant is proposing that all servicing and deliveries associated with the College and student accommodation will be from a proposed layby on Whitecross Street. The Highway Authority have no significant concerns in relation to this proposed layby but provide further comments in the public realm section of these comments.
- 5.327 The applicant states that the existing schedule of deliveries to the college is:
- 7.5 tonnes rigid lorry – 6 per day:
 - 3.5 tonnes large van – 12 per day:

- Refuse Collection – 1 per day plus recycling 1 per week.

5.328 The applicant states that the delivery needs for the College are unlikely to change significantly from existing levels but there may be some additional refuse collection associated with the student residential accommodation. The Highway Authority would suggest that a Delivery & Service Management Plan is conditioned. The Delivery & Servicing Management Plan must include details of:

- the nature of vehicles being used:
- where deliveries will take place from:
- measures to ensure deliveries do not take place at times of the day when it is not permitted:
- provide delivery companies with appropriate access routes and details of legal loading/un-loading locations:
- create a vehicle booking system to co-ordinate deliveries and assess where deliveries could be minimised or consolidated:
- measures to consolidate or reduce the number of delivery vehicle trips.

Vehicular Access

5.329 Apart from retaining vehicular access along Pelham Street and proposing to use an existing vehicle crossover on Cheapside (to access disabled car parking spaces for the residential element of the building) the applicant is not proposing any other vehicular access points.

5.330 However, the applicant states in Section 6.30 of the Planning Statement:

“Restricted vehicular access to Pelham Street will be achieved via a Traffic Regulation Order. To enable access to Pelham Square it is proposed that the section of Trafalgar Street between Sydney Street and Pelham Square will be made two-way, and restrictions to vehicles turning left out of Whitecross Street and Trafalgar Street will be removed. Details of the proposals are contained within the Transport Statement.”

5.331 However, these works are not mentioned within the TS, the Highway Authority was of the view that the previous restricted access to Pelham Street and changes to Trafalgar Street were no longer proposed. The Highway Authority were of the view that the only changes to the highway were changes to Pelham Street (shared surface approach), related works on the boundary of the site and the loading bay on Whitecross Street. The applicant should provide clarification as to the nature of the highway works.

Car Parking

5.332 SPG04 states that the maximum car parking standards within a CPZ for the proposed land uses; are as follows:

- C3 Houses in multiple occupancy (HMOs) – 1 space per 4 bed-sits:
- D1 Educational Establishments – Operational parking 2 visitors car spaces:
- C3 Residential Dwellings – 1 car space per dwelling plus 1 space per 5 dwellings for visitors.

- 5.333 The applicant is proposing that the development is of a car free nature bar the necessary disabled car parking spaces. There is no on-site car parking for the college and student accommodation. While for the residential and crèche land uses there are 16 disabled spaces located to the east of Pelham Street and accessed via the existing vehicular access on Cheapside.
- 5.334 The loss of the existing staff car park is unlikely to cause significant overspill car parking due to the fact that the development lies within a CPZ. The applicant has also produced a Travel Plan in order to promote sustainable forms of transport.
- 5.335 In order meet policy H07 and TR1 of the Brighton & Hove Local Plan the Highway Authority would look for the student residential and private residential elements of the development to be made car free. The development site lies within CPZ Y and benefits from being in a central sustainable location close to public transport routes and local services.
- 5.336 Therefore on this basis, as the site is in close proximity to a range of public transport, including Brighton railway station and local facilities the Highway Authority would look for the standard car free condition to be included on any planning permission granted, to ensure that sustainable travel is promoted from this sustainable location.

Trip Generation/Highway Impact

- 5.337 It is forecast that the proposed extension will cause an increase in total person trip generation associated with the site. However, it is also concluded by the applicant that the development will result in a reduction in vehicle trips associated with development when compared to the existing levels.
- 5.338 In order to calculate the forecast trip generation the applicant's consultants have used the TRICS database to obtain trip rates for the different land uses. This has allowed them to forecast the multi modal trip generation for each land use proposed.
- 5.339 The applicant's consultants conclude that the proposed development is forecast to reduce the number of trips by car to the development. They state:

"...the development will result in a reduction of 162 car trips per day, which is a 50% reduction. The traffic impact of the proposals is therefore positive and will give rise to small benefits in the local area as a result of reduced congestion, conflict with pedestrians and cyclists, and environmental intrusion "

- 5.340 However, the total person trips to the site are forecast to increase. The applicant forecasts in Table 8 of the TS that there will be a total of 2049 daily trips by all modes associated with the student residential and 513 with the private residential units.

S106 Developer Contribution

- 5.341 Given the scale of the development it is forecast that there could be an increase in total person trips associated with this development. The Highway Authority would therefore look for this to be mitigated by the applicant funding off-site highway works.
- 5.342 To comply with the Brighton and Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 2nd February 2012 the applicant is expected to make a financial contribution of £256,200. This is calculated below:

Number of residential units * person trip rate * £200.00 * reduction factor =
Contribution formula
Or (GFA/100m²)

442 student residential
2049 * 200 * 0.5 = £204,900

125 private residential
513 * 200 * 0.5 = £51,300

- 5.343 The college has not been included in the assessment of S106 contributions as it is not considered to increase trip generation above existing levels as a result of this development. The total person trips included within the above calculations are taken from Table 8 within the TA.

Student Move In/Out

- 5.344 The applicant states within section 9 of the TS that the move in and move out of students will primarily raise issues at the start and end of the year. Although it is acknowledged that there may be some movements at the end of each term.
- 5.345 In order to mitigate the potential impact of the students moving in/out the applicant is proposing the following:
- Travel Pack promoting sustainable travel sent to each student prior to moving in:
 - Students travelling by car will be given a pre-booked time slot:
 - Holding area to store student goods and reduce time spent loading/unloading.
- 5.346 The applicant states:
"The Welcome Packs will identify potential vehicle off-loading areas in Pelham Street, adjacent to the residential accommodation, and also in Whitecross Street."
- 5.347 Depending on the adopted approach to Pelham Street legal loading may not be allowed on Pelham Street and there are limited loading opportunities on Whitecross Street. The applicant should provide further information as to the number of spaces/opportunities for loading/un-loading and look for additional capacity. It could be that the Trafalgar Street car park is used while loading/un-loading is taking place.

Construction

5.348 Due to the scale of the development there is a need for a Construction & Environmental Management Plan to be produced; this should be secured via condition. Within the TS the applicant has provided initial details of the construction management plan but states these won't be finalised until a contractor has been appointed. The greatest intensity of the construction related traffic will be during the demolition stage, initial estimates suggest that there could be up to 40 HGVs per day during this period of the build. The Highway Authority is of the view that a Construction & Environmental Management Plan can help to mitigate the impact caused during the construction phase and would look for this to be conditioned.

Public Realm

5.349 A S278 agreement will be required to enter into for the proposed works associated with any area of the adopted highway, including Pelham Street, Trafalgar Street and Redcross Street. Clarification should also be provided in relation to the extent of any new areas that are to be offered up for adoption by the Highway Authority.

5.350 The Highway Authority requires further detail in terms of the proposed works to Pelham Street. The applicant should consider the following points:

5.351 Pelham Street

- The proposed layout plan appears not to be proposing the retention of any of the existing motorcycle bays. The motorcycle bays are currently well used and therefore the applicant should look at retaining this level of provision. While it may not be appropriate to relocate them on Pelham Street, the applicant should provide alternative provision elsewhere.
- The applicant must consider provision for pedestrian movements within Pelham Street. Blind and partially sighted people can find shared surfaces extremely difficult to navigate. No consideration appears to have been given to delineating a pavement. This could be achieved by a change in material or a drainage gully.
- The applicant is proposing 7 disabled parking spaces on Pelham Street. This appears to be contrary to the aims of reducing vehicle movements on Pelham Street. Consideration should be given to locating them elsewhere or rationalising them:
- No details of the proposed road markings or signage have been submitted. Consideration should be given to how access and parking will be restricted. This was achieved in New Road by creating a Restricted Zone except for parking in marked disabled bays.
- The main street furniture proposed is tree planters. The applicant should consider the use of seating and cycle parking. This street furniture, while serving a purpose can also be used to delineate the carriageway and influence road user's behaviour.
- The current proposed masterplan doesn't appear to prevent vehicular access to the new pedestrian link to York Place between the private residential blocks.

5.352 Whitecross Street

- The proposed layby should be designed and constructed within the footway. Recessed loading bays at pavement level should be implemented, such as those in other locations within the City including North Street. These allow loading to occur but also allow for a wider footway when loading is not taking place:
- It appears that an existing street tree is to be removed as part of these works. The arboriculturalist should be consulted upon this aspect.

5.353 Trafalgar Street

- Applicant must consider how the proposed works interact with the surrounding area. The Highway Authority would look for appropriate entry treatments on the edge of the site. The existing raised table at the junction of Trafalgar Street/Sydney Street should be extended to cover the junction of Redcross Street:
- The applicant should clarify whether vehicular access to Redcross Street is to be retained and what treatments are proposed in this location.
- The applicant should provide an appropriate entry treatment at the junction of Pelham Street/Trafalgar Street. The entry treatment should be used to reduce vehicle speeds and warn drivers that they are entering a shared surface area.

5.354 Trafalgar Court

- It is assumed that the new footpath at the end of Trafalgar Court is not for vehicular access. The applicant must consider how vehicular access will be restricted to this area.

5.355 New Pedestrian Link York Place – Pelham Street

- From the submitted plans it appears that there is no prevention of vehicular access from Pelham Street to this new pedestrian link to York Place. The applicant should clarify how vehicular access on this link will be prevented.

5.356 **Travel Plan Officer:**

5.357 Private Residential Development: The applicant is not proposing to do anything to encourage sustainable transport use by the occupiers of the Private Residential development. The applicant should consider implementing a package of incentives which could include one of the following: 2 years membership of City Car Club, Free monthly bus or rail season ticket, or a cycle voucher. (One per property).

5.358 Background Information: The data is 5 years out of date, and although they say nothing has changed, clearly fuel costs have risen and the economy has stalled. This may mean that car usage could have dropped in the intervening period. All targets in the full Travel Plan must use up to date survey data. In future surveys, in order to capture if staff and students are drivers or passengers, the survey question should differentiate between car user – driver, and car user – passenger.

- 5.359 Appointment of Travel Plan Coordinator: The Travel Plan Coordinator should liaise with BHCC, and actively engage with the Brighton & Hove Travel Plan Partnership.
- 5.360 Provision of information and Raising Awareness: The Council's journey planner – www.journeyon.co.uk should be promoted to staff and students. Including the mobile version and other travel information based apps.
Public Transport Promotion: Both of the bus and rail based smartcards – 'The Key' should be promoted to students, as this can be the cheapest option for students. City College should consider installing a Real Time Passenger Information display in the reception area of the buildings to encourage public transport use.
Encourage Walking and Cycling: City College should investigate running a Salary Sacrifice Bike Scheme for staff to encourage the use of cycling.
Car Club: There is no mention of reducing carbon emissions within the Travel Plan. City College should explore how using lower emission Car Club vehicles instead of staff own vehicles can help to reduce business travel related CO2 emissions, and reduce the cost of mileage claims.
Targets: The target of a 10% reduction in car trips over five years is considered to be unambitious, based on the City Centre location, and the car free development. The Council would like to see this revised based on up to date survey data when the full Travel Plan is submitted. There should also be targets based on increased use of bus, rail, cycling and walking.
- 5.361 Monitoring and Implementation: The council uses the iTrace Travel Plan monitoring software. In order for there to be consistency across the city, the Travel Plan Officer would recommend that all annual surveys are undertaken with this tool.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton and 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
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU1	Environmental impact assessment
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
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning obligations

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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
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH15	Tall Buildings
Interim Guidance on Developer Contributions	

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD10	London Road Central Masterplan
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
DA4	New England Quarter and London Road Area
CP12	Urban Design
CP21	Student Housing and Housing in Multiple Occupation

Background Documents

Strategic Housing Land Availability Assessment (SHLAA) 2013
Student Housing Strategy 2009-2014 (2009)
Pelham Street Development Brief (2008)
The North Laine Conservation Area Study 1995

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are the educational needs of the College, the principle of the uses, design and visual impact including the principle of demolition of the existing buildings, impact on the immediate streetscene and on the setting of conservation areas and listed buildings. Impact on amenity of existing occupiers including impact on daylight, sunlight and overshadowing and outlook and privacy and noise and vibration. Acceptability of living conditions for future residents including impact on daylight,

sunlight overshadowing, outlook, privacy, amenity space provision and noise and vibration. The highways impact, wind environment and pedestrian comfort, air quality, external lighting, ground conditions and contamination, ecology and sustainability considerations, archaeology, waste management, socio-economic impact and infrastructure & viability.

Environmental Impact Assessment

8.2 An Environmental Statement (ES) has been submitted with this planning application. Prior to the submission of the planning application, a screening and scoping exercise was undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Environmental Statement has the component parts required by the 2011 Regulations and is considered acceptable. The following has been considered as part of the ES.

- Background to the Environmental Statement
- Overall Approach
- Description of Site and its Surroundings
- The Proposed Development
- The Planning Framework
- Socio-Economic
- Transport, Accessibility & Movement
- Townscape & Visual Impact Assessment
- Biodiversity
- Archaeology
- Built Heritage
- Air Quality
- Wind Environment
- Daylight, Sunlight & Overshadowing
- Noise & Vibration
- Ground Conditions
- Hydrogeology, Water Resources & Flood Risk
- Waste
- Lighting
- Residual Impacts
- Cumulative Impacts

Previous planning application BH2008/02376

8.3 The previous planning application for the redevelopment of the Pelham Street Campus was considered by the Planning Committee on the 18th of March 2009, where members resolved to Mind to Grant the planning application subject to a Section 106 Agreement. However, due to the Learning and Skills Council being abolished, the funding did not materialise, the Section 106 Agreement was not completed and the application was finally disposed of by the Council in 2011.

8.4 A two campus approach was a key aspiration of the City College at this time, with the second campus being located within a 'Bund Building' at the AMEX Community Stadium. A planning application for the 'Bund Building' was not submitted, although at the time the City College did have consent to occupy the

majority of the East Stand. The proposed heads of term for the Pelham Street application contained a requirement that 10,000 square metres of education floorspace be secured elsewhere in the City prior to development on Phase 2 (non educational uses) commencing.

- 8.5 The previous planning application was accompanied by an Environmental Statement, and proposed to demolish Pelham Tower, Cheapside, Trafalgar and York buildings. The Gloucester building which is within the North Laine Conservation Area would have been the only existing building to remain. The application was a 'hybrid' with all matters approved for Phase 1 and an outline application including reserved matters relating to layout, scale and access for Phase 2.
- 8.6 It is considered that the decision taken by Planning Committee to mind to grant the 2008 application has weight as a material planning consideration.
- 8.7 The 2008 application comprised the following:

Phase 1 – car park site

New College building (14,000 sq metres internal floorspace). The building would have formed the main accommodation for City College at this campus. The building would have been 9 storeys at its highest point and included a three storey podium which would be sited on the area of the site currently used as a car park. Roof terraces at various levels were also proposed.

Phase 2 – Pelham Tower, Cheapside, York and Trafalgar buildings

It was proposed to demolish all buildings and to redevelop the site for a mixed use scheme comprising the following:

- Education Building (part 3 part 5 storeys 2,300 sqm);
- Youth hostel/student halls of residence (part 3 part 5 storeys 2500 sqm);
- Café (two storey) 400 sqm;
- Public square;
- Basement car parking (72 spaces);
- Residential Building 1 (five storeys with the top floor set back). GP clinic at ground floor with 28 residential units above of which 24 would be affordable housing;
- Residential Building 2 (two blocks, one 5 storey with top floor set back and one two storey) 22 residential units;
- Residential Building 3 (two storey) 7 houses;
- Commercial Building (part 3 part 4 storeys) 1460 sqm with 15 space car park below;
- Pedestrianisation of Pelham Street.

The College's 10 Future Plans

- 8.8 The College aim within the next 10 years to increase student numbers from a total of 10,549 (part time and full time) in 2013/14 to 12,469 by 2023. This would equate to an additional 1,920 students which includes a wide variety of different types of students including youth and adult further education and apprentices, community learning, higher education and 14 to 16 learners. There is currently in the region of 6,223 students at Pelham Street campus and 4,325 at Wilson

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Avenue and this is projected to increase to 7,356 at Pelham Street campus by 2023 and 5,112 at the Wilson Avenue campus by 2023. This includes all students, a large proportion of which are part time or on apprenticeships and therefore do not attend the campuses every day.

- 8.9 The College is also a key partner in the City Employment and Skills Group (CESG). The objective of the CESG is to support the creation of at least 6,000 new jobs by 2014 and to support Brighton & Hove residents in obtaining the skills required to be able to fill the jobs that area created. There is also the aim to increase the number of apprenticeships by 500 annually. The College has set up an Apprenticeship Training Association which offers apprenticeships on a part time basis.
- 8.10 There is currently 30,168 m² of floorspace on site. However, this is within a 1960s tower, former Victorian school buildings (Trafalgar and York) and Cheapside Building which was built in the 1920s. The College have calculated that the space which they use for teaching and support space is just under 20,000 m² with approximately 10,000 m² being circulation space and toilets. The buildings are considered to be inflexible and inefficient and no longer meet the demands of the College in terms of modern flexible teaching space. There is also a high cost associated with their maintenance and running costs.
- 8.11 The College consider that the way the buildings have been designed with corridors of fixed-wall classrooms are unable to accommodate the larger groups sizes needed for both efficiency and for the development of new approaches to teaching and learning. However, there is also insufficient small group seminar and one to one confidential teaching space. There is limited social or information learning spaces for students other than the central refectory and learning resource centre. The bulk of the vocational curriculum, where realistic working requirements are ideally required, take place in converted classrooms which do not meet industry standards.
- 8.12 The layout of Pelham Tower which is serviced by two outdated lifts and steep remote staircases makes circulation for staff and students problematic and the College have reported that it is not uncommon for it to take 10 minutes to travel from the refectory and learning and resource centre up to the hair and beauty space located on the 10th floor.
- 8.13 Construction trade courses is currently split over both campuses and is duplicated. It is the aim of the College to relocate this into a purpose built construction centre at Wilson Avenue. This will require a separate planning application.
- 8.14 Currently, due to the lack of suitable accommodation, the College cannot meet the demand for places on its hair and beauty courses and construction trade courses.
- 8.15 The College has stated that the floorspace which is recommended by the Skills Funding Council for a College of this size is 18,000 square metres. This floor area is in the form of new build efficient accommodation.

- 8.16 In 2011 the College Corporation approved a masterplan for the College to rationalise the College Estate to 20,000m² which was split between two campuses, 12,000 m² at the proposed building at the Pelham Street site and 8,200m² at the existing campus at Wilson Avenue. This allowed for an increase of 2,000 m² over the space recommended by the Skills Funding Council.
- 8.17 The following courses would be provided within the proposed building at Pelham Street; arts, media, journalism, travel and tourism, retail, catering, business, accountancy, IT, science and maths, hair and beauty and English for Speakers of Other Languages (ESOL).
- 8.18 The following courses would be provided at Wilson Avenue; motor engineering, construction, sport, public services, health and care and performing arts. The College's future plans includes the development of a new Construction Trades centre at Wilson Avenue due to some demolition of existing accommodation, the total floor area at this campus is not expected to increase, although it will be more efficient. The total floorspace provision is 8,200 m².
- 8.19 After the Learning and Skills Council was abolished the College have investigated a number of different options including the possibility of refurbishing and reconfiguration of Pelham Tower. However, this had a significantly high cost associated with it along with significant decant costs and logistical difficulties.
- 8.20 There is no external funding available for the new College building at Pelham Street. Therefore the student residential and the residential development are enabling development for the construction of the new College building. A viability case has been presented by the College which has been independently assessed by the District Valuer and is discussed later in this report.
- 8.21 The College Building is proposed on the site of the surface level car park, as this would enable the College to remain operational at the Pelham Street site and would enable facilities to decant into the new building prior to any demolition of the existing buildings. Therefore, in order to achieve the College's decant strategy, the College Building has to be built as the first phase on the site of the car park, with the student residential and residential developments being the secondary phases.

Planning Policy & Principle of the Uses

- 8.22 The site is located within the Policy DA4 Development Area identified in the submission City Plan. Policy DA4 requires the provision of a minimum of 300 bed space student accommodation within the Development Area and a minimum of 1185 residential units. There are also a number of local priorities for the development area. Local priority 4 requires the Council to work with education providers and funding partners to support improvements in vocational training and further education. Local priority 7 requires strengthening links between the New England Quarter, London Road and the North Laine shopping areas with higher quality streetscapes and public squares and a greater choice of routes and ease of movement through the area with an improved pedestrian and cyclist environment.

- 8.23 The site is also allocated as part of policy CP21 of the Submission City Plan for purpose built student accommodation for 300 bedspaces, to be delivered as part of a wider mixed use scheme. Policy CP21 states that the Council will encourage the provision of purpose built accommodation to help meet the housing needs of the City's students. Proposals for new purpose built student accommodation will need to demonstrate that the following criteria have been addressed:
1. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area though issues such as increased noise and disturbance;
 2. High density developments will be encouraged but only in locations where they are compatible with the existing townscape;
 3. Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
 4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
 5. Proposals should be designed to be safe and secure and for their occupants whilst respecting the character and permeability of the surrounding area;
 6. Schemes should have the support of one of the City's two Universities or other education establishments within Brighton & Hove. The Council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;
 7. Permanent purpose built student accommodation will not be supported on sites with either an extant permission for residential development on sites identified as potential housing sites.
- 8.24 The Council's 'Student Housing Strategy 2009 – 2014' was produced as a background document to the City Plan and identifies a number of key issues associated with the large student population that need to be addressed in partnership with the City's two universities, other educational establishments, students, landlords and developers. The Strategy sets out several objectives, one of which is to promote and enable the appropriate development of purpose built student accommodation at suitable locations within the City.
- 8.25 Supplementary Planning Document 10, 'London Road Central Masterplan Area' identifies the site for a "new Further Education "Knowledge Quarter" involving the demolition of the majority of the existing college buildings and replacement with new college facilities and additional mixed uses".
- 8.26 The 2012 Strategic Housing Land Availability Assessment (SHLAA) identifies the site for 60 dwellings.
- 8.27 A Planning Brief 'Pelham Street Knowledge Quarter' was adopted for the site in 2008, and allocated the site for a mixed use development, however, this has limited weight as it was not subject to public consultation.

- 8.28 Local plan policy HO20 states that planning permission will not be granted for development proposals, including changes of use that involve the loss of community facilities, including educational facilities.

Exceptions may apply when:

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

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

Provision for education

- 8.29 The Phase 1 College Building proposed as part of the 2008 scheme had a floor area of 14,237 m². An additional 2,311 m² educational floorspace was also proposed within the Phase 2 development. As discussed earlier in this report, the College had aspirations at the time to provide for approximately 16,500m² at the Pelham Street campus with 10,000m² to be provided at a new building at the AMEX Community Stadium. The College had received outline approval for funding from the Learning and Skills Council (LSC) for the Pelham Street scheme. However, since the LSC was abolished in 2009, the College have to re-evaluate their future accommodation needs.
- 8.30 The current application would amount to an educational floorspace which is approximately 4,400m² less at Pelham Street than that which was previously sought as part of the 2008 application. The overall accommodation sought by the College in the City is approximately 20,300 m² rather than the previous 26,500 m². However the College have reassessed their need since 2008 and this is based on projections up until 2023. The floorspace figure of 20,300 m² does not include the accommodation which is provided for 14 to 16 year olds at Preston Road which is 1,250 m². It is also important to note that the College Building proposed in 2008 included a basement and a higher proportion of meeting rooms and staff offices. In addition, areas within the 2008 building were allocated to music and performing arts and workshops for ceramics, woodmetal and plastic work, and it is proposed to now permanently locate these at Wilson Avenue rather than Pelham Street.
- 8.31 It is also recognised that the education floorspace will decrease significantly on site from approximately 30,000m² to 12,000m². However, of the 30,000 m² floorspace on site, just under 20,000 m² is actually used as teaching or support space. Whilst the proposed College Building would have less floorspace it is considered that it would provide purpose built and modern teaching facilities in a more effective and efficient way.

- 8.32 The College have developed a 10 year vision and have stated that the proposed building along with the Wilson Avenue campus will meet their needs. The floorspace that would be provided is approximately 2,300m² more than the 18,000 m² which the Skills Funding Council recommend for a College of this size. It is therefore considered that the proposal meets the criteria of policy HO20 of the Local Plan, as the use will be incorporated into a new building on site, and the College have demonstrated that this building along with the Wilson Avenue campus can meet their identified needs.

Student Residential Development

- 8.33 Purpose built student accommodation is now proposed (442 bedspaces). This is a significant difference to the previous 2008 scheme when only 2,500 m² of student accommodation was proposed. Based on the bed to floorspace ratio this could have equated to in the region of 87 bedspaces. However since that time the site has been allocated for purpose built student accommodation in the Submission City Plan through policies DA4 and CP21. Planning policy officers have commented that although the level of student accommodation proposed is significantly higher than that allocated in policy, this increased provision of student accommodation is not, in principle, contrary to the allocations in either policy DA4 or CP21. However, planning policy officers have commented that the applicant will need to assure the Council that provisions within policy CP21 which are related to managing the impact of disturbance in the neighbouring residential area can be fully addressed.
- 8.34 Sussex University have agreed in principle to enter into a nominations agreement relating to the proposed student accommodation and that their students would be the sole occupiers of the building. The University have also confirmed that the building would be managed in accordance with the details contained within the submitted Draft Management Plan. The building would be managed by a specialist management company who would also need to be fully signed up to the Management Plan.
- 8.35 The Draft Management Plan states that all students staying at the accommodation would be bound by a licence agreement in addition to the University regulations and both would contain student discipline regulations. Breaches of the University accommodation regulations and licence agreement would be investigated and may lead to the issuing of warnings or fines. In the case of serious or repeated offences students may be issued with a Notice to Quit (i.e. termination of their licence agreement).
- 8.36 The Draft Management Plan also states that there would be a staff presence at the building which would include security for 24 hours a day, 7 days a week while students are in occupation during normal term times. Staff will provide support to students and deal with any safety or disciplinary issues. They will also respond to complaints raised by the local community.
- 8.37 The accommodation would have a secure door entry system with card/fob access to enter the buildings and residents will not be able to 'buzz' doors open from within the flat and they would need to collect visitors from the front doors. CCTV is proposed to be installed on the site at various points internally and to

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cover the exterior of the development which will be controlled by the security team. The entrance is on Pelham Street.

- 8.38 The Draft Management Plan highlights that smoking will not be permitted inside the accommodation or within 5 metres of any door or window. However, the University have indicated that a smoking area could be permitted within the courtyard as long as it is 5 metres away from windows/doors. It is considered that this would be preferable to students smoking on the immediate surrounding streets.
- 8.39 All details within this current document are draft and must be fully agreed with the Local Planning Authority (LPA) prior to first occupation of the development. The end user and the operator must both be fully signed up to any agreement.
- 8.40 It is also proposed through the a clause in the Section 106 Agreement, to require a representative of the both the management company and the University to attend the local LAT.
- 8.41 It is considered that the proposal meets criterion 6 of policy CP21 as the scheme has the support of Sussex University. It is considered that the Management Plan will address the requirements of criterion 1, and this is discussed further in the noise and vibration section of this report. It is considered that the scheme is compatible with the surrounding townscape and meets criterion 2, and this is discussed in more detail later in this report. The site is in a highly sustainable location and subject to the requirement to make the development car free, it would not have an adverse impact on on-street parking levels in the area and would meet criteria 3 and 4.
- 8.42 Therefore it is considered that the proposal complies with policy DA4 and CP21 of the Submission City Plan.
- 8.43 Planning permission was granted in January 2013 for 351 student bedspaces at the former Co-op store on London Road (BH2012/02675). Members resolved to Mind to Grant planning permission for 86 student bedspaces at 29-33 Ditchling Road (BH2012/03707). Both of these developments are within the DA4 Development Area. However, the 300 student bedspaces allocated within policy DA4 is a minimum, and it was always envisaged that student accommodation would be provided at the City College site and hence the reason why it was allocated specifically under policy CP21. It is not considered that these two other permissions for student accommodation would preclude any further student accommodation developments within the DA4 area, or specifically at the Pelham Street site.
- 8.44 The provision of dedicated student housing may reduce the number of students looking for housing on the open market, and could therefore release existing market housing and relieve some pressure on the housing market. However, this is difficult to quantify. In addition Sussex University is also hoping to expand their campus at Falmer in the future and increase their student population by 5,000 by 2018.

- 8.45 Student accommodation does not fall within the definition of affordable housing (as defined by Annex 2 of the NPPF) however it is a form of residential accommodation that meets a specialist housing need in the city. It is the intention to require that the building can only be used for students at higher education level and this would ensure policy HO2 of the Local Plan would be addressed. Therefore, the LPA will not be seeking an affordable housing provision on site or an off-site contribution in terms of the student residential development.

Residential

- 8.46 The site is allocated for a mixed use scheme in policy CP21 of the Submission City Plan and within SPD10 London Road Central Masterplan. The previous 2008 scheme included plans for up to 60 dwellings, and hence the site is allocated for 60 dwellings in the SHLAA. Therefore, it is considered that the principle of residential development on the site is acceptable.

Whole site

- 8.47 It is considered that the principle of the mix of uses on site is acceptable and is compliant with the Local Plan and the Submission City Plan. In addition, the redevelopment proposals would bring about substantial public benefits to the City due to the provision of the purpose built modern College building, purpose built student accommodation, up to 125 units of residential accommodation and public realm improvements.

Design & Visual Impact

- 8.48 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites and policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.
- 8.49 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.50 As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.
- 8.51 Policy QD4 is concerned with the strategic impact of a development, and the preservation and enhancement of strategic views, important vistas, the skyline and the setting of landmark buildings. All new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted. Views into and from conservation areas and the setting of listed buildings are of particular relevance to this application.

- 8.52 Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area and should show, amongst other things:
- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
 - the use of building materials and finishes which are sympathetic to the area;
 - no harmful impact on the townscape and roofspace of the conservation area; and
 - the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.

8.53 HE3 will not permit development where it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale materials, layout, design or use.

8.54 SPG15 'Tall Buildings', sets out design guidance for considering proposals for tall buildings and to identify strategic areas where there may be opportunities for tall buildings. SPG15 requires that new tall buildings should be in an appropriate location, should be of first class design quality of their own right and should enhance the qualities of their immediate location and setting. The SPG also gives further guidance on the siting of tall buildings to ensure they have minimal visual impact on sensitive historic environments and that they retain and enhance key strategic views.

Demolition of existing buildings

8.55 It is proposed to demolish York, Trafalgar and Cheapside Buildings but to retain Gloucester Building which is the only building within the application site which is within a conservation area (North Laine).

8.56 York, Trafalgar and Gloucester Buildings were established on the site following the Education Act of 1870. They were designed by Thomas Simpson & Son, who designed all of the Brighton Board Schools of this period in a common late-Victorian Free Style, with steep slate roofs, ornate gables and elevations in brown and red brick. The Trafalgar Building has undergone major alterations within the 20th century when its steep ornate gables were lost and a further wing was added. The building does however have some townscape and historic interest.

8.57 The York Building has been subject to various incremental additions and is now completely landlocked. The top of York Building is visible from some views from around St. Peter's Church. It has some architectural and historic interest but very limited townscape value. Cheapside Building was constructed in the 1920s and it is not considered that it has particular townscape or historic interest.

8.58 Trafalgar and York Buildings are considered to be non designated heritage assets. However, they are not considered to be worthy of listing and they fall outside of a conservation area. Gloucester Building is within the North Laine conservation area and it is proposed to retain this building. In order to address

the uncertainties regarding the future of Gloucester Building, the building has now been included within the application site boundaries and it is proposed to bring it into use as a crèche. It is proposed to secure that the building is brought back into use within a certain time frame as part of the Section 106 Agreement. Any external alterations other than simply refurbishment would be subject to a separate planning application.

- 8.59 The applicant has submitted plans which give a guide to how many units of residential accommodation could be accommodated within Cheapside, Trafalgar and York Buildings if they were to be retained rather than demolished. Cheapside could accommodate in the region of 15 units, Trafalgar could accommodate 22 units and York could accommodate 11 units. This is a total number of 48 units compared to the 125 units which are currently proposed. It is not considered that the wider redevelopment would be viable with such low numbers. In addition, it would be extremely difficult to meet the requirements of Lifetime Homes, Wheelchair Accessible Standards or Affordable Housing requirements. There would be limited landscaping/amenity space provision and creation of a new pedestrian street and the opening up of the pedestrian link to York Place would not be a possibility.
- 8.60 The demolition of Cheapside, York, and Trafalgar was considered to be acceptable when the decision was taken to Mind to Grant the previous 2008 scheme (BH2008/02376).
- 8.61 It is considered that the York and Trafalgar Buildings have relatively low significance in terms of townscape and historic a value. Subject to the visual impact of the proposed development, which is discussed in more detail later in this report, it is considered that the demolition of the buildings can be justified in terms of the public benefits the redevelopment will provide. English Heritage and the Council's Heritage Team have no objections to their demolition.

Layout of the site

- 8.62 It is considered that Pelham Tower and the car park bear limited relationship to the historic street pattern in this part of the Brighton, which was originally more akin to the tight urban grain of the North Laine Conservation Area to the south.
- 8.63 The general layout of the proposals and the footprint of the buildings are considered to be appropriate in urban design terms and would recreate a building line along Pelham Street and Whitecross Street.
- 8.64 Key pedestrian routes through the site would be enhanced. Pelham Street would operate as a landscaped shared space similar to New Road and a pedestrian street would be created to link up to the archway at 15 York Place. The key points of entry to the site from Trafalgar Street would be from Redcross Street and Pelham Street and a new route would be opened up from Trafalgar Court. It is considered that the scheme would provide improved pedestrian links from London Road to the North Laine. It is considered that scheme would contribute towards achieving the aims of SPD10 London Road Masterplan, due to the public realm improvements and the improved pedestrian connectivity.

Streetscene Views

Pelham Street

- 8.65 On the west side of Pelham Street at the south end the public square would be present. To the north of this would be the seven storey section of the College building and adjacent to this would be the student residential building. The student building would be part eight, part seven and part six storeys on this elevation. The ground floors of both buildings would be mainly glazed and it is considered that the hair and beauty salon and the print shop at the ground floor of the College building and the gym, common room and main entrance to the student building, would add interest and activity at street level.
- 8.66 A gap of 25 metres would be present between 2 Pelham Street and the seven storey section of the College building which fronts Pelham Street. 2 Pelham Street is a small scale two storey dwelling and is approximately 6 metres to eaves height and 7.8 metres to ridge height. The College building would represent a significant increase in height from that of 2 Pelham Street as it would be approximately 22 metres to the top of the six storey section of the building and 26 metres to the top of the recessed seventh storey. There would also be a plant screen on the roof which would be 29 metres in height, however this is set back some distance from the south and east building lines. The ground and first floors are recessed slightly on this elevation. The public square does give a degree of separation between the small scale Pelham Street properties and the proposed College building. The height of the College building has also been staggered so that its tallest part is on the Whitecross Street side.
- 8.67 The main south elevation of the College building presents a lively and high quality elevation and the public square enables it to have a setting where it can be viewed from Pelham Street.
- 8.68 On all street elevations, the student residential building has been designed so that there are three main sections of the building which step down in height and would be treated in render and contain the windows for the study bedrooms. The study bedroom windows would be slightly recessed and would have a coloured panel adjacent. The bulk of the three main sections would be broken up by long vertical areas of glazing and panelling which would also be part recessed and angled. The top floor on all street elevations would also be treated in different materials and be recessed. The elevations of student residences, due to the nature of the same layout on each floor, can sometimes result in repetitive elevations. However, the way the building is broken down into three main sections and the use of the materials and recessed elements is considered to break up the horizontal bulk of the building and give it a vertical emphasis.
- 8.69 The podium section of Pelham Tower is approximately 12 to 13.4 meters above pavement level and is present immediately on the back of pavement along with a more modern glazed infill section which accommodates the main entrance. It is considered that the plinth represents a bland facade to the streetscene with little visual interest. The tower section of Pelham Tower is set back approximately 10 metres and has a height of approximately 43 metres above street level. The height of the Student Accommodation Building would vary due to its staggered height and would be approximately 21.6, 18.2 and 15 metres to the top of the

rendered sections of the building and 24, 20.6, 17.4 metres to the top of the recessed top floor. Pelham Street would be widened by moving the building line on both sides.

- 8.70 On the east side of Pelham Street to the north of the part three part four storey Foyer Building, the side elevation of the five storey residential building (Block B) would be present followed by new pedestrian street which links though to the archway at 15 York Place. The Foyer Building is approximately 11.5 metres in height at its northern end. Block B would be 11 metres to the top of the fourth storey and 14 metres to the top of the fifth storey which is recessed. The existing Trafalgar Building is approximately 16 metres to the top of the parapet. Block B would therefore be lower in height than the Trafalgar Building, and although it is taller than the Foyer Building, given that the top floor is recessed it is considered that the relationship between the two buildings would be acceptable.
- 8.71 To the north of the new pedestrian street would be Block A, which would be six storeys and would front Pelham Street for some 80 metres. The top floor would be recessed from the building line. The pavement levels along Pelham Street increase in height from south to north and the building would be a maximum of height of approximately 15 metres above pavement level to the top of the fourth floor parapet and up to 17.3 metres above pavement level to the top of the fifth floor.
- 8.72 Block A would be slightly lower than the ridge height of Cheapside, and approximately 1.7 metres higher than the parapet height of the Trafalgar Building. The top of the recessed fifth floor of Block A would be approximately 5 metres higher than the eaves height of the Cheapside Building. The top of the fourth floor parapet of Block A would be approximately 3 metres higher than the eaves height of Cheapside. The top of the fourth floor parapet of Block A would be just below the height of Trafalgar Building.
- 8.73 Therefore the overall height of Block A is just below the ridge of Cheapside and only 1.7 metres higher than the parapet of the Trafalgar Building. The top of the fourth floor would be approximately 3 metres higher than then eaves of Cheapside Building. Whilst it is recognised that the design of the proposed building with a flat roof would result in a greater mass at higher level as opposed to a traditional pitched roof design, this is offset to a degree with the recessed design of the top floor. Therefore, it considered that the proposed residential buildings would have a similar bulk and massing along the Pelham Street frontage to the existing buildings.
- 8.74 The external appearance of the residential buildings are not being assessed at this stage and it will be important at the reserved matters stage to ensure that the design is consistent with local policy and is high quality. Details shown on the indicative plans would not set a precedent for what might be considered acceptable design when the external appearance is assessed at the reserved matters stage.
- 8.75 Due to the large width of the building on the streetscene it will be important to ensure at the reserved matters stage that the design incorporates features to

break up the horizontal nature of the building and to give it a more vertical emphasis. A balance will need to be made between the amenity consideration of future residents (daylight requirements) and the design of the elevation. As discussed later in this report, large windows are likely to be needed so that rooms receive adequate daylighting levels. However, very large windows may not be acceptable in terms of achieving adequate levels of privacy for residents. In addition, the initial daylighting calculations found the presence of large balconies obstructed light from those windows behind. It is considered that some balconies or projecting windows may be needed in order to break up the façade and to give it an additional dimension. The reserved matters application will need to assess this in further detail and to balance the need of residents with the future design.

- 8.76 Pelham Street would be widened and landscaped and would operate as a shared space with tree planting proposed. The reinstatement of a building line along the length of Pelham Street is considered to be a major benefit of the scheme. It is recognised that the College building and the student building would result in an increase in bulk and massing immediately to the edge of pavement on Pelham Street, and at the narrowest point the interface distance would only be 12 metres between Block A and the student accommodation building. However, the width of Pelham Street is proposed to be widened and it is considered that the scheme is successful in breaking up the bulk of the student building by breaking it down into three main sections which step down in height. The use of different materials and the use of projecting and recessed elements adds interest to the elevations and there would be an active street frontage at ground floor level.

New street linking to 15 York Place

- 8.77 This would be pedestrian only. To the south of the new street the five storey Block B would be present and to the north the part five, part six storey southern wing of Block A would be present. The side elevations of the two rows of two storey terraces which form Block C would be adjacent to the new street. However, the western most terrace would be set back from the building line of the eastern terrace in order to accommodate a public square. Officers would prefer for the building line for the western terrace to mirror that of the eastern terrace as there are concerns over the location of a public square here which may not have a sufficient sense of enclosure. However, the applicant believes that the square is fundamental to the public realm improvements on offer on this part of the site. The square would be overlooked by the eastern building of Block C and part of Block A. It is considered that the creation of a new pedestrian street thought to York Place is a significant improvement in terms of increased permeability and links from North Lane to London Road.

Trafalgar Court

- 8.78 The opening up of Trafalgar Court is also an improvement in urban design and permeability terms. The proposed two storey terraces with pitched roofs are considered to be appropriate in terms of scale. Whilst the indicative drawings show that flats are proposed within these buildings rather than individual houses, it will be important at the reserved matters stage to ensure that they have the appearance of a mews development with multiple entrances and a vertical emphasis.

Cheapside

- 8.79 Pavement level on Cheapside rises steeply in height from east to west. Cheapside Building has a height to eaves of between 13.2 to 13.6 metres and to ridge height of approximately 17 metres. Block A would have a height of between 14.4 to 15.6 metres to the top of the fourth floor parapet and between 16.6 to 17.6 metres to the top of the recessed fifth floor. The southern section of the building would drop to four storeys and would have a height of 12.8 metres. Block A would be taller than Cheapside and would have a greater mass at higher level due to the flat roof design. However, as on the Pelham Street elevations, this is alleviated by the set back of the top floor. It is considered that the height of Block A is acceptable in terms of its impact on the Cheapside streetscene.
- 8.80 Part of the siting of the Student building would be set back from the building line of the podium of Pelham Tower by between 1.5 and 3 metres. The height of the Student building would again be staggered and would be part six, part seven and part eight storeys. However, due to the difference in levels the seven and eight storeys would appear as seven and seven and a half storeys above pavement level. The height above pavement level of the different section would be approximately 14.6, 16 and 17 metres to the top of the rendered sections and approximately 16.8, 18.4 and 19.4 metres to the top of the recessed top floor. Railings adjacent to a lightwell are proposed for part of the elevation. The podium of Pelham Tower has a height of between 8 and 12 metres above street level. The tower section is set back approximately 7 metres and has a height of 41 to 42 metres above street level.
- 8.81 It is recognised that the Student building would result in increased height and bulk immediately at the edge of the pavement. However this has been alleviated by the design of the building and the staggered heights with step down to follow the topography, the design of the recessed top floor and the breaking up of the elevation into three main sections.
- 8.82 Properties immediately opposite are two and three storeys in height (43 to 47 Cheapside) but the New England Quarter flats (Blackmore Court) are five storeys. Further to the west on Cheapside is Victory House which is seven storeys but has large floor to ceiling heights. The Halfords site immediately to the west is small scale however, this is allocated as a Strategic Allocation in the City Plan and it envisaged that this site could be developed in the future. It is therefore considered that the height and design of the student building has an acceptable impact on the streetscene.
- 8.83 Public realm improvements are proposed on Cheapside and include different materials and tree planting.

Whitecross Street

- 8.84 Adjacent to the three storey dwellings on Whitecross Street (1& 2), a new gate serving the alleyway is proposed after which the three storey section (two storey above pavement level) of the College building would be present. The height of this section of the building would be 8.8 metres with a width along the street of 13.4 metres. The parapet height of Whitecross Street properties is 8.2 metres. It

is considered that this smaller section of the building has a similar height to the adjacent Whitecross Street properties.

- 8.85 The College building would then rise to seven storeys plus the plant screen. The top floor would be set back from the western and southern building lines as would the plant screen. The building height to the top of the sixth floor would be 21.4 metres, to the top of the seventh floor would be 25.4 metres and to the top of the plant screen would be 27.4 metres. There is an entrance on this elevation which is recessed.
- 8.86 A single storey building would be present in between the two buildings which would house the refuse store for the College Building and the substation.
- 8.87 Although the Student building would be nine storeys in height at its southern end, due to smaller floor to ceiling heights it would be lower in height than the College Building. The height of the building would be staggered and would be part nine, part eight and part seven storeys in height. Although due to the difference in pavement levels on Whitecross Street which rise from south to north the seven storey section would appear as just over six storeys on the corner with Cheapside as ground and part of the first floor would be sunken below pavement level. Railings adjacent to a lightwell are proposed for part of the elevation. As on the other street elevations the building has been designed so that there are three rendered sections of a staggered height and that they are broken up by glazing.
- 8.88 The podium of Pelham Tower has a height of approximately 7.5 to 8.5 metres above street level. The tower section is set back a considerable distance from the street (over 17 metres). The height of the Student Accommodation Building would be approximately 23, 20 and 16.4 metres to the top of the rendered section and approximately 25.4, 22 and 18.8 metres to the top of the recessed top floor.
- 8.89 A lay-by is proposed adjacent to the College Building and it is proposed to upgrade the pavement materials.
- 8.90 The existing development immediately on the back of pavement level consists of the surface car park and the podium which is low scale, however, Pelham Tower is clearly visible in the views of the street. Theobald House which is present on the opposite side of the street consists of 18 storeys on top of the car park podium. It is recognised that the proposal will result in a much higher density of development immediately on the back of the pavement and would be significantly taller than the adjacent three storey properties on Whitecross Street. However, south west corner of the College Building which is two storeys in height does allow for some transition of scale between these buildings. There is interest at ground floor building has been designed so that it is broken up into three main sections with staggered heights which breaks down the mass of the building vertically. It is therefore considered that the height and design of the proposals on this street is acceptable.

Whole Development

- 8.91 It is considered that the height, massing and design of all of the buildings are appropriate for their immediate streetscene settings. The College and student

buildings are of a high enough design quality and would sit acceptably in the mixed context of the immediate street scenes. The overall pallet of materials acceptable however a condition requiring samples to be agreed is proposed.

Longer Views

- 8.92 The application site is located at the outer edge of one of the areas designated as suitable for tall buildings under Policy CP12 of the City Plan part 1 and SPG15 'Tall Buildings'. The precise boundaries of the tall building areas have not yet been defined as this will be done through the Urban Design Framework SPD. It cannot therefore be stated at this stage that site lies within a tall building area but it lies at the south east extremity of the Brighton Station/ New England tall building node, which is situated to the east of Brighton Station, to the north of Trafalgar Street and along New England Street.
- 8.93 This site is close to the valley floor and includes the existing tall building of Pelham Tower. It also lies immediately to the east of the very tall Theobald House. There could therefore be strong justification for including this site within the tall building area. SPG15 states that the form of Theobald House should not be used as a precedent for future development proposals. SPG15 does advise that the interface with the North Laine Conservation Area and also the visual impact on St. Bartholomew's Church, views from the Valley Gardens Conservation Area and from further across the valley will need to be considered in detail when assessing the impact of a tall building in this area.
- 8.94 The previous scheme (BH2008/02376) included a tall building on the site of the car park which was up to 9 storeys in height, although the rest of the proposed buildings were not classed as tall buildings. This current application contains two tall buildings which are over 18 metres in height, the College building and the Student building. The residential buildings would not be above 18 metres in height above pavement level and would therefore fall below the threshold. When the decision was taken by Planning Committee to Mind to Grant the previous 2008 scheme, it was considered that the principle of a tall building on the site was acceptable subject to securing the demolition of Pelham Tower. However, the impact of the current scheme on the surrounding area including the setting of the conservation areas and listed buildings needs to be re-assessed.
- 8.95 The ES includes a Townscape and Visual Impact Assessment and a Built Heritage Chapter. A number of key views have been produced using a 3D Cityscape computer model which was created for the site and the surroundings which are included as an appendix to the Townscape and Visual Impact Assessment Chapter. The key views have been produced to aid the assessment of the development in terms of its impact on the views to and from the Valley Gardens and North Laine conservation areas and the setting of nearby listed buildings, mainly St. Bartholomew's Church and St. Peter's Church.
- 8.96 St. Bartholomew's Church is a Grade I listed building and lies just over 200 metres north of the site. St. Peter's Church is Grade II* Listed and lies within the Valley Gardens Conservation Area to the east of the site.

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8.97 There are a number of Grade II listed buildings within 200 metres of the site. These are 30 – 37 and 41 - 52 Kensington Gardens, 96 Trafalgar Street, 11 and 12 Trafalgar Street, 1 – 12 and 15 – 24 Pelham Square, 1A – 13 and 1 – 14 St George's Place, 4 – 9 St. Peter's Place, 3 and 5 – 13 Ditchling Road and 4 – 9 Queen's Place.

8.98 The following views were included within the ES:

- View A: Trafalgar Street 1 - taken from south side of Trafalgar Street next to the junction with Frederick Place and looks eastwards towards the site;
- View B: Trafalgar Street 2 - taken from the south side of Trafalgar Street next to the junction with Kemp Street and looks eastwards towards the site;
- View C: Trafalgar Street 3 - taken from south side of Trafalgar Street next to the junction with Trafalgar Lane and looks eastwards towards the site;
- View D: Whitecross Street - taken from junction of Whitecross Street and Trafalgar Street and looks north along Whitecross Street;
- View E: Pelham Street – taken from junction of Pelham Street and Trafalgar Street and looks north along Pelham Street;
- View F: Pelham Gardens – taken from the south end of Pelham Gardens and looking north towards Pelham Street;
- View G: Sydney Street – taken from near the junction with Gloucester Road and looking north along Sydney Street;
- View H: Grand Parade – taken from the south of the junction of Grand Parade and Richmond Parade and looking in a north western direction towards the site;
- View I: John Street – taken from the footpath on the higher open land adjacent to John Street looking across the valley over Grand Parade towards the site;
- View J St Peter's Street/St Bartholomew's – taken from St Peter's Street south of St Bartholomew's Church and looking in a south direction towards the site;
- View K New England Street – taken from New England Street south of the junction with Ann Street and looking in a south easterly direction towards the site;
- View L: St. Peter's Place – taken from the northside of St. Peter's Place near to the junction with Ditchling Rise and looking in a south western direction towards the site;

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- View M: The Level – taken from the centre of the Level looking in a south-west direction towards the site.
- View N: St Peter's Church – taken from the immediate area north of the Church and looking towards the site in a westerly direction.

8.99 The development would not be visible in views A, B or C.

8.100 St. Bartholomew's Church is visible in views along Whitecross Street in View D, although in the view from the junction with Trafalgar Street it is screened by the trees on the pavement of Whitecross Street. The student building would obscure the view of St Bartholomew's. However, the important view of St Bartholomew's is from Pelham Street (View E) and it is considered to be more important to improve this view. Pelham Tower and the car park are prominent in the existing view.

8.101 The removal of the unsightly Pelham Tower and the car park is beneficial, and the new buildings would represent a variety of different buildings heights and materials. It is recognised that the building mass is being brought nearer to the smaller properties within the North Laine conservation area, however the three storey section of the building (two storeys higher than the pavement level on Whitecross Street) does allow for some transition of scale between the adjacent three storey buildings (1 and 2 Whitecross Street) and the eight storey section of the building.

8.102 View E is taken from the junction of Pelham Street with Trafalgar Street. The three storey podium of Pelham Tower obscures the gable end of St Bartholomew's and Pelham Tower is very much the dominant feature in this view. A building line along the majority of the west side of Pelham Street would be reinstated by the development. The siting of the student building is slightly further to the west than Pelham Tower, and the corner of the building would be angled back to the west. This would open up the view of the gable of St. Bartholomew's considerably and the whole of the gable would be visible. It is considered that the view of St. Bartholomew's would be improved and this is a beneficial impact. The view of St. Bartholomew's was also opened up as part of the previous scheme (BH2008/02376), however not to the same extent as the western section of the gable would have still been slightly obscured.

8.103 View F is taken from the Pelham Square and all Pelham Square properties are listed. There are a number of trees within the Square which do provide some screening of the views out of the square in summer months. Glimpses of Pelham Tower are visible in this view. It is not considered that the development would be harmful to this view or to the setting of the Pelham Square properties.

8.104 View G is taken from the south end of Sydney Street in the North Laine conservation area with 89 and 90 Trafalgar Street being present at the end of the street. The blank south elevation of Pelham Tower is prominent in this view as well as an oblique view of the western elevation. The proposed College building would be sited to the south of the Pelham Tower and therefore closer to

the two storey Trafalgar Street properties. Whilst Pelham Tower is prominent in this view there are areas of sky visible above the rooftops of Trafalgar Street properties to either side of the Tower. Although the top of the eighth storey of the proposed College building would be 16 metres lower than Pelham Tower, due to its location closer to Trafalgar Street, it would be perceived as being the same height as Pelham Tower. Due to the greater width of the proposed building, the building would enclose the views of the sky which are currently visible either side of the Tower. It is considered that the building would have a greater bulk and massing in this view. However, it is recognised that the proposed building would be a much higher quality design than that of Pelham Tower, and that the central glazed section would break up the solid mass of brick on the wings to either side. It is also recognised that the previous 2008 scheme would have also been highly prominent in this view with a section of the building being taller than the currently proposed College building.

- 8.105 Three additional views have been produced for Sydney Street which are taken from the junction with Gloucester Street, adjacent to 31 and from the north top of Sydney Street. The presence of the proposed College Building would increase as one moves northwards along Sydney Street up to 31 Sydney Street after which the bulk which is visible would reduce and at the top of Sydney Street it would only be the top two floors which are visible over the rooftops.
- 8.106 View H is taken from Grand Parade, and it considered to be important in terms of the setting of both Valley Gardens Conservation Area and St Peter's Church. The top five storeys of Pelham Tower are visible in this view and it is considered that its removal would be a significant improvement in terms of the setting of the conservation area and St Peter's Church. Part of the top two floors of the Proposed College Building would be visible in this view above the roofline of St George's Place and York Place properties. The tallest section of the student building and a small section of part of the residential building would also be visible. However the building heights are varied and the development would not appear unduly prominent above the rooftops.
- 8.107 In view I taken from John Street, the overall height of buildings which can be seen would be reduced with the demolition of Pelham Tower, however due to the position looking down across the Valley onto the site, a greater width and mass of buildings on the site would be visible. This is not considered to be a strategic view in terms of the setting of listed buildings or conservation areas. There are a number of other existing tall buildings which are prominent in this view.
- 8.108 In view J from St Peter's Street it is considered that the removal of Pelham Tower would have be significant improvement. The top floors of the proposed student building would be visible above 45 Cheapside, however the building heights would be staggered in line with the topography of the site.
- 8.109 In view K, Pelham Tower is prominent to the east of the junction with Cheapside with the three storey podium being present immediately to the south of the junction. The three storey section has limited opening and visual interest on the corner. Whilst the proposal would result in a repositioning of building mass on

the corner, it would still be significantly lower than the maximum height of Pelham Tower, and it is considered that the proposed building's form and height would be appropriate in this setting.

- 8.110 View L is taken from St Peter's Place. Pelham Tower is a prominent feature in this view above the rooftops of York Place properties which fall within the Valley Gardens conservation area. The top floor of the College building and part of the top floor of the student building would be visible in this view. The heights of these buildings would be staggered. Part of Block A would be visible over the flat roofs of 27 and 28 York Place. Since the visuals were produced an additional mansard roof has been installed at 27 York Place which would further shield the section of the top floor of Block A. The College Building proposed as part of the 2008 scheme (BH2008/02376) was taller and would have been more prominent than the current proposals in this view. However, none of the other smaller buildings would have been visible over the rooftops. As part of the proposed scheme there is less height which is visible although the mass which is visible is spread over a wider area. However, it is considered that the proposal would still represent a significant improvement in this view.
- 8.111 View M is taken from the Level and shows that Pelham Tower is prominent above the tree line. The proposed view shows that the proposed buildings would not project above the tree line.
- 8.112 View N is taken from the immediate area directly to the north of St Peter's Church. This is an additional view than those which were produced as part of the 2008 application. As with View L, the previously proposed College building was taller and more prominent in this view than that currently proposed. The amount of the residential buildings which can be seen would be similar between the two schemes. Part of the top floor of the student building would be visible as part of the current scheme. However as the building heights of the student building would be staggered, it has reduced the width of the mass which is visible above the rooftop. It is considered that the proposal would be of significant benefit to this view.
- 8.113 The site is referred to in the North Laine Conservation Area Study (1995) as at the time of production of the Study it was identified in the Brighton Borough Plan for expansion and consolidation of the College (Brighton Technical College). The Study states that the original street pattern should be retained and reinstated and that new buildings should follow the original building lines and should be carefully related to the heights and materials of surrounding buildings, especially those in the Conservation Area. The Study also states that new buildings should complete the north side of the Square (Pelham) and should be no more than three storeys on this frontage. However this height is specifically related to the Trafalgar Street frontage (nos.100 -102).
- 8.114 The building lines along Whitecross Street and Pelham Street would be reinstated, however it is considered that it would be unreasonable to expect a scheme to also reinstate a building line along both sides of the former Redcross Street to Cheapside. This would significantly reduce the amount of development which could be provided on the site. The buildings have been

considered in terms of their impact on the conversation area and building lines have been retained although not re-instated. The proposals will provide an improved pedestrian route through from Redcross Street to Pelham Street. It is considered that the North Laine Conservation Area Study has limited weight with regard to the determination of the application. The Study was produced nearly 20 years ago. Since then the Local Plan has been adopted and the City Plan has been developed to Submission stage. Other supplementary planning documents such as SPG 15 Tall Buildings have also been adopted which are considered to have more weight in the decision making process than the Study.

- 8.115 English Heritage have commented that they accept that a higher density development is required at this site and that the scale and massing of the proposed buildings would represent an appropriate transition between the Valley Gardens and North Laine conservation areas and the larger scale development to the west. The stepping down of the buildings from west to east with the topography of the site would help to retain or enhance most views. The prominent view of the tall gable end of St Bartholomew's would be enhanced and the slight widening of Pelham Street and its proposed use as a shared space would offer the additional benefit of improving opportunities for visitors to enjoy this aspect of the Church. English Heritage also consider that the proposals would provide an enhancement to the setting of St Peter's in views from the east of the site and that the new pedestrian access route through to York Place again presents opportunities for visitors to better access and enjoy this important building.
- 8.116 The Council's Heritage Team have commented that the demolition and redevelopment of the existing Pelham Tower and the development of the adjacent car park site are welcome and would have substantial benefits for the setting of the adjoining conservation areas and for the settings of a number of listed buildings in the vicinity.
- 8.117 The site forms a transitional area between the small scale, tight knit urban grain of the two conservation areas and the large scale contemporary development of the New England Quarter. The buildings have been successfully designed so they would step down in height from west to east which was considered to be important in order to reflect the topography of the area which steps down from land levels from the station area down to the basin of the valley at St Peter's Church. The student building also steps down in height from the area adjacent to the taller College building down to the Cheapside frontage. The staggered change in heights and from south to north would prevent continuous linear forms of buildings being present above the York Place rooftops. It is considered that the demolition of Pelham Tower and the proposed buildings would enhance the views from the east from the Valley Gardens conservation area and St Peter's. The view of the gable end of St Bartholomew's along Pelham Street would be improved and this is considered to be a significant improvement.
- 8.118 It is recognised that there would be a greater mass of building present in the Sydney Street view which would appear as a similar height to Pelham Tower and cover a wider area. However, it is considered that the detailing and design of the proposed College Building will be a far higher quality than that of Pelham

Tower. The rationale for locating the College Building on the car park site and the need to keep the College operational whilst this building is under construction is recognised and also was accepted when the decision was taken to Mind to Grant the 2008 scheme.

Landscaping and Public Realm

- 8.119 The operation of the public square to the south of the College building is discussed in more detail within the noise and vibration section of this report. The rear of the Trafalgar Street, Pelham Street and Whitecross Street properties have a somewhat incoherent appearance as it was never intended that they would be a backdrop to a public area. Although in reality they have actually been a backdrop for many years to the surface level car park and informal pedestrian route through. In order to screen the rear of these properties planting in the form of a line of birch trees is proposed along the southern edge of the square, and to the rear of this a bespoke timber fence. There are two main entrances to the square via Pelham Street or Redcross Street. There are a series of ramps and level changes which result in a circular piece immediately outside of the main entrance. It is also proposed to upgrade the materials on Redcross Street.
- 8.120 Significant public realm improvements are proposed along Pelham Street, Cheapside and Whitecross Street. The new pedestrian street through the residential development will improve linkages to York Place.

Impact on Amenity

- 8.121 Policy QD27 requires the Local Planning Authority to endeavour to protect the amenity of an area and to also ensure the future residents and occupiers of a development have adequate levels of amenity.

Existing Properties - Daylight, Sunlight and Overshadowing

- 8.122 As part of the ES studies were undertaken regarding the impact the development would have the levels of daylight and sunlight received by windows of properties adjacent to the site, and the overshadowing impact on adjacent amenity space. The Local Planning Authority has appointed the BRE to assess this part of the ES. Following concerns raised by the BRE regarding the omission of some neighbouring windows and the sunlight data results, an updated daylight/sunlight assessment was submitted.
- 8.123 The BRE Report 'Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice' provides guidance on the provision of daylight and sunlight and also on the overshadowing of open spaces.

Daylight

- 8.124 The BRE guidelines state that where the Vertical Sky Component (VSC) to a window is less than 27% and there would be more than a 20% reduction in levels of daylight received, the loss of light would then be noticeable to that room. The guidelines are intended to be used for adjoining properties and any existing non-domestic uses where the occupants would have a reasonable expectation of daylight. This would normally include schools, hospitals, hostels, small workshops and most offices.

8.125 The properties which would be most affected in terms of loss of daylight are those at 87 – 96 Trafalgar Street, 1 – 2 Pelham Street and 1 – 2 Whitecross Street. The Trafalgar Street properties back onto the site of the existing surface level car park, and the Pelham Street and Whitecross Street properties are orientated at 90 degrees to the car park. The new College Building would result in a loss of daylight to these windows. The ES predicts that out of 60 windows tested at these properties 32 would fail to meet the BRE Guide for the VSC. The ES does not provide information as to which of these windows are habitable and which are non habitable. The BRE Guide classes bedrooms, living rooms, dining areas and kitchens as habitable. Circulation, storage and bathrooms are non habitable.

8.126 Of the 32 windows which fail the BRE Guide, 17 are considered to be habitable and these are detailed below. This has been assessed using previous planning application floor plans or site visits.

- 87 to 88 Trafalgar Street. This building is in use as three flats and two windows at ground floor, along with one window at first and second floors see reductions in Vertical Sky Component (VSC) of 47.1%, 45.7%, 44.2% and 26.6% respectively.
- 89 Trafalgar Street has a window at second floor which would have a reduction of 37.9% in VCS.
- 90 Trafalgar Street has one window at both first and second floors which see reductions of 34.7% and 27.8% in VSC.
- 91 Trafalgar Street has one window at both first and second floors which would see a reduction of 35.1% and 28.9%.
- 93 Trafalgar Street has one window at both first and second floors which would see a reduction of 23.3% and 20.2% in VSC.
- 94 Trafalgar Street has a window at the second floor which would see 24.0% reduction in VSC.
- The accommodation above 95 Trafalgar Street which is actually part of flats within 1 Pelham Street has a small secondary window to a kitchen which would see a reduction of 21.2% in VSC. There is also a french door to this room which would continue to be within the BRE guidelines. Therefore the small window which fails is considered to be secondary.
- 1 and 2 Whitecross Street both have a window and French door at ground floor level which both serve the living space which would fail the guidelines. At 1 Whitecross Street these windows would see a 24.7% and 23.0% reductions and 2 Whitecross Street would see reductions of 23.2% and 24% in VSC.

- 8.127 The BRE guidance states that residents will notice the loss of light for windows for those windows which fail to meet the guidance when there is a reduction of more than 20% VSC. The loss of light would be more significant for 87-88, 89 and 90 Trafalgar Street and these windows would see reductions of between 28% to 47% VSC. 93 Trafalgar Street and 1 and 2 Whitecross Street would see reductions of between 20.2% and 24.7% which the BRE have described as a minor loss of light. The secondary window at 1 Pelham Street above 95 Trafalgar Street is not considered to be a main window but in any case would see a reduction of just over the 20% guide at 21.2%.
- 8.128 It is acknowledged that the above windows receive higher levels of daylight than would normally be expected within a built up urban area as they currently face onto the underdeveloped surface level car park. The BRE Guide does not differentiate between properties within dense built up areas and those within suburban or rural areas. There is one standard for VSC for all properties within the BRE Guide. The introduction section of the BRE Guide states that the advice given within the Guide is not mandatory and the Guide should not be seen as an instrument of planning policy. Notwithstanding this, residents will still notice the loss of light for those windows which fail to meet the BRE Guide. Whilst this is regrettable, it is considered that this is outweighed by the public benefits of the scheme.
- 8.129 Some of the windows of the properties which face onto the existing buildings to the east of Pelham Street and Pelham Tower (Foyer Building on Pelham Street, Trafalgar Court properties, 43 -47 Cheapside, 8 to 30 York Place and St Peter's Place,) would see an improvement in the VSC as a result of the demolition of the existing buildings to the east of Pelham Street. Where there is a loss of light to some windows on these properties, this would be within the BRE guidelines.

Sunlight

- 8.130 In accordance with the BRE guidance standard access to sunlight should be checked for the main window of each room which faces within 90 degrees of due south. If the window can still receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours during the winter months, then the room should still receive enough sunlight. If the available sunlight hours are less than this for either period, and have decreased by more than 20% of their former value, and have a reduction over the whole year greater than 4% of APSH, then this would fail the BRE Guide and the occupants of the building will notice the loss of sunlight.
- 8.131 The BRE guidance also advises that kitchens and bedrooms are less important than living rooms.
- 8.132 There would be no impact on sunlight to properties on Trafalgar Street, Pelham Street, Whitecross Street and Trafalgar Court as the development would be orientated to the north.
- 8.133 Properties which contained windows which were assessed against the sunlight guide include Foyer Place Pelham Street, York Place and St Peter's House, 43 - 47 Cheapside, Blackmore Court and Theobald House. Of these windows the

ES found that loss of annual probable sunlight hours to all the windows would be within the BRE guidelines. However, 15 of these windows would experience a loss of winter sun which is outside these guidelines and would equate to more than a 20% reduction, and the reduction in sunlight over the whole year would exceed 4% of the annual probable sunlight hours. The BRE has classed this impact as a minor loss of sunlight. Of the 15 that fail only eight are believed to be living rooms and seven of these are at 45 to 47 Cheapside with one located at 44 Cheapside. Again this has been assessed by using previous planning application floor plans or by site visits. Whilst the loss of winter sunlight to these windows is regretted, the windows would still receive overall annual sunlight which is within the BRE guidelines. Whilst the reduction in winter sunlight is regretted, it is considered to be outweighed by the wider public benefits of the scheme.

Overshadowing

- 8.134 A number of amenity spaces of properties on New England Street, York Place and Trafalgar Street were assessed within the ES with regard to the overshadowing impact the development would cause. The BRE recommends that for an amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours sunlight on 21 March. If as a result of new development an existing garden or amenity area does not receive two hours of sun on 21 March and is less than 0.8 times its former value (more than 20% reduction), then the loss of sunlight is likely to be noticeable.
- 8.135 Properties to the south of the application site on Trafalgar Street, Pelham Street and Whitecross Street, would not receive any adverse overshadowing due to their orientation due south of the proposed College building.
- 8.136 Amenity areas to the side and rear of 2 New England Street, rear of 14 York Place and to the rear of 24 to 32 York Place were tested within the ES chapter.
- 8.137 The garden area of 2 New England Street was found to have slightly more sunlight on March 21 as a result of the demolition of Pelham Tower. The rear amenity area to 14 York Place would have more sunlight as a result of the demolition of York Building. The amenity areas immediately to the north of St Peter's House to the rear of 26 and 27 York Place are already significantly overshadowed as a result of St Peter's House and other existing buildings and this would remain unchanged.
- 8.138 The garden of the Hobgoblin Public House and the rear of 27 to 30 York Place have been grouped together in the assessment. However, the shadow analysis shows that the PH garden and 28 to 30 York Place would remain unaffected by the proposed development until 2 to 4pm when a slightly larger area would be overshadowed than currently is with the existing situation. The BRE Guide could still be met for these amenity spaces.
- 8.139 A roof terrace area at 19 York Place has not been individually tested. However, the shadow analysis shows that the removal of the existing buildings would be of benefit to the sunlight received between 1pm to 3pm on March 21 although there may be an increase in overshadowing between 3pm and 5pm.

- 8.140 The amenity areas at the ground floor located to the south of Blackmore Court have not been individually tested. However, the submitted shadow analysis shows that whilst the easternmost amenity areas would suffer more shading at 9am to 10am, from 11am onwards the proposed development would not result in any additional overshadowing and they would still receive sunlight from 11am to 3pm and would therefore meet the BRE Guide.

Existing Residents - Outlook & Privacy

- 8.141 Currently the windows of 87 to 96 Trafalgar Street, 1 and 2 Whitecross Street and 1 and 2 Pelham Street have an outlook to the surface level car park which is also used as a pedestrian route between Redcross Street to Pelham Street during the day.
- 8.142 There would be approximately 4 metres between the side elevation of 2 Whitecross Street and the three storey section of the College Building. On the Whitecross Street elevation the proposed building would be two storeys above ground due to the difference in levels and the ground floor is a basement level in this location. The height of the two storey section of the proposed building would be 9.2 metres. At the rear of 90 Trafalgar Street the land levels would start to drop and there a set of steps are proposed adjacent to the boundary fence. The three storey section of this building would be a height of approximately 12 metres. There would be a distance of between 12.5 to 14 metres to the main rear building line of Trafalgar Street properties. Two vertical windows of narrow width are proposed within the western section of the south facing elevation. On the eastern section of the south facing elevation a larger glazed area is proposed. A condition is proposed to require the glazing at first and second floors to be obscure glazed which should prevent overlooking into the rear gardens and windows on the rear elevations of 87 to 91 Trafalgar Street and 1 and 2 Whitecross Street.
- 8.143 There would be 25 to 26 metres between the rear elevations of 87 to 91 Trafalgar Street and the main south elevation of the section of the building at the ground to sixth floors. The rear elevation of 2 Whitecross Street at the nearest point would be 17 metres away and would be orientated at 90 degrees to this elevation. The seventh floor is set in slightly 1.1 metres from the building line. Due to the differences in height between this section of the building and 1 and 2 Whitecross Street and due to the angle of vision, the opportunity for direct overlooking between the College Building and these properties is considered to be limited. However, on order to reduce the perception of being overlooked to Whitecross Street and Trafalgar Street properties it is considered necessary to also condition that all windows in the south facing elevation to the east of the main entrance are obscure glazed. These windows are all either secondary windows or serve circulation space.
- 8.144 The distance between the proposed College Building and properties at the rear main south facing elevations of 92 to 97 and 1 Pelham Street is between 33.5 to 35 metres. The nearest section of the rear west facing elevation of 2 Pelham Street would be 26 metres and this is orientated at right angles to the rear elevation. It is considered that these interface distances are sufficient for the

privacy to be maintained to windows. 1 and 2 Pelham Street also have roof terraces at the first floor. The nearest at 2 Pelham Street would be 25 metres from the proposed College Building and it is considered that this is acceptable.

- 8.145 There is an existing mature tree within the car park which does provide some screening for residents at 1 and 2 Pelham Street and 92 to 96 Trafalgar Street. This would be removed to facilitate the public square. However, a row of trees is proposed to be planted in the public square adjacent to the boundary along with a bespoke timber fence. It is considered that these trees would offer some increased privacy to these residents. However, it is considered that the trees would need to be set in slightly from the boundary and that a balance needs to be struck between screening the rear of these properties and not further restricting light levels to windows. The tree planting details and management details will be secured through the Section 106 Agreement and recommended conditions. The noise impact of the public square is discussed later in this report.
- 8.146 The east elevation of Theobald House is approximately 35 metres away from the proposed College Building and it is not considered that the proposal would have an adverse impact on their outlook or privacy.
- 8.147 Properties on the other side of Cheapside would be approximately 17 to 18 metres away from the north facing elevation of the Student Residential Building and this interface distance is considered to be acceptable.
- 8.148 The east facing elevation of the Cheapside wing of Block A would be approximately seven metres from the Hobgoblin pub garden. It is proposed to condition that there are no main windows or balconies on this elevation.
- 8.149 St Peter's House which is to the rear of 24 and 25 York Place is built up to the application site boundary and has main windows and balconies on the north and south facing elevations. On the west facing elevation there is a fire escape which would be approximately 12 metres from the east facing elevation of Block A. Given that the main windows and balconies at St Peter's House would not directly face the east elevation of Block A and would be orientated at 90 degrees to Block A, this interface distance is considered to be acceptable.
- 8.150 Commercial uses are present at the ground floor of York Place properties with residential accommodation located above. Interface distances to the residential elements of 26 to 30 York Place and Block A would be between 30 and 40 metres. The interface distance between the rear elevation of the Hobgoblin Pub and Block A would be over 20 metres. Interface distances to 20 to 23 York Place would be in excess of 30 metres.
- 8.151 18 and 19 York Place are positioned nearer to the boundary and have main windows at the first and second floors which would face onto the east facing elevation of the southern wing of Block A. 19 York Place also has first floor roof terrace near to the site boundary. The east facing elevation of the southern wing would be only 6 and 7 metres away from the boundary at this point and would be a height of four storeys on this end as the fifth floor would be set back.

It is considered necessary to require at the reserved matters stage when the external appearance and internal layouts are being approved, detailed sections through the building and York Place properties. This will enable the exact location of windows to be assessed individually with regard to their impact on loss of privacy. The scheme could be designed so that there are no balconies or windows at above on the east facing elevation of the southern wing at above first floor level. This should enable the privacy of 18 and 19 York Place residents is protected. 16 and 17 York Place would be located over 25 metres away from Block A.

- 8.152 The eastern building of Block C would be two storeys in height and be positioned only 2.5 to metres from the boundary of the site. Adjacent York Place properties have commercial at ground floor with residential above. 11 and 12 York Place have residential windows in close proximity to the site boundary. 12 York Place has French doors with Juliet balconies at the first and second floors which are positioned less than 1 metre from the boundary. They are currently approximately 7 metres away from the York Building and would be located approximately 5 metres away from the new two storey dwellings. The daylight assessment has shown an improvement in light levels at these windows due to the removal of the taller York Building. The indicative plans show that windows directly in front of the windows of 12 York Place at first floor would serve a communal stairwell and therefore they could be obscure glazed. However, it is considered necessary to require that windows directly opposite 11 York Place are also obscure glazed given the small interface distances. The exact details of the windows will be sought at the reserved matters stage along with detailed section through the proposed building and York Place properties.
- 8.153 The main rear elevations of the other York Place properties (8 – 10 and 13 – 14) would be approximately 11 to 13 metres away. It is considered that first floor windows could either be obscure glazed were they are non habitable or secondary windows or could be oriel style window which would be angled away from York Place properties. Again this will be assessed at the reserved matters stage when external appearance and internal layout are considered.
- 8.154 Block C would reinstate the building line of Trafalgar Court and it is considered that this is a benefit of the scheme. The development is similar in size to that which was proposed as part of the previous 2008 scheme. Subject to the design of the windows on the first floor east facing elevation of the eastern building of Block C, there is not considered to be an adverse impact on the privacy of adjoining residents.
- 8.155 The Foyer Building is directly adjacent to the Trafalgar Building. Block B would be positioned approximately 1.5 metres to the north of the Foyer Building and would project 3.5 metres from the rear. The indicative floor plans show that the scheme can be designed so that there are no main windows on the south facing elevation of Block B. The rear of the Foyer Building is used for car parking and is not an amenity area. It is not considered that Block B would harm the outlook or privacy of residents of the Foyer Building.

Proposed Scheme - Daylight & Sunlight

- 8.156 The ES has also provided an assessment of the amount of daylight the windows of the proposed development would receive.
- 8.157 The BRE guidance suggests that when assessing daylight provision for new buildings at the massing stage, the following criteria should be used:
- If the Vertical Sky Component (VSC) is at least 27% conventional window design will usually give reasonable results;
 - If the VSC is between 15% and 27%, special measures (larger windows, changes to room layout) are usually needed to provide adequate daylight.
 - If VSC is between 5% and 15%, it is very difficult to provide adequate daylight unless very large windows are used;
 - If VSC is less than 5%, it is often impossible to achieve reasonable daylight, even if the whole window wall is glazed.
- 8.158 The BRE guidance recommends that at least one main window wall for a dwelling should face within 90 degrees of due south and the centre of at least one window to a main living room can receive 25% of Annual Probable Sunlight Hours (APSH) including at least 5% of APSH in the winter months between 21 September and 21 March. In addition the BRE guidance recommends that where groups of dwellings are proposed, site layout design should maximise the number of dwellings with a main living room that meets these recommendations.

College Building

- 8.159 For the proposed College building daylight is more important than direct sunlight. The BRE have commented that for the College Building, Vertical Sky Components are generally reasonable, giving good access to daylight for the majority of locations.

Student accommodation Building

- 8.160 The BRE have commented that the Vertical Sky Component results for the outer facades of this building are also good. However, there would be restricted daylight provision to the lower floors of the windows looking into the internal courtyard. 62 habitable windows (13% of all proposed windows) are predicted to receive less than 15% VSC, which means that very large windows may be needed to provide enough daylight. In cases like this the BRE recommend that the Average Daylight Factor (ADF) for individual rooms is calculated. The VSC is concerned with the amount of daylight the outer façade would receive, where as the ADF is concerned with the way in which the daylight is distributed within the room. BS8206 Part 2: Code of Practice for Daylighting recommends that living rooms should achieve an ADF of at least 1.5% and bedrooms should achieve at least 1%. The ES has carried out an assessment of the worst performing study bedroom using the proposed window and room layout dimensions. The worst performing room is at the first floor of the rear of the Pelham Street block which faces the courtyard. It is directly adjacent to the rear of the Cheapside wing which would also restrict daylight. The ADF calculations show that it possible to achieve an ADF of 1.55%. Therefore, this would meet the minimum recommendation for living areas that 1.5% should be achieved. The area which would be the darkest would be the entrance adjacent to the en-

suite which would be unlikely to be used as a study area. Given that a minimum of 1.5% ADF can be achieved for the study bedrooms it is considered that the daylighting provision to the student building would be acceptable.

- 8.161 It is considered that direct sunlight is less important for the study bedrooms than it is for the communal living areas, especially as computers/laptops are often used for study purposes. 28 out of 54 living rooms would have a main window to the living area which faces within 90 degrees of due south. A further six living areas would have a secondary window to the living area which faces within 90 degrees of due south. However, 20 living areas would face within 90 degrees of due north. The building which is mainly a U shape facing outwards towards north, east and west and the living rooms have been orientated on the front elevations of each street. Whilst living rooms could have been orientated to face south rather than north on the Cheapside elevation, direct sunlight to the south elevation would still be restricted due to the Pelham Street and Cheapside wings of the building and due to the proposed College building. Daylight is also more restricted to these courtyard elevations. Therefore, it is considered appropriate for some living areas to face north, given the constraints of the site and the shape of the proposed building, and as the daylight levels are higher for the elevations which face outwards rather than towards the courtyard.

Residential Buildings

- 8.162 The internal layout and the external appearance of the residential buildings are not under consideration as part of this application. However, the ES does include an assessment with regard to the daylight and sunlight the proposed buildings could receive.
- 8.163 The originally submitted indicative elevations for Building A showed a larger number of balconies on the western facing elevation. The balconies along with the close proximity of the student accommodation building, resulted in very low Vertical Sky Component (VSC) results for this elevation. Following concerns raised by the BRE in their assessment of the scheme, the indicative drawings were amended and a number of balconies were removed. The amended ES chapter shows that 52% of windows would achieve a VSC of 27%, and therefore reasonable levels of light can be achieved with conventional window design. 29% of the windows would achieve between 15% and 27% which would mean that special measures (larger windows, changes to room layout) would be needed in order to provide adequate daylight. 17% of windows (41 windows in total) were shown to have a VSC of between 5% and 15% and therefore it could be difficult to provide adequate daylight unless very large windows are used. These windows were located on the west facing elevation in the middle section at located between ground and fourth floor level. No windows were found to have a VSC of less than 5%. The indicative floor plans show that the majority of the flats would be double aspect.
- 8.164 The worst performing window at the centre of the ground floor on the western facing elevation was tested in terms of the ADF for the room. This was found to be 3.01%, which is above the BRE guide of 1.5% for kitchens and living rooms. A very large window was used in the calculation which may not be appropriate in terms of design or privacy. At the reserved matters stage a detailed daylight

assessment would need to be carried out which would use the submitted external design and floor plans and which would provide an assessment of the VSC and ADF for each window and room. Given that the ADF was found to be 3% with a very large window, it is considered that there is some scope for the windows to be made smaller and for the recommended minimum ADFs to still be achieved. This would need to be tested in detail at the reserved matters stage.

Buildings B and C

- 8.165 Eight windows on Building B were found to have a VSC on between 5% and 15%, which again would mean large windows would be needed to provide adequate daylight. However, the indicative floor plans show that these windows would serve kitchens and are set behind balconies which would limit the amount of daylight received to the window. In addition, the indicative floorplans show that there are other windows to the open plan kitchen/living rooms areas. No windows on Building C were found to be below 15% VSC. The BRE have commented that it should be possible to design Buildings B and C to achieve adequate daylight, as they are less obstructed and are not shown to have large areas of balconies on the indicative plans.
- 8.166 In terms of sunlight, the indicative floor plans have shown that only 9 units out of 123 would not have a main wall which would face within 90 degrees of due south. The majority of Building B has an aspect north, due to its close proximity to the Foyer Building which is sited to the south. However, the indicative floor plans have shown that the layout could be designed to that living rooms/kitchens face east and west, bedrooms face north and bathrooms and stairwells would face south. The BRE have commented that this is a sensible approach.
- 8.167 In terms of the Annual Probable Sunlight Hours, the indicative floor plans show that the majority of the windows on the western facing elevation of Building A would not meet the 25% guide for APSH. The ASPH for windows on the rear elevation of Building A are higher and the majority meet the 25% guide. The living areas could be located at the rear rather than the front, however, that may not be preferable in terms of noise from Pelham Street. A solution may be to have balconies at the rear accessed from bedrooms, which would receive more sunlight (although only the in the morning). This would need to be considered in more detail at the reserved matters stage.
- 8.168 The windows on Building B which face east and west were tested for sunlighting. As was the case with the VSC results, it was the windows which are set behind the balconies which would fail to meet the 25% guide for APSH. Given that the indicative floorplans show that there other windows which serve the living rooms/kitchens and that the sunlight to these windows would meet the BRE guidelines, the sunlighting to this building is considered to be acceptable.
- 8.169 The windows on the western facing elevation of both buildings which form Block C would not meet the APSH guide of 25%. Some of the ground floor windows on the eastern elevations would also not meet the guidelines. However, the majority of the windows that fail the 25% guide are still over 20% so they would only marginally fail.

- 8.170 The BRE have commented that the majority of the rooms in the new residential buildings face east or west and therefore receive some sunlight, even if most do not meet the BRE guidelines.
- 8.171 The College Building would receive adequate daylight. The ADF calculations for the student residential building have shown that all study bedrooms would meet the minimum recommended guide of 1.5%. Where possible communal living rooms have been designed to have an aspect which faces within 90 degrees of due south, however, it is noted that given the shape of the building it is not possible for all living areas to face 90 degrees of due south and to receive the recommended sunlight hours. The ADF calculations for the residential units will need to be assessed at the reserved matters stage and a judgment may need to be made which balances the daylighting needs of future residents with privacy and design considerations. The indicative floorplans have shown that the scheme can be designed to maximise the number of residential units which have a main wall which faces 90 degrees of due south. However, it is recognised that it would be difficult for all of the units to meet the guide for sunlighting. However, given the application site's location within the City Centre, it is considered that it is reasonable for the development to not meet all of the guidelines within the BRE's 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice'.
- 8.172 The proposed open spaces within the development have been tested in terms of the amount of sunlight they would receive on the equinox (21 March). This has shown that the square to the south of the College, the residential square, the shared residential amenity space to the rear of Building A and the student accommodation courtyard have all been tested with regard to the BRE standard that at least half a space should receive at least two hours of direct sunlight on the 21 March. The BRE have commented that sunlight to three of these spaces would clearly meet the guideline, however, for the fourth, which is the student courtyard, is borderline. This courtyard would be heavily obstructed by the east and west wings of the student accommodation building itself and also by the proposed College Building. Large sections of the space would receive direct sunlight on the equinox but only between approximately between 11am and 1pm. Prior to 10am and after 2pm, the majority of the courtyard would be in shade.

Future residents – Outlook and privacy

- 8.173 The conditions proposed for obscure glazing to prevent overlooking to York Place properties will also have the dual function of protecting the privacy of future residents of Blocks A and C. The indicative floor plans have shown that the residential units can be accommodated within Block C which would receive adequate outlook as it can be designed so that there are not any main windows on the south facing elevation which is adjacent to the Foyer Building. Care will need to be taken with the exact positioning of the balconies on the east facing elevation so that they do not cause overlooking to the amenity space of Block C. It is considered that these balconies could be located further to the north of the elevation than that which is shown on the indicative floor plans, and this would reduce overlooking. It is considered that the internal layout and the external

elevations of the residential buildings can be designed so that residents have adequate levels of privacy and outlook and this will be assessed in detail at the reserved matters stage.

Future residents - Amenity space provision

- 8.174 Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development.
- 8.175 There would be limited amenity space provided for the Student Residential Building and this would received limited direct sunlight in winter months, although it does just meet the minimum BRE standard for sunlight to amenity areas. The usable amenity space would measure 18.5 by 15 metres. It is recognised that this is a small area for 442 students.
- 8.176 The balcony provision of Block A will need to be assessed in detail at the reserved matters stage due to the implications of balconies on the west facing elevation and daylighting levels received to the windows behind and also with regard to privacy. It is therefore anticipated not all units within Block A would have their own balcony. However, there are considered to be parts of the east facing elevation where balconies could be incorporated. As the top floor would be recessed, it is anticipated that units could have access to a roof terrace area. The indicative floor plans indicate that ground floor units of the southern wing of Block A may be able to have their own small areas of amenity space. The indicative plans show that balconies could be accommodated on the south facing elevation of the southern wing which would add to the natural surveillance of this new access route. There is also a shared amenity area to the east of the car parking area for residents of Block A.
- 8.177 The indicative floor plans have shown that balconies can be incorporated into the design of Block B so that each unit could have their own balcony. All of the ground floor units of Block C would have some private ground floor space. A residential square is also proposed adjacent to Block C.
- 8.178 It is considered that a mixture of shared and private amenity space could be provided for the residential units which is deemed to be acceptable for a built up area within the City Centre.

Future residents – refuse collection

- 8.179 Indicative details have shown that refuse storage would be located below the undercroft of Block A and adjacent to the shared amenity area along the eastern boundary. Refuse storage is also proposed to the south of the new access route to York Place adjacent to the residential square. It is not considered that refuse storage would be acceptable visually adjacent to the residential square. However the number of bins shown on the indicative plans (34) is above the number recommended by City Clean for a development of this size (25). Therefore it is considered that the number of bins near to the residential square could be reduced significantly.

8.180 City Clean have indicated that if the refuse is collected weekly from the student residential development then a larger area would be needed. There is room directly adjacent to the internal refuse store where this area could be extended if necessary, it is proposed to secure exact details by condition.

8.181 Accessible Housing and Lifetime Homes

Policy HO13 requires that 5% of private units are wheelchair accessible and 10% of affordable housing units are wheelchair accessible. Based on 125 units being provided on site with 20% affordable housing provision this would equate to 8 wheelchair accessible units. Conditions requiring that all units are designed to meet lifetime homes standards and that 5% of private and 10% of affordable units are fully wheelchair accessible are proposed.

The indicative layouts have been amended so that cycle parking is proposed below the ground floor at the rear of Block A. The indicative floor plans show that internal stairs are proposed from the external ground area to the ground floor level of the units. This is not acceptable in accessibility terms and would need to be addressed at the reserved matters stage.

Noise & Vibration

8.182 Noise or disturbance resulting from the use of a development including the proposed hours of operation is a material planning consideration. Problems arising from the construction period (noise, dust, construction vehicles and hours of working) are not considered to be material planning considerations and are covered by the Control of Pollution Act (1974) and the Environmental Protection Act (1990). However, this application is accompanied by an Environmental Statement which includes an assessment of construction impacts. These construction impacts fall to be considered in the context of EIA Regulations.

8.183 The NPPF (paragraph123) states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

8.184 Policies SU9 and SU10 of the Local Plan seek to ensure that development is not permitted which would cause a noise disturbance to occupiers of adjacent or proposed buildings. The ES includes an assessment of the impacts arising from noise and vibration during the construction phase and when the site would be operational.

Construction Impacts

- 8.185 Residents living near to the site boundary along with students and staff of the College, and future residents of the development would be exposed to construction noise. Other potential construction impacts are vibration and dust. Although the total build period would span some 4 to 5 years, there would be various phases of the demolition and construction which would be noisier than others. The exact type and numbers of construction plant which would be used, their location and the length of time they are in operation, has not been finalised at this stage. A contractor (Osborne) has recently been appointed to construct the College and student residential buildings, however the construction programme is believed to be at the early stages of development. A contractor has not yet been appointed for the residential scheme. It is not uncommon for the exact details of the construction programme to have not been finalised when dealing with a planning application which is accompanied by an ES. Therefore an estimation of the likely effects of noise, dust and vibration has been included within the ES. It is considered that the noisiest events would be the demolition and site clearance and then the excavation, piling and construction of the buildings.
- 8.186 The following British Standards set out guidance for construction noise and vibration:
- BS5228-1:2009: Noise and vibration control on construction and open sites: Part 1 Noise and Part 2 Vibration;
 - BS7385:1993 Part 2 Evaluation and measurement of for vibration in buildings - Guide to damage levels from groundbourne vibration; and
 - BS6472-1:2008: Guide to evaluation of human exposure to vibration in buildings.
- 8.187 The Legislative background to the statutory controls over noise and vibration is set out within Annex A of BS5228-1:2009 which describes the two main ways of controlling noise and vibration as being:
- a) enforcement action to prevent or secure the abatement of a statutory nuisance under Part III of the Environmental Protection Act 1990 (Sec 79 & 80); and
 - b) use of specific national legislation to control noise and vibration from construction sites and other similar works (in England this is sec.60 and 61 of the Control of Pollution Act 1974).
- 8.188 The latter is the Council's preferred approach as it requires the developer to gain a 'Section 61 Consent' with the Council, and identify working hours, thresholds for noise and vibration limits, specific plant and mitigation measures for each different phase of demolition and construction. The ES includes a commitment from the applicant to ensure the developers/contractors would gain a Section 61 Consent from the Council.
- 8.189 Under the provisions of the Control of Pollution Act 1974 there is a defence of 'best practicable means' and this is defined in section 72 of the Act. In that

expression “practicable” means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications. The means to be employed include the design, installation, maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and acoustic structures.

- 8.190 It shall also have regard to safety, and safe working conditions and any emergency of unforeseeable circumstances
- 8.191 The ES identifies the development as having two main phases. Phase 1 which is the College building and Phase 2 which is the student and residential buildings. The timeframe for Phase 1 has been estimated as being 84 weeks and Phase 2 has been estimated as being 112 weeks. The student and the residential buildings would need to be built concurrently for the timescale of 112 weeks to be achieved. This would be a total construction period of just under 4 years. If the student building is complete prior to work commencing on the residential buildings then it is considered that this could add approximately 70 weeks onto the programme and the total build period could be just over 5 years.
- 8.192 Following comments received from Environmental Health, the Noise & Vibration Chapter of the ES has been amended a number of times with the latest version being received on the 31 October 2013. Environmental Health Officers are now satisfied that the construction impacts can be controlled through S.61 Consents.
- 8.193 Sensitive receptors include properties on York Place, Trafalgar Street, Cheapside, Pelham Street, Whitecross Street and Theobald House. Different properties will be affected most by different stages of the development. For example, properties on Whitecross Street, Trafalgar Street and Pelham Street would be most impacted by the development of the proposed College building. However, once built, the College building could act a buffer to those properties to the south when the student building is under construction. The College itself is also a sensitive receptor as are the future occupiers of the student building if development of the residential element is not carried out at the same time as the student building.

Noise

- 8.194 Baseline noise monitoring was carried out in order to set thresholds for construction noise in line with the guidance contained within BS5228-1:2009: Part 1. The background noise survey along with the thresholds will be used to use to set maximum noise levels within the Section 61 Agreements.
- 8.195 The ES includes a table which is taken from BS5228-1:2009 and includes the upper noise limits for a variety of different construction activities for a working day (LA_{eq}). The table is a useful tool to allow predictions to be made for construction noise and such predictions will be features in the future Section 61 Agreements. The noise levels taken from BS5228-1:2009, are noise estimates for when the construction activities are carried out with no mitigation. The noise levels show that in order to achieve acceptable noise thresholds for the

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adjoining area, mitigation will be needed and this will be addressed through the Section 61 Agreement.

- 8.196 The ES has estimated that piling for the College Building could last up to 20 weeks. This would take place at various positions within the site. The ES recommends that where possible piles should be constructed using Continuous Flight Auger (CFA) techniques as this does not involve the application of rapid forces onto the piles and therefore into the ground, which has been found to significantly reduce the levels of vibration and noise.
- 8.197 BS5228-2:2009 and BS6472-1:2008 contain guidance on vibration standards and the ES predicts that vibration levels will fall within acceptable thresholds. The applicant has committed to baseline and real-time vibration monitoring at key stages such as piling and the Section 61 Agreement will also require this.
- 8.198 It is recommended that a Construction Environmental Management Plan (CEMP) is secured through the Section 106 Agreement. The CEMP would set out the broad principles for construction, while the individual activities would be covered in more detail by the Section 61 Consent. As consent Section 61 of the Control of Pollution Act (1974) is voluntary, it is also recommended that the Section 106 Agreement requires the developer gain a Section 61 Consent.
- 8.199 The ES identifies the overall hours of work as being Monday to Friday 8am to 6pm and Saturdays 9am to 1pm with no construction activities to be carried out on Sundays or Bank Holidays. These hours are consistent with those that the Council would normally secure through a Section 61 Consent. There may be rare occasions when work needs to be carried outside of these hours, however this would need to be first assessed and approved by the Council's Environmental Health.
- 8.200 The 'Section 61 Consent' will ensure the developer has due regard to the best practice detailed in the BS5228, BS7385 and BS6772. It will include conditions related to maximum noise and vibrations levels for different activities, hours of working, best practical means, the exact plant and equipment to be used and their location on site and the hours within a working day that plant will be operational for. Mitigation measures such as acoustic hoarding/fencing would also need to be specified. Noise levels and when appropriate also vibration levels, would also need to be monitored as part of the 'Section 61 Consent'. The Section 61 Documents will be formulated having regard to the evidence and findings of the Noise and Vibration Chapter of the ES. Under the Control of Pollution Act the S.61 Consent is an enforceable document and if breaches do occur then the Council can take enforcement action in line with the Council's enforcement policy.
- 8.201 The ES has indicated that the applicant would inform the Council and neighbours in advance of the construction activities which could generate high levels of noise and where possible these will be undertaken during periods where the existing ambient noise levels are higher.

- 8.202 As with other major developments within the City, it is also recommended that the developer holds monthly liaison residents meeting unless otherwise agreed between the parties, so that any issues arising from construction activities can be discussed between the developer and local residents. It is also recommended that this is secured through the Section 106 Agreement. In addition, through the CEMP the developer will also need to identify their complaint handling systems. The CEMP will also need to identify construction routes and hours of vehicle movement to and from the site.
- 8.203 An Outline Construction Methodology has been submitted by Osbornes which provides a commitment for a strategy which includes open/public meetings, pre-start and regular newsletters, progress/display boards, use of social media, availability of staff contact details, and site surgeries for neighbours. The Outline Methodology also gives details regarding site access, hoardings, car parking, and of a future Delivery Plan.
- 8.204 During construction of the College Building the proposed site access is envisaged to be via Whitecross Street using the existing entrance to the car park until a temporary access has been built further south on Whitecross Street. It is envisaged that the three storey section of the building will be built last which will enable this area to be used as a construction route. All construction traffic would access and leave the site via Cheapside and not Trafalgar Street.
- 8.205 The Outline Methodology has predicted the number of HGVs to peak at 16 in and 16 out which would be for the anticipated three week period of bulk excavations during substructure works and also on an average of two days per week over the four months of the six month superstructure construction period. The vehicle movements would be adjacent to 2 Whitecross Street for part of the construction period of the College Building. Mitigation is proposed in the form of acoustic hoarding.
- 8.206 The Outline Methodology includes reference for a Delivery Plan which will include delivery times and the need to establish a holding area away from site so that delivery vehicles can be called in when required. Further details regarding this will be secured through the CEMP. The Methodology also includes information on parking and states that construction workers will not be permitted to park on site and will be encouraged to travel to the site by public transport, or by organised minibuses, and that the use of park and ride will be explored. Again, further information regarding parking and possible park and ride for construction workers will be secured through the CEMP.
- 8.207 Circular 11/95 recommends that planning conditions which duplicate the effect of other legislation should generally not be imposed. It is considered that the method for minimising the noise and construction impacts is best secured through the CEMP and the Section 61 Consent(s). The CEMP will set out the board principles while the Section 61 consent will require that the developer agrees to set limits for noise and vibration, carries out noise and vibration monitoring, works within set hours, uses best practical means and certain plant and machinery and implements certain necessary mitigation measures.

8.208 The construction impacts will differ from phase to phase and for each activity within a phase. It is considered that the most appropriate method to control and mitigate the impacts is through the CEMP and the Section 61 Agreements which will allow for a detailed assessment to be made for each particular activity and key parameters for noise and vibration levels, exact times of working, best practical means, and selection of plant and mitigation measures to be agreed.

Operational Noise

8.209 Operational noise that could impact on surrounding residents/occupies include noise which could arise from the uses of the buildings and the open spaces within the development, operational plant and machinery, and traffic noise including deliveries.

8.210 Subject to securing a final Management Plan for the Student Accommodation Building, it is considered that the new uses (residential and student accommodation) are appropriate in terms of their location.

8.211 The Draft Management Plan for the student building has been discussed in detail earlier in this report. All details within this Draft Management Plan are draft and must be fully agreed with the Local Planning Authority (LPA) prior to first occupation of the development.

8.212 Residents have also raised concerns regarding existing late night disturbance within the North Laine and have significant concerns regarding the impact an additional 442 students will have on the area. Whilst this is recognised, it will be extremely difficult to identify the individuals causing the noise disturbance in streets away from the development, and establish whether or not they are students who reside at the Pelham Street student accommodation. The Management Plan will need to raise awareness of the impact certain behaviour can have and should be effective in controlling noise from the building itself and from people coming and going. Whilst it could influence behaviour, it is considered that it would not be possible through planning conditions or the Management Plan to directly regulate and control behaviour on streets away from the site.

8.213 A Draft Management Plan Framework has also been submitted for the square to the south of the College Building. This states that the College would be responsible for the on-going operation and day to day management of the square including security during normal opening hours of the College (6am to 9pm Monday to Friday). Day to day uses within the square will be primarily related to the operation of the College including an outdoor seating area to the restaurant. Potentially the square may be used for organised activities such as market activities or performances. However, these would be restricted to no more than 28 days a year and within the hours of 7am and 9pm. Any activities would need to be first agreed with the Council and the proposed Public Square Steering Group.

8.214 It is proposed that the Steering Group would consist of the College, Student Accommodation Management Team, the Council, resident and community groups including the Pelham Square Residents Association, North Laine

Community Association and Traders Association, as well as Sussex Police. According to the Draft Framework the Steering Group would be responsible for the preparation of a Public Square Management Plan and Activity Plan. Some residents have stated that they do not wish to be responsible for the day to day management of the square. It is considered that the Steering Group may act better as more of a forum/liaison group so that residents can raise any concerns and ideas, and that their role would be to have an input into what activities could be held in the square rather than be concerned with the day to day management and production of a Management Plan.

- 8.215 Whilst the events within the square could be managed in terms of noise, a number of concerns have been raised by local residents regarding late night noise and disturbance and anti-social behaviour as a result of people congregating in the square. The College security would not be present 24 hours a day and would only normally be present 7am to 9pm Monday to Friday. The Draft Framework has indicated that CCTV would be installed within the square and that this would be connected to the Council's CCTV system and could be monitored by the security staff within the student building. However, this would not be acceptable in terms of security. There needs to be 24 hour security of the square, either through a separate security company or through an agreement with the security staff of the student residential building. The College have now committed to install two pan and tilt cameras within square and also to fund 24 hour security by contracting to a 24 hour security company. Further details will be secured through the Section 106 Agreement.
- 8.216 Residents have also requested that the square is gated after 9pm at night. This would not be preferable in terms of urban design and permeability. However, it is recognised that the management of the public square is something that will require continuous monitoring and liaison once it is operational so that if late night noise and disturbance is a problem, even with 24 hour security, then security measures can be re-assessed. It is recommended that a detailed Management Plan is secured through the Section 106 Agreement.
- 8.217 Following comments from Sussex Police and local residents, it is now proposed to gate the access route which links Whitecross Street to the public square and this will be locked at night. It is also proposed to secure this through the Section 106 Agreement.
- 8.218 A new residential square is proposed as part of the residential development which would be overlooked by residential properties. The use of this would also need to be monitored as part of the regular Steering Group meetings, however, it would not be used for organised activities.

Plant/Machinery

- 8.219 The ES has been updated and indicative details have been shown with regard to the location of plant on the rooftop of the proposed College Building and the hours of operation. This would include air handling and condensing units and air source heat pumps ventilation. Screening is proposed to the rooftop plant. All plant for the kitchens would be accommodated on the roof and there would be not be any plant for the kitchens located on Whitecross Street. A sub-station

is proposed to the south of the College building which would be fully enclosed within a building.

- 8.220 All plant for the student building would be located within a plant room at ground floor and is likely to involve air moving plant for the bathrooms and plant associated with the ground floor uses (small kitchen and gym). Mitigation in the form of acoustic insulation is proposed.
- 8.221 The Council's Environmental Health department are now satisfied that noise from operational plant is capable of meeting the Council's noise standard which is a requirement that all site plant when running cumulatively is 10dB below background levels when calculated at 1 metres from the façade of the nearest existing noise sensitive premises.

Servicing/deliveries

- 8.222 A lay-by is proposed on Whitecross Street and it is proposed that this would be used for deliveries and refuse collection for the College Building. Refuse collection would occur from Pelham Street for the Student building. Currently deliveries for the College occur from 6am. However, the applicant has agreed to the hours of deliveries of between 7am and 7pm which is considered to be more appropriate.
- 8.223 Subject to the condition to control hours of deliveries and collections, it is not considered that they would result in a significant adverse impact on surrounding properties.

Proposed Residents/Occupiers

- 8.224 Road traffic is the dominant source of noise affecting the site. A number of BS documents specify noise levels for different buildings. These are detailed below:
- BB93/101: Department for Education 2004: Building Bulletin 93: Acoustic design in schools;
 - BS8233 1999: Sound Insulation and Noise Reduction in Buildings – Code of Practice;
 - World Health Organisation (WHO) 2000: Guidelines for Community Noise.

College Building

- 8.225 The ES has shown that in order to achieve the noise standards within BB93/101, the building would need either mechanical ventilation or acoustically attenuated natural ventilation. Indicative designs for ventilation by way of acoustically treated louvers have been submitted. It is therefore considered that noise limits within the building would be acceptable for its usage as teaching accommodation and a condition is proposed to secure the exact details of the ventilation to be agreed.

Student Residential Building

- 8.226 The ES has predicted the internal noise levels for this building and has compared them against the standards within BS8233. These calculations have shown that rooms on the elevations which face a street would need upgraded

thermal double glazing in order to achieve the indoor ambient noise level of 30dB(A). Elevations which face onto the courtyard would need standard thermal double glazing to meet the standard. However, on all elevations, if windows are open then this threshold would be exceeded and therefore additional mitigation is also needed in the form of attenuated ventilation which the ES has suggested would be high performance acoustic trickle ventilators located in the window frames. It is proposed to secure the exact details by condition. It is envisaged that the windows would still be opening and would not be fixed shut. However, the installation of attenuated ventilation would give future residents a choice over how they ventilate the rooms.

Residential Buildings

- 8.227 The ES has also predicted that a mixture of standard thermal and upgraded thermal double glazing would be required and additional mitigation in the form of attenuated ventilation would be required. This would be assessed in further detail at the reserved matters stage when the external appearance would be considered.
- 8.228 The ES has also shown the noise levels for the proposed balconies would be within the range of 60 to 67 dBA $LA_{eq(16HR)}$ which is significantly above the guideline of 55dBA $LA_{eq(16HR)}$ recommended within the WHO Guidelines. This is without any mitigation in the form of acoustic screening. Given the site's location and the baseline noise levels, it is recognised that these standards for noise within amenity spaces are likely to be exceeded. A condition is proposed to require the submission of a further acoustic report and necessary mitigation measures at the reserved matters stage when the internal layout, location of balconies and external appearance would be assessed in detail.

Transport

- 8.229 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. Policy HO7 will permit car free housing in locations with good access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the proposed development will remain genuinely car free over the long term.
- 8.230 A Transport Assessment (TA) has been submitted as an appendix to the ES. The Council's Sustainable Transport Team has no objections subject to conditions and the S106 Agreement.

Pedestrian Access

- 8.231 The scheme is considered to enhance pedestrian access both to and through the site though the opening up of a route from Redcross Street to Pelham Street and to York Place via the archway. A pedestrian route though Trafalgar Court is also proposed. Public realm improvements are proposed along Pelham Street, Redcross Street, Whitecross Street and Cheapside. Pelham Street will operate as a shared space similar which should discourage vehicle trips. Bollards or

other infrastructure such as planters will prevent vehicular access to the new route to York Place and also from Trafalgar Court.

- 8.232 There is room for a footway either side of the carriageway on Pelham Street, as whilst this would operate as a shared space the Council's Sustainable Transport Team would prefer to have a delineated area of footway to either side of the carriageway. This can be delineated through the choice of different materials, raised elements or through drainage channels etc.

Cycle Parking

- 8.233 SPG 4 Parking Standards specifies the minimum cycle parking standards for the scheme as follows:

College: 51 spaces;
Student Residential Building: 147 spaces;
Residential: 125 spaces for residents and 42 for visitors.

- 8.234 The applicant has increased the amount of cycle parking for the proposed College Building and this equates to 48 secure cycle parking spaces in the area between the College Building and the Student Residential Building and eight spaces within the public realm and this meets the requirements of SPG4.

- 8.235 80 Sheffield stands (160 spaces) are proposed within the Student Residential Building, and although the Council's Sustainable Transport Team would have preferred to see more cycle parking, the provision is over the minimum standard required in SPG4.

- 8.236 For residential building A the indicative plans show that 48 sheffield stands (96 cycle parking spaces) at the lower ground level under the building. The indicative plans show that 101 units could be accommodated within this building, therefore the parking standards fall short of the minimum standard by 5 spaces. The cycle parking doors only appear to be 1 metre in height. This may work if the applicant is proposing cyclepods.

- 8.237 For Block B, similar cycle parking is proposed in the undercroft of the building on the eastern side. For Block C the indicative drawings indicate vertical cycle parking within the buildings, which is not acceptable. Sheffield stands would be accommodated within Pelham Street and the new pedestrian routes.

- 8.238 It is proposed to secure cycle parking details at the reserved matters stage which must be in line with the minimum numbers specified in SPG4 and must comply with the guidance within Manual for Streets.

Disabled Parking

- 8.239 13 disabled parking provision for the residential scheme is proposed to the rear of Building A. The spaces have been amended so that they accord with national guidance and they meet the requirements of SPG4.

- 8.240 Six disabled parking spaces are proposed on Pelham Street for both the College and the Student Residential Accommodation. The Sustainable Transport Team have commented that this is not ideal as they would not be for the sole use of the College or the Student Residential Accommodation Building, as any vehicles with a blue badge permit may park within the spaces. However, the Sustainable Transport Team have commented that they do not object to this provision, especially as blue badge holders may park for free in pay and display bays or shared resident and pay and display bays, other disabled bays in the area, or on single or double yellow lines for 3 hours where it is safe to do so and there isn't a loading ban in force.

Car Parking

- 8.241 There are currently 118 spaces within the surface level car park which are for staff. The applicant is proposing a car free development where the only spaces provided are disabled spaces for the residential development. In order to require that the both the student and residential developments are genuinely car free it is proposed to secure, through the Section 106 Agreement, that future residents are not eligible for a residents parking permit. It is considered that this would meet the criteria of policy HO7 of the Local Plan.
- 8.242 The Sustainable Transport Team do not consider that the removal of the staff car park would result in overspill car parking in the surrounding streets as the site is within a Controlled Parking Zone. As the site is within a highly sustainable location, very near to Brighton Station and within an area well served by bus services, there is no objection to the loss of the car park.

Motorcycle Parking

- 8.243 It is proposed to relate the existing motorcycle parking which is on Pelham Street to Whitecross Street.

Servicing

- 8.244 The number and type of deliveries and refuse collection for the College Building should not differ from the existing situation, however it would occur from the proposed lay-by on Whitecross Street rather than Pelham Street.
- 8.245 Servicing for the Student Residential Building would also occur from Whitecross Street but refuse collection would be via a smaller lay-by on Pelham Street.
- 8.246 Refuse collection would occur from Cheapside and Pelham Street for the residential development. The bollards on Trafalgar Court and to the west of the new route to York Place would therefore have to be collapsible.
- 8.247 The servicing and delivery arrangements are considered to be acceptable in principle and it is proposed to secure a detailed Delivery and Servicing Management Plan through the S106 Agreement for each phase of the development. It is also proposed to restrict the times of delivery/servicing for the College and Student Residential Buildings by condition.

Trip Generation

- 8.248 The TA forecasts that the student and residential development would result in an increase in total person trip generation. Therefore a contribution towards improving the sustainable transport infrastructure in the immediate area surrounding the site is sought. This would equate to a contribution of £204,900 for the student residential development and £51,300 for the residential development.

Student Move in/Move Out Strategy

- 8.249 A draft Student Move in/Move Out Strategy has been submitted. A welcome pack will be sent to students which will identify public transport and the close proximity of the site to Brighton Station. Those students who will be dropped off/picked up by car will be allocated a specific day and time. The loading bay on Pelham Street and Whitecross Street can accommodate 6 vehicles. If a ten minute slot is allocated then it is anticipated that over a weekend 360 students could be accommodated in this way (81% of students). However, pick up/drop off usually occurs over a longer period of one week. Areas at the ground floor will be allocated for the dropping off of belongings, which will be monitored by security. Parents would then be encouraged to park in the car park on Whitecross Street under Theobald House.

Junction treatments

- 8.250 The applicant has indicated that they would fund entry treatments at the junctions of Trafalgar Street with Redcross Street and Pelham Street. The entry treatment at the junction of Pelham Street with Cheapside would also be improved.

S106 Agreement/S278 Highways Agreement/Conditions

- 8.251 It is proposed to require the applicant to enter into a S278 Highways Agreement in order to secure the exact details of the public realm improvements on Pelham Street, Redcross Street, Cheapside and Whitecross Street and for the junction entry treatments and all other highway works on adopted highway. The exact details of the non adopted highway works which include the route through to York Place and from Trafalgar Court would be secured through the Section 106 Agreement. It is also proposed to require that the applicant enter into a Walkway Agreement for both the public square and the new route to York Place which is a separate legal agreement and will include details of public access requirements. As previously mentioned in this report the Section 106 Agreement will also include requirements that residents (including students) are not eligible for a residents parking permit and to secure a management plan for deliveries. Cycle parking will be controlled through conditions and through the reserved matters application.
- 8.252 Subject to the Section 106 Agreement and the proposed conditions it is not considered that the proposal would have an adverse highways impact.

Construction

- 8.253 The TA predicted that there would be a maximum of 40 HGVs movements per day during the construction period. Since the production of the TA this has been assessed in more detail by the appointed contractor and is estimated as being 32 per day. Construction vehicles would use Cheapside rather than Trafalgar

Street. It is proposed to secure the construction routes through the Construction Environmental Management Plan (CEMP).

Wind Environment

- 8.254 Policy QD2 of the Local Plan seeks to ensure that spaces created around buildings should be satisfactory enclosed and should be functional and attractive to the intended users. The functionality of a development is related to the microclimate created by the development relative to the desired pedestrian use within and around the buildings proposed. The construction of new buildings has the potential to alter local air movement and cause adverse wind conditions, including turbulence and funnelling which can affect both pedestrian comfort and safety.
- 8.255 The ES includes a chapter regarding the proposed wind environment within and immediately surrounding the site. Following concerns raised by the BRE regarding the original wind assessment, a completely new wind assessment using a wind tunnel was completed. This has been independently assessed by the BRE who have stated that they believe that the wind tunnel work is reasonable and that there are no errors in either the test methodology or in the analysis process.
- 8.256 The Lawson Criteria are commonly used to assess wind conditions. There are two different Lawson Criteria standards, one for Pedestrian Safety and one for Pedestrian Comfort. For Pedestrian Comfort the wind assessment has used the Lawson Dockland Criteria rather than the 1980 Lawson Criteria. Whilst these are similar, they are not exactly the same. However, the BRE have commented that the differences are so small for practical purposes this is unimportant.

Pedestrian Safety

- 8.257 The pedestrian safety criteria is concerned with 'General Public Access' and a distress criteria which can only be exceeded less often than once per year (15 m/s and a gust speed of 28 m/s). This is intended to identify wind conditions which less able individuals may find physically difficult. Conditions above this criteria may be acceptable but only when there is not general public access. There is also an able bodied pedestrian safety criteria which is 20 m/s and a gust speed of 37m/s (only to be exceeded less often than once per year).

Pedestrian Comfort

- 8.258 There are four standards which are related to acceptable wind conditions for various activities which are listed below:
- Long term sitting: Reading a newspaper, eating and drinking;
 - Standing or short term sitting: Bus stops, window shopping and building entrances;
 - Walking or 'strolling': General areas of walking and sightseeing;
 - Business walking: Areas where people are not expected to linger.
- 8.259 The ES states that within Brighton the westerly winds are the most frequent and strongest winds at all times of the year and although these are relatively warm and wet they are likely to cause the most cases of serious annoyance due to

strong winds around buildings. South-west winds are the second most common followed by north-east winds, the latter are often associated with cold conditions and can be more unpleasant due to their lower than average air temperature. Winds from the north-west are cold and can bring snow in winter, and can be as strong as the south-west winds but are less frequent. South-east winds are generally warm and light and are rarely associated with annoying ground level winds.

- 8.260 The ES Chapter makes an assessment of the significance of any change in wind conditions, and also if the wind conditions are suitable for the intended usage.

Existing Wind Conditions

- 8.261 The existing wind conditions were first tested. The pedestrian comfort criteria for General Public Access was found to be not exceeded. Whitecross Street and Cheapside were found to be suitable for a mixture of standing and strolling, with standing conditions around the podium of Pelham Tower. The podium was found to be beneficial to the wind conditions at street level as it disperses the strong wind deflected downward by the tower before it reaches street level. Conditions at the north end of Pelham Street were found to be suitable for strolling with the section adjacent to the Trafalgar Building being less windy and suitable for standing. The western section of the south end of Pelham Street is suitable for strolling. Redcross Street is suitable for standing with the southern end of the car park suitable for sitting and the rest of the car park being suitable for standing.

Proposed Wind Conditions

- 8.262 The pedestrian comfort criteria for General Public Access was found to be not exceeded.

College & Square

- 8.263 The College building is exposed to the prevailing winds, however, the three storey section of the building in the south west corner is considered to be beneficial as it would block the prevailing westerly winds from funnelling into the square. Wind conditions at the entrances to the College Building are either suitable for standing or sitting which is acceptable for their usage.
- 8.264 The wind model included two small mitigation screens for the public square which were 1.8 metres long and 1.5 metres high. It is envisaged that these would be clear and public art would be incorporated within the design. The most sheltered part of the proposed square was found to be the north west corner. This area would be utilised as a small outdoor seating area for the restaurant. The wind tunnel exercise found that this area would be suitable for sitting during summer months. It was found to be suitable for standing during the worst case winter months, however, given that people are less likely to sit out for prolonged periods during the winter this is considered to be acceptable for its usage. The rest of the square was found to be a mixture of standing and sitting, with only one reading being suitable for strolling in the winter months. Conditions were improved behind the small mitigation screens. It is considered that there would

be a mixture of standing and sitting within the square and therefore the wind conditions are suitable for its usage.

Student Accommodation Building

- 8.265 The courtyard would be sheltered and would be suitable for sitting which is acceptable for its proposed usage. The conditions around the main entrance on Pelham Street would also be suitable for sitting which is more than acceptable for its usage. A secondary entrance is discussed in more detail under the Whitecross Street section.

Area between College and Student Accommodation Buildings

- 8.266 A 2 metre high solid gate on Whitecross Street was included within the wind tunnel model. The assessment found that this was beneficial to the wind conditions as it provided some shelter from the prevailing winds. The wind conditions would be suitable for standing. This area would be used as a cycle parking area and the wind conditions are considered to be more than acceptable for its usage.

Whitecross Street

- 8.267 The wind conditions in Whitecross Street were found to be affected by the proposed College Building. Two trees were included within the model which would need to be removed to facilitate the proposed lay-by. The ES considered that this would affect the immediate wind conditions, however, they would still be suitable for strolling. For the worst case winter months this street was found to be suitable for strolling and standing which is acceptable for its usage. The northern section of the street is currently suitable for standing, but this will change to strolling due to the prevailing winds and as a result of removal of the podium of Pelham Tower and the massing shape of the new proposed Student Accommodation Building. Whilst this change may be perceivable to pedestrians who regularly use this street, the wind conditions would still be acceptable for their usage. There is a secondary entrance to the student building in this location. Ideally entrances should be suitable for standing, however, given that this entrance is a small secondary entrance it is considered that this is acceptable. The wind assessment found that the existing trees mitigated the prevailing winds particularly at the junction of Whitecross Street with Cheapside. Apart from the two trees which need to be removed, it will be important to retain all other trees, and to carry out replacement planting if possible to compensate for the loss of two street trees.

Cheapside

- 8.268 Apart from the corner with Whitecross Street, the wind conditions would be improved along the rest of Cheapside and it was found to be suitable for sitting or standing which is suitable for its usage.

Pelham Street

- 8.269 Worst case winter conditions were found to be suitable for standing and sitting which is acceptable for its usage and an improvement from the existing situation where the northern end is currently only suitable for strolling.

Redcross Street

- 8.270 Worst case winter conditions were found to be similar to the existing conditions and would still be suitable for sitting and standing which is acceptable for its usage.

Trafalgar Street

- 8.271 Conditions were found to improve slightly along Trafalgar Street at the junction with Whitecross Street and would be suitable for standing along the whole of the area tested which is acceptable for its usage.

Residential Development

- 8.272 The wind assessment showed that this section of the site is screened from the prevailing winds by the proposed College and Student Accommodation Buildings. The wind conditions for the majority of entrances on Pelham Street were found to be suitable for sitting, which is more than acceptable for their usage. The wind conditions for the rest of the entrances were found to be suitable for standing which is acceptable for their usage. The wind conditions of the amenity area to the rear of Building A was found to be suitable for sitting which is considered acceptable for its usage. The proposed residential public square was considered to acceptable for standing during the worst case winter months and sitting for the summer months and this considered to be suitable for its usage, given that people would not be expected to use the space at length during winter.

- 8.273 Overall, the wind conditions are considered to be acceptable for their proposed usage within the application site. Wind conditions would improve on some of the surrounding streets, however, wind conditions would worsen slightly on the north part of Whitecross Street, although they would still be considered to be acceptable for their usage. The BRE have commented that they support the conclusions reached in the ES, and the assessment of the likely wind conditions around the existing and proposed schemes.

Air Quality

- 8.274 Policy SU9 of the Local Plan will only permit development which may cause pollution, when human health is not put at risk and it does not reduce the Local Planning Authority's ability to meet the Government's air quality targets.
- 8.275 The application site is within the Air Quality Management Area (AQMA) which was declared due to existing and predicted exceeding of the national objective limit value for Nitrogen Dioxide (NO₂) concentrations (hourly and annual mean) as defined within the 2007 National Air Quality Strategy.
- 8.276 There are two main impacts in relation to air quality. Dust and fine particulates (PM₁₀) during the construction phase and NO₂ emissions as a result of the proposed development when operational.

Construction

- 8.277 The ES states that dust from demolition and construction activities can travel as far as 150 metres if no mitigation measures are employed. Given the large number of residential properties which are adjacent to the site is considered necessary for mitigation measures to be employed. PM₁₀s can arise from certain plant on site and also from vehicles. This can be reduced by the

selection of certain cleaner plant and vehicles. There are a number of generic mitigation measures proposed such as the watering of access routes within the site, covering of materials on vehicles, dampening of exposed soil and material stockpiles, screening of materials and sheeting of scaffolding, monitoring of highways and cleaning if necessary. The ES also considers that an Air Pollution Risk Assessment and Method Statement should be carried out which will include dust control measures and a timetable of dust generating activities and the necessary mitigation measures to be drawn up. It is proposed to secure the Air Pollution Risk Assessment and Method Statement as part of the CEMP. The Section 61 consents referred to in the noise and vibration section of this report will also have to specify dust mitigation measures.

Operational

- 8.278 The ES has predicted future levels of NO² concentrations for the streets surrounding the site as well as within the site for 2017 with the development and 2017 without the development. This was then compared to the modelled baseline air quality results. In line with the national guidance a confidence limit of 2.8 µg/m³ was also added to the results which factors for a margin of error with the modelling. Emissions from the CHP proposed at the student residential building and future traffic growth and emission values were used. The proposal is predicted to result in less vehicle trips to and from the site due to the removal of the surface level car park.
- 8.279 The national air quality objective for NO² is 40 µg/m³ (annual mean). The modelling of the baseline situation shows that this objective is exceeded on Cheapside and York Place. This is as expected and is a result of traffic emissions. For 2017 without the development the air quality levels were found to have improved. Monitoring locations away from York Place were predicted to fall below the limit value of 40 µg/m³ for both situations with and without the development. However, locations on York Place at the junctions with Cheapside and Trafalgar Streets were found to still exceed the limit value for both with and without the development. However, the development was only predicted to contribute between 0.21 and 0.43 µg/m³ in 2017 which is considered to be a negligible to slight adverse impact.
- 8.280 Air quality levels were also modelled for the façades of the proposed buildings including the Cheapside frontages of the student residential building and Block A and the eastern building of Block C as this would be in close proximity to York Place. The modelling results showed that generally air quality levels would be within the limit value of 40 µg/m³. However, when the confidence limit of 2.8 µg/m³ was applied 2017 levels of between 40.32 and 42.42 µg/m³ were predicted for the ground and first floor of Block A on the Cheapside frontage. Therefore a condition is proposed to require mitigation in the form of ventilation (passive or mechanical) for this frontage.
- 8.281 Predicted levels for NO² hourly mean and PM₁₀ (annual mean) were all found to be well within the national air quality objective limits.

External Lighting

8.282 Policy QD25 of the Local Plan will not permit lighting units which would emit over-intense light in the context of the use of the building or space to be illuminated and which could cause detriment to amenity, highway safety, or cause light pollution. The ES includes a chapter on external lighting and existing lighting on site and in the surrounding area has been assessed and a LUX contour plan has been produced in relation to existing and proposed street lighting.

Construction lighting

8.283 Construction would take place between 8am and 6pm Monday to Friday with working on Saturdays between 9am and 1pm. During winter there would be the need to illuminate the construction site in the early mornings and evenings and there may also be the need for some security lighting. Specific details related to construction lighting are not available at this time. However lighting should be designed to comply with BS12464 Part 2: Outdoor Work Places and lighting is also of importance to construction workers. The amount of lighting required will depend on the type of work which is taking place. However, the lighting should be designed so it is mounted within the site hoarding and directed onto the working area. Lighting which is needed for working in the dark should be switched off over night. If any security lighting is proposed it should be designed to that it does not cause a nuisance to neighbours. It will be important to control spill light and upward light so that residents on York Place, Trafalgar Court, Cheapside, Pelham, Whitecross and Trafalgar Streets and Theobald House are protected. It is recommended that construction lighting be controlled through the Construction Environmental Management Plan (CEMP), and the Section 61 Consents primarily with the aim of preventing any adverse impact on neighbouring properties.

Operational lighting

8.284 There are no proposed changes to existing street lighting on Whitecross Street, or Cheapside. However, it is proposed to change the street lighting on Pelham Street. The public square and residential squares will need to be lit as will the new route through to 15 York Place. Details of horizontal waymarking lighting is included within the Design and Access Statement which would be less intrusive than vertical lighting. It is proposed that a detailed lighting scheme is secured by condition and must be accompanied by reference to both horizontal and vertical illuminance. The lighting scheme would also need to comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E. Therefore it is considered that the lighting can be controlled effectively and can be designed so it would not give rise to light nuisance to nearby residents.

Ground Conditions and Contamination

8.285 Policy SU11 of the Local Plan states that proposals for the development of known or suspected polluted land or premises will help to ensure effective and productive use is made of brownfield sites. However, such proposals must ensure that an increase in contamination does not occur and remediation must be effective to ensure there is no harm to the environment and human health.

8.286 A contaminated land desk top study and a site investigation study were submitted within the ES. This included information from historic studies. Site investigation was carried out for the surface level car park and significant contamination was not found. Therefore a contaminated land discovery condition is proposed for the site of the College Building.

8.287 However, it is apparent that there are other potential sources of contamination within the site boundary, such as engineering workshops, oil storage tanks, plant rooms, chemical storage, waste storage and print rooms, fuel storage sheds and suspected underground coal storage areas. Therefore it is proposed to require a site investigation report and if necessary any remediation work as part of the student and residential developments.

Flood Risk and Water Drainage

8.288 The site lies within Flood Zone 1 and is an area at low risk from flooding. The site is served by a combined sewer and there are also soakways in the centre of the site. It is proposed that foul water would be discharged to the combined sewer. It is considered that there is capacity for soakways on site, however, the exact details of the surface water drainage systems would need to be secured by condition in consultation with Southern Water, the Environment Agency and Building Control. Where possible permeable surfaces are proposed for the public realm.

Ecology Considerations

8.289 Policy QD17 of the Local Plan requires development to minimise the impact on existing nature conservation features on site and also that new nature conservation features be provided as part of the design of the scheme. SPD 06, Nature Conservation & Development provides further guidance regarding this.

8.290 The majority of the site is either covered by hardsurfacing or buildings and therefore it is considered to have very limited ecological value. A chapter within the ES covers Biodiversity. One mature sycamore tree is proposed to be removed which is within the car park and two street trees are proposed to be removed on Whitecross Street. The sycamore tree is a mature specimen, however, it needs to be removed in order to facilitate the public realm improvements within the public square which include level changes. The proposed row of tree planting along the southern boundary is considered to compensate for this tree.

8.291 The highest ecological impact is considered to be the loss of the breeding habitat for herring gulls through the demolition of York Building. Therefore it is recommended that a condition is imposed to require that unless bird exclusion areas have first been established the demolition of York Building should occur outside of the bird nesting season. A stage 2 Bat Survey has been carried out and none of the buildings were found to have limited bat roosting features and no evidence of bats were found.

8.292 The following ecological enhancements are proposed:

- 10 swift bird boxes;

- 6 sparrow bird boxes;
- 5 bat boxes;
- Tree planting along Pelham Street, Cheapside and the new access route to 15 York Place and also within the proposed public square.

8.293 It is also considered that the green/sedum roofs could be accommodated on the roofs of residential buildings Block A and Block B, and it is proposed to secure this through condition.

8.294 Two street trees will be removed on Whitecross Street in order to facilitate the lay-by. Where possible additional tree planting will be sought on Whitecross Street in order to compensate for the two trees which have been lost. Significant additional tree planting is also proposed along Pelham Street and Cheapside.

8.295 It is considered that the ecological value of the site will be improved and it is proposed to secure the ecological and landscaping enhancements through conditions.

Sustainability Considerations

8.296 The policy basis for sustainable design is policy SU2 of the adopted Local Plan. SPD 08 Sustainable Building Design offers guidance on achieving this. The policy permits developments which achieve high standards in the reduction in the use of energy, water and materials. Proposals are required to demonstrate measures to reduce fuel use and greenhouse emissions, the incorporation of renewable energy resources, reduction of water consumption, reuse of grey or rain water, and minimising energy use from use of raw materials. SPD 08 requires major non-residential developments to achieve 60% reduction in energy and water sections of the relevant BREEAM and to achieve overall BREEAM 'excellent'. SPD 08 requires major residential development to achieve Code Level 4 of Sustainable Homes.

College Building

8.297 Positive aspects of the college building include:

- Target: targeted 20% CO2 reduction against Part L Building Regulations;
- Gas boiler for heating;
- Renewable technologies to be installed: solar hot water 50m², photovoltaic panels/glazing to produce circa 100MWhrs/yr and air source heat pumps to provide cooling when required;
- Solar hot water technology to provide hot water for site wide hot water demand including the beauty salon, toilets, showers and kitchens. Estimated to save 33% energy use associated with hot water demand.
- Glazed atrium roof incorporating integrated photovoltaics glazing;
- Passive design measures: maximisation of natural lighting, solar shading (louvers);
- Water efficiency: Low flow taps/showerheads, target water usage 105 litres/person/day;
- Rainwater harvesting to be considered for WC flushing (greywater recycling ruled out).

- 8.298 The proposed building was registered as part of a BREEAM pre-assessment with the BRE as part of the previous 2008 scheme. Therefore, the BREEAM standards which the BRE are applying to this development are the 2008 standards and not the 2011 standards. Although the building is predicted to achieve an 'Excellent' rating and over 60% in the energy and water sections, this would only equate to a 'Very Good' rating if the 2011 standards were used. This is disappointing in sustainability terms. However, given that the rest of the development will meet the most up to date standards, and as the College has submitted a viability case regarding the enabling development, on balance it is considered acceptable that the 2008 standards are being applied.

Student Residential Building

- 8.299 Positive aspects of this building include:
- BREEAM Multi Residential 'excellent and 60% in energy and water sections;
 - Combined Heat and Power plant (Gas based CHP) as lead boiler with gas boiler back up;
 - 9.8kWp of photovoltaic panels (70m²);
 - Target: targeted 25% CO₂ reduction against Part L Building Regulations;
 - Enhanced U-values and airtightness, efficient lighting;
 - Target water usage 4.4m³ per person/day;
 - Proposed Energy Management Strategy for in use energy to maximise performance.
- 8.300 The proposal is predicted to meet a BREEAM (2011) rating of 'Excellent'.

Residential Buildings

- 8.301 There is a commitment within the application that the buildings will achieve a Code for Sustainable Homes rating of Level 4. A condition is proposed to require that solar technologies are incorporated into the roof design. There are a number of solar technologies that are compatible with green/sedum roofs.

Whole development

- 8.302 The Council's Sustainability Officer has commented that it is disappointing that the landscaping approach has not included food growing or fruit trees following good practice that has been proposed on other academic and mixed use developments, as encouraged by Planning Advice Note 06 Food Growing and Development. However, it is recognised that there is unlikely to be sufficient space within the development for food growing.
- 8.303 Policy DA4 of the Submission City Plan states development within this area will be expected to incorporate infrastructure to support low and zero carbon decentralised energy and in particular District Heating Systems (DHS) subject to viability. SPD10 - London Road Central Masterplan also encourages DHS.
- 8.304 Whilst a scheme wide heat network solution has been ruled out at this stage, it is recommended by the Council's Sustainability Officer that any centralised energy plant installed into the proposed buildings should have provision for future connection to any future decentralised heat network (DHS). The applicant has agreed that there is the ability to allow a connection to a future DHS, as this would be relatively straightforward and involves leaving valved

connections from the main header pipes to allow pipes to be run from the plant room along a defined route to the street to allow connection to the DHS. Space for plate heat exchangers (PHXs) are normally required to allow hydraulic separation of the systems. The PHX's could be located where the CHP is sited, as the CHP would be redundant if the building was connected to a DHS.

- 8.305 A condition is also proposed to require that the College Buildings and Residential Buildings have a provision for a future connection for any DHS.

Archaeology

- 8.306 Part of the site is located within an Archaeological Notification Area. However as there has been a very high level of past impact on this site by both the construction of the current buildings and the previous construction and demolition of the Victorian terrace housing, the County Archaeologist has commented that it is unlikely that any significant archaeological remains survive. The potential for deeper Pleistocene deposits is also low given the site's location on the side of the chalk valley and well to the north of the known extent of the Brighton raised beach deposits.

Waste Management

- 8.307 Policies SU13 and SU14 of the Local Plan are concerned with the minimisation and re-use of construction industry waste and waste management. Further guidance is also contained within SPD 03 Construction & Demolition Waste. A condition is proposed to secure Site Waste Management Plans for the different phases. The Construction and Environmental Management Plan (CEMP) should aim to reduce waste at source and provide guidance on how to manage waste and recyclables throughout the construction and demolition stage. The future management plan for the student residential accommodation will need to include details on how recycling will be encouraged. Refuse and recycling store details will be sought by condition.

Socio-Economic Benefits

- 8.308 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three main dimensions to sustainable development. These are economic, social and environmental role.
- 8.309 The ES includes a Socio- Economic Chapter which estimates that the redevelopment has the potential to provide significant beneficial impacts with regard to education provision, training facilities, jobs creation and inward investments in the City. The ES has predicted that the development could bring £79 million of inward investment, create 141 FTE construction jobs and up to £1 million of additional spending. The provision of a modern fit for purpose College building would be a conservable community asset for the City.

Infrastructure & Viability

- 8.310 Policy HO2 of the Brighton & Hove Local Plan states that where a proposal is made for residential development, the Local Planning Authority will negotiate with developers to secure a 40% element of affordable housing.

8.311 Policy QD28 of the Local Plan details a number of infrastructure aims which will be sought through a planning obligation (Section 106 Agreement). Policy HO6 requires the contributions towards for open space, sport and recreation facilities where they cannot be provided on site.

8.312 The following would normally be sought for a development of this size;

College Building

No contributions necessary.

Student Residential Building

Open space, sport and recreation contribution: £267,447

Sustainable transport: £204,900

Total: 472,347

Residential Development

Education: £138,062

Open space, sport and recreation contribution: £304,815

Transport: £51,300

Local Employment Scheme: £62,500

Total: £556,677

Total contributions: £1,029,024.

8.313 There is no funding from central Government for this scheme. Therefore the College need to meet the full construction costs for the new College building. Therefore the student residential and the residential development are enabling development for the new College Building.

8.314 Paragraph 173 of the NPPF states that 'to ensure viability, the costs of any requirement likely to be applied to development, such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

8.315 Having regard to the NPPF, it is appropriate for the applicant to submit a viability assessment to justify a scheme which is not fully policy compliant. To assist the Council in the assessment of the viability report, the Council has sought the professional advice of the District Valuer (DV).

8.316 The applicant's viability appraisal proposes 20% affordable housing provision on site, and £300,000 for contributions to mitigate the impact of the development. The viability appraisal shows that the applicant is also relying on an uplift in residential sale values in order to achieve the 20% affordable housing. The viability appraisal also proposed a 'claw back' mechanism whereby if the sales receipts are higher than projected then the difference in the financial contributions which would normally be sought for this development, along with a contribution for the cost of providing a further 20% affordable housing provision

off site. It is proposed to secure this 'clawback mechanism' within the Section 106 Agreement.

- 8.317 The DV has assessed the applicant's report and evidence. The DV concluded that the information provided was comprehensive and reasonable and the viability methodology was acceptable.
- 8.318 The DV concluded that it was clear from the calculations that a fully policy compliant scheme with 40% affordable housing provision and contribution sums to the value of £1,029,024 is not viable. Due to the DV's findings, the Housing Team support the provision of 20% affordable housing provision.
- 8.319 Having regard to all matters with respect to viability and the considerable community and infrastructure benefits which would be provided by the new College building, the level of affordable housing and contributions is considered appropriate in this case. However, there is the need to ensure there is a 'clawback mechanism' built into the Section 106 Agreement.
- 8.320 Work on the residential development would normally need to commence within 5 years for the planning permission to be valid. However, a condition is proposed to require that the residential development should be constructed to at least first floor level within 4 years of the date of the permission or the viability appraisal would need to be resubmitted if a deduction from 40% on site affordable housing provision is sought. It is also proposed to condition the maximum number of residential units at 125. If the height or the siting of residential buildings is altered then a separate planning application would need to be submitted and a separate viability case made if a deduction from 40% on site affordable housing provision or a reduction in the financial contributions needed to mitigate the impact, is sought.

9 CONCLUSION

- 9.1 It is considered that the principle of the mix of uses on site is acceptable and is compliant with the Local Plan and the Submission City Plan. In addition, the redevelopment proposals would bring about substantial public benefits to the City due to the provision of the purpose built modern College building, purpose built student accommodation, up to 125 units of residential accommodation and public realm improvements. 20% of the residential units would also be secured as affordable housing. The general layout of the proposals and the footprint of the buildings are considered to be appropriate in urban design terms and would recreate a building line along Pelham Street and Whitecross Street. The height, massing and design of all of the buildings are appropriate. The College and student buildings are of a high enough design quality and would sit acceptably in the mixed context of the immediate street scenes. The proposal and the demolition of Pelham Tower would enhance a number of key views from the adjacent Valley Gardens conservation area and North Laine conservation areas and would engage the setting of St Peter's Church and St Bartholomew's.

10 EQUALITIES

- 10.1 The residential units would be built to meet Lifetime homes standards and a proportion would be wheelchair accessible in line with Council policy. Disabled parking spaces are provided for the residential development and on Pelham Street for the College and student residential buildings.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

S106 Heads of Terms

- The S106 will need to clearly define the Phase 1 College Building, Phase 2a Student Residential Building and Phase 2b Residential Development

Before commencement of all Phases

- Detailed Phasing Plan submitted to and agreed by the LPA for the demolition and construction related to Phase 1, Phase 2a and Phase 2b. Pelham Tower must be completely demolished within 1 year of first occupation of the Phase 1 College Building.

Phase 1: College Building and Public Square

- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA which shall include the following:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) A plan showing construction traffic routes and a Delivery Management Strategy
 - (vi) Air Pollution/Dust Risk Assessment and Method Statement.
- The developer to facilitate a monthly meeting during construction for adjacent residents/occupiers, unless an alternative time period is agreed with the Local Planning Authority.
- Training and Employment Strategy using 20% local labour during the construction phase
- Prior to commencement of development, the need to enter into a S278 Highways Agreement (under Highways Act 1980) for the highway works to be defined on a plan within the S106. Requirement for the highway works to be fully implemented prior to first occupation of the building.
- Prior to first occupation, the applicant must have entered into a Walkways Agreement under Section 35 of the Highways Act 1980 to

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agree means of security, access and management of the public square and alleyway.

- 6 months after commencement of development a Management Plan to be submitted for the square and alleyway which links the square to Whitecross Street to be submitted and approved by the LPA which will include gates to the alleyway and 24 hour security (CCTV and staff) details for the square.
- Public art to the value of £43,000 to be provided on site.
- Prior to first occupation a Travel Plan for the College to be submitted and approved by the LPA.
- A requirement for a representative of the College to attend the local LAT.
- Prior to first occupation a Delivery & Servicing Management Plan is to be submitted and approved by the LPA.
- Facilities for future connection to a District Heating System.

Phase 2a – Student Residential Building

- A restriction on the occupation of the accommodation to only those attending full time academic courses at a Higher Education Provider within Brighton & Hove or short term summer courses at a local educational facility during the summer vacation.
- The Higher Education Provider must have appropriate outdoor and indoor sports provision for the occupiers or else a further contribution of £218,380 is required.
- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA which shall include the following:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) A plan showing construction traffic routes and a Delivery Management Strategy
 - (vi) Air Pollution/Dust Risk Assessment and Method Statement.
- The developer to facilitate a monthly meeting during construction for adjacent residents/occupiers, unless an alternative time period is agreed with the Local Planning Authority.
- Training and Employment Strategy using 20% local labour during the construction phase.
- Prior to commencement of development, the need to enter into a S278 Highways Agreement (under Highways Act 1980) for the highway works to be

defined on a plan within the S106. Requirement for the highway works to be fully implemented prior to first occupation of the building.

- Student Accommodation Management Plan to be submitted and agreed prior to first occupation, to include details of student management, the written agreement of both the Higher Education establishment and the Student Management Company to the management principles, number and type of staff, 24 hour security arrangements and location of a smoking area.
- Prior to commencement of development a contribution of £150,000 to be spent sustainable transport infrastructure (£75,000) and open space, sport and recreation infrastructure (£75,000). A clawback mechanism for the possibility of additional contributions capped at £322,347 to be spent on sustainable transport infrastructure (£129,900) and open space, sport and recreation infrastructure (£192,447).
- Prior to first occupation a Delivery & Service Management Plan to be submitted and approved.
- Prior to first occupation a Travel Plan which includes a move in and move out strategy to be submitted and approved by the LPA.
- Prior to first occupation measures to ensure the development remains car free - TRO to exclude able bodied residents from obtaining a parking permit..
- Requirement for a staff representative of both the Higher Education establishment and the Student Management Company to attend the LAT.
- Public art to the value of £43,000 to be provided on site.
- Facilities for future connection to a District Heating System.

Phase 2b – Residential Development

- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA which shall include the following:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) A plan showing construction traffic routes and a Delivery Management Strategy
 - (vi) Air Pollution/Dust Risk Assessment and Method Statement.
- The developer to facilitate a monthly meeting during construction for adjacent residents/occupiers, unless an alternative time period is agreed with the Local Planning Authority.
- Training and Employment Strategy using 20% local labour during the construction phase.

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- Prior to commencement of Phase 2b development, a contribution of £150,000 for education provision (£100,000), sustainable transport infrastructure (£25,000) and open space sport and recreation (£25,000). A claw back mechanism related to the sales receipt for the possibility of additional contributions capped at £406,677 for education (£38,062), sustainable transport infrastructure (26,300), open space sport and recreation infrastructure (£279,815) and Local Employment Scheme (£62,500).
- A 'clawback mechanism' related to the sales receipt and the possible contribution of up to £1.37 million for the provision of off site affordable housing.
- Prior to commencement of development, the need to enter into a S278 Highways Agreement (under Highways Act 1980) for the highway works to be defined on a plan within the S106. Requirement for the highway works to be fully implemented prior to first occupation of the building.
- Prior to commencement of development, a landscaping scheme to be submitted to and approved by the LPA for the new access route from Pelham Street to the archway at 15 York Place. Works to be carried out prior to first occupation.
- Prior to first occupation, the applicant along with the owners of 15 York Place must have entered into a Walkways Agreement under Section 35 of the Highways Act 1980 to agree means of security, access and management of the new access route which will also include security measures.
- Prior to first occupation a Management Plan for the residential square to be submitted to and approved by the LPA.
- The requirement for a staff representative of the resident management company to attend the LAT.
- Prior to first occupation a Refuse Collection Management Plan to be submitted and approved.
- Prior to first occupation measures to ensure the development remains car free - TRO to exclude able bodied residents from obtaining a parking permit.
- Prior to first occupation the submission and approval of a Travel Plan.
- Public art to the value of £43,000 to be provided on site.
- Facilities for future connection to a District Heating System.

Gloucester Building

- Gloucester Building is brought into use as a crèche within three years of the College Building being first occupied.

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	P1001	C	20 September 2013
Site Plan – As existing	P1000	A	20 September 2013

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Site Survey - As Existing	P	A	20 September 2013
Site Layout - Proposed Masterplan	P1105	D	31 October 2013
Phasing Plan	P1106	A	20 September 2013
Pelham Tower Plans as Existing Ground to Third Floors (1 of 2)	P1107	A	30 May 2013
Pelham Tower Plans as Existing Fourth to Eleventh Floors (2 of 2)	P1008	A	30 May 2013
Site Elevations as Existing	P1110		30 May 2013
Site Elevations - Proposed College - Phase 1	P1111	A	20 September 2013
Site Elevations - Prop. College - Ph. 1 - Cheapside & Trafalgar St	P1112	A	30 May 2013
Site Elevations - Prop. College - Ph. 1 - York Place & Whitecross St	P1113	B	20 September 2013
Site Elevations - Proposed Masterplan - Phase 1 & 2a	P1114	B	20 September 2013
Site elevations - Prop. Masterplan - Ph. 1 & 2a - Cheapside & Trafalgar St	P1115	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2a - York Place & Whitecross	P1116	B	20 September 2013
Site Elevations - Proposed Masterplan - Phase 1 & 2b	P1117	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2b - Cheapside & Trafalgar	P1118	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2b - York Place & Whitecross St	P1119	B	20 September 2013
Site Sec. - Existing & Proposed - Phase 1 (sheet 1 of 2)	P1120	A	30 May 2013
Site Sec. - Existing & Proposed - Phase 1 (sheet 2 of 2)	P1121	A	20 June 2013
Site Sec. - Existing & Proposed - College Building - Phase 1 (sheet 1 of 2)	P1122	A	30 May 2013
Site Sec. - Existing & Proposed - College Building - Phase 1 (sheet 2 of 2)	P1123	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 1 of 2)	P1125	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet	P1126	B	20 September 2013

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2 of 2)			
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2 b (sheet 1 of 2)	P1127	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 2 of 2)	P1128	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 1 of 2)	P1130	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 2 of 2)	P1131	A	20 June 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 1 of 2)	P1132	A	20 June 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 2 of 2)	P1133	B	20 September 2013
Site Elevations - Existing & Phase 1 from Pelham Street	P1140	B	20 September 2013
Cheapside Building - Existing Floor Plans	P1150	A	30 May 2013
Trafalgar Building - Existing Floor Plans	P1151	A	30 May 2013
York Building - Existing Floor Plans	P1152	A	30 May 2013
College Building Prop' Floor Plans - Ph 1- Floors Ground to Three	P1220	A3	13 November 2013
College Building Prop' Floor Plans - Ph 1- Floors four to Seven	P1121	A2	13 November 2013
College Building Prop' Floor Plans - Ph 1- Roof Plan	P1222	A1	30 May 2013
Proposed Site Elevations - East & West Elevations	P1225	B	30 May 2013
Proposed Site Elevations - North & South Elevations	P1226	B	20 September 2013
College Building Prop' Elevations - Ph 1 - South Elevation	P1230	B	20 September 2013
College Building Prop' Elevations - Ph 1 - West Elevation	P1231	B	20 September 2013
College Building Prop' Elevations - Ph 1 - North Elevation	P1232	B	20 September 2013
College Building Prop' Elevations - Ph 1 - East Elevation	P1233	B	20 September 2013
College Building Prop' Bay Elev'n - Ph 1 - Main College Entrance	P1234	A	30 May 2013

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College Building Prop' Bay Elev'n - Ph 1 - Bay Window	P1235	A	30 May 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Ground to Three	P1240	B	20 September 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Four to Seven	P1241	A	30 May 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Eight to Ten	P1242	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - North Elevation	P1250	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - East Elevation	P1251	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - South Elevation	P1252	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - West Elevation	P1253	B	20 September 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Main SRA Entrance	P1254	A	30 May 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Cheapside	P1255	A	30 May 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Whitecross Street	P1256	A	30 May 2013
SRA courtyard elevation - East Facade	P1260	A	30 May 2013
SRA courtyard elevation - West Facade	P1261	A	20 September 2013
SRA courtyard elevation - North Facade	P1262	A	30 May 2013
SRA courtyard elevation - South Facade	P1263	A	20 June 2013
SRA Lightwell Elevation - North Elevation	P1265	A	20 June 2013
SRA Lightwell Elevation - West Elevation	P1266	A	20 June 2013
Detailed Landscape proposals	1158-1002	08	18 September 2013
Construction Details	1158-1005	P02	19 September 2013
Detailed Landscape proposals	1158-1003	08	18 September 2013
College Square Boundary screen sections	1158-1009	P01	19 September 2013
Masterplan - Prop' Residential - Phase 2b Indicative Elevations	P1286	C	13 November 2013
Masterplan - Prop' Residential - Existing - Trafalgar Court Elev	P1287	A	20 June 2013
Masterplan - Prop' Residential - Proposed - Trafalgar Court Elev	P1288	C	13 November 2013

Phase 1: College Building and Public Square Conditions

- 2) The Phase 1 College Building hereby permitted shall be commenced before the expiration 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) The Phase 1 College Building hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) No development shall commence of the Phase 1 College Building shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the Phase 1 College Building is occupied and retained as such thereafter.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.
- 5) No development shall commence of the Phase 1 College Building until full details of the existing and proposed land levels of the proposed development in relation to Ordnance 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 and Hove Local Plan.
- 6) No development shall commence of the Phase 1 College Building 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.
- 7) No development of Phase 1 College Building shall take place until samples of materials for all external windows and doors of the Phase 1 building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

- 8) If, during development of the Phase 1 College Building and public square, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. The development shall be carried out in accordance with the approved details.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 9) No development of Phase 1 College Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 1 development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by 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 and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.
- 10) Piling or any other foundation designs using penetrative methods associated with the Phase 1 College Building 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.
- 11) No development of Phase 1 College Building shall commence until a scheme for nature conservation enhancement has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and 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.

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- 12) No development of the Phase 1 College Building or public square or other operations in connection with the Phase 1 College Building or public square, shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for the Phase 1 College Building and public square development has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.
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.
- 13) No development of the Phase 1 College Building or public square shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 1 Public Square, which shall include hard surfacing, wind mitigation screens, 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.
- 14) 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.
- 15) No development of the Phase 1 College Building shall take place until details of a minimum of 56 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 Phase 1 College Building hereby permitted and shall thereafter be retained for use at all times.

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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) No development of the Phase 1 College Building shall take place 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.

- 17) None of the Phase 1 College Building 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.

- 18) Noise associated with plant and machinery incorporated within the Phase 1 College Building 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 10dB 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 adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 19) The testing of life safety plant incorporated within the Phase 1 College Building, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).

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 servicing of the Phase 1 College Building (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 09.00 to 17.00 on Saturdays and Sundays.

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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.

- 21) No development of the Phase 1 College Building shall take place until a an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the College Building at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and to comply with the “good” levels in British Standard 8233 and the levels stated in BB93 or suitable equivalent. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To safeguard the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 22) Post completion of the Phase 1 College, but prior to occupation of the Phase 1 College Building, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the noise levels internally at the Phase 1 College Building comply with the “good” levels in British Standard 8233 and the levels stated in Building Bulletin 93 or suitable equivalent. If the additional noise survey and report shows that the “good” levels in the British Standard 8233 and the levels stated in Building Bulletin 93 or suitable equivalent are not met then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the “good” levels in the British Standard 8233 and the levels stated in BB93 or suitable equivalent shall be submitted to and approved in writing prior to first occupation of the Phase 1 College Building.
Reason: To safeguard the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 23) No development of the Phase 1 College Building shall take place 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 24) No development of the Phase 1 College Building shall take place 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

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- 25) The Phase 1 College Building hereby permitted shall not be operational except between the hours of 06:00 and 21:00 on Mondays to Fridays and 06:00 to 17:00 on Saturdays with no opening on Sundays or 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.
- 26) (i) No development of the Phase 1 College Building shall take place until details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.
(ii) Prior to occupation of the Stage 1 College Building, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).
(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
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.
- 27) The Phase 1 building shall only be used for D1 education provision only with ancillary retail (A1) and restaurant (A3) as shown on the approved plans and for no other purpose including the use of any part of the building as a theatre (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 the education aspirations for the City and to comply with policies HO20 and QD27 of the Brighton & Hove Local Plan.
- 28) All windows on the south elevation of the Phase 1 College Building to the east of the main entrance section of the building shall not be glazed otherwise than with obscured glass in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development of the Stage 1 College Building. The scheme shall be implemented fully in accordance with the approved details prior to first occupation of the Stage 1 College Building and retained as such thereafter.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 29) No development of the Phase 1 College Building shall take place until a written Site Waste Management Plan for Phase 1 College Building, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

Student Residential Development – Phase 2a

- 30) The Phase 2a Student Residential Building hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

- 31) No development of the Phase 2a Student Residential Building hereby approved 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 recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 32) No development of the Phase 2a Student Residential Building at first floor above shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the building is occupied.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.

- 33) No development shall commence of the Phase 2a Student Residential Building until full details of the existing and proposed land levels of the proposed development in relation to Ordnance 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.

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

- 34) No development of the Phase 2a Student Residential Building 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.

- 35) No development of the Phase 2a Student Residential Building shall take place until samples of materials for all external windows and doors of the Phase 2a building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

- 36) No development of the Phase 2a Student Residential Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 2a development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by 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 and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.

- 37) Piling or any other foundation designs using penetrative methods associated with the Phase 2a Student Residential Building 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.

- 38) No development of the Phase 2a Student Residential Building shall commence until a scheme for nature conservation enhancement has been submitted to and approved by the Local Planning Authority. This shall

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include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and 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.

- 39) No development of the Phase 2a Student Residential Building or other operations shall commence on site in connection with the Phase 2a Student Residential Building, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for the Phase 2a Student Residential Building development has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.

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.

- 40) No development of the Phase 2a Student Residential Building 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.

- 41) 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.

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- 42) No development of the Phase 2a Student Residential Building shall take place until details of a minimum of 160 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 Phase 2a Student Residential Building 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.
- 43) No development of the Phase 2a Student Residential Building shall take place 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.
- 44) None of the Phase 2a Student Residential 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.
- 45) Noise associated with plant and machinery incorporated within the Phase 2a Student Residential 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 10dB below the existing L_{A90} 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 adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 46) The testing of life safety plant incorporated within the Phase 2a Student Residential Development, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the

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assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).

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.

- 47) No servicing of the Phase 2a Student Residential Building (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 09.00 to 17.00 on Saturdays and Sundays.
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.
- 48) The Party Walls/Floors between the ground floor of the Phase 2a Student Residential Building and the first floor residential units should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 49) No development of the Phase 2a Student Residential Building shall take place until a an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the Phase 2a Student Residential Building submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the “good” levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 50) Post completion of the Phase 2a Student Residential Building, but prior to occupation of the Phase 2a Student Residential Building, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the noise levels internally at the Phase 2a Student Accommodation Building comply with the “good” levels in British Standard 8233. If the additional noise survey and report shows that the “good” levels in the British Standard 8233 are not met then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the “good” levels in the British Standard 8233 shall be submitted to and approved in writing prior to first occupation of the Phase 2a Student Accommodation Building
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

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- 51) No development of the Phase 2a Student Residential Building shall take place 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 52) No development of the Phase 2a Student Residential Building shall take place 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 53) (i) No development of the Phase 2a Student Residential Building shall take place until details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.
(ii) Prior to occupation of the Phase 2a Student Residential Building, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).
(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
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.
- 54) (i) No development of the Phase 2a Student Residential Building shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).
(a) A desk top study documenting all the previous and existing land uses of the Phase 2a Student Development site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report

Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

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

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

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

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

(ii) The Phase 2a Student Residential Building 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 condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c 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 condition (i) c.”

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

- 55) No development of the Phase 2a Student Residential Building shall take place until a written Site Waste Management Plan for Phase 2a Student Residential Building, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 56) No development of the Phase 2a Student Residential Building shall take place until the details of the height, materials and technical specification for the flue serving the Combined Heat and Power system has been submitted to an approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the flue and to ensure that emissions can be dispersed effectively and to comply with policies QD1 and SU9 of the Brighton & Hove Local Plan.

Phase 2b: Residential Development & Pelham Street Improvements

- 57) The Phase 2b Residential Development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in Condition 58 below, whichever is the later.

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

- 58) a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) appearance; and
- (ii) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 59) The Phase 2b Residential Development shall not commence until a scheme for the details of the provision of affordable housing for at least 20% of the residential units hereby approved as part of the development, has been submitted to and approved in writing by the Local Planning Authority. Save where Condition 60 below applies, the affordable housing shall be provided in accordance with the approved scheme which shall include:

- i. the numbers, type, tenure mix and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units.
- 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

and for the purposes of this condition and Condition 60 below ‘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.

- 60) Should all the Phase 2b Residential Buildings hereby approved not have been constructed to at least first floor level by the fourth anniversary of the date of this permission; or if the gross internal floor area (combined) of the

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residential units hereby approved (excluding any communal areas such as entrance halls, staircases and lifts) exceed 7,265 square metres; a viability assessment which assesses, at that date, the number of affordable housing units that the proposed development could provide whilst remaining viable, together with a scheme ('the reassessed scheme') of affordable housing provision based on that viability assessment, shall be submitted to, and for approval in writing by, the Local Planning Authority. The affordable housing shall be provided in accordance with the approved reassessed scheme which reassessed scheme shall include:

- v. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- vi. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- vii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing.
- viii. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

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.

- 61) No development of the Phase 2b Residential Development shall commence until the internal layouts for the residential development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the provision of an appropriate mix of units and acceptable living conditions and to comply with policies HO3 and QD27 of the Brighton & Hove Local Plan.

- 62) The number of residential units within the Phase 2b Residential Development shall not exceed 125 units.

Reason: For the avoidance of doubt over what has been approved.

- 63) No development of the Phase 2b Residential Development shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 2b development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by 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 and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.

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- 64) Piling or any other foundation designs using penetrative methods associated with the Phase 2b Residential Development 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.
- 65) (i) Prior to the commencement of the Phase 2b Residential Development details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.
(ii) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).
(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
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
- 66) Unless otherwise agreed in writing by the Local Planning Authority, no works shall start in relation to the Phase 2b 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.
- 67) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved as part of the Phase 2b Residential Development 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.

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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.

- 68) No development of the Phase 2b Residential Buildings shall commence until a scheme for nature conservation enhancement has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and 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.

- 69) Noise associated with plant and machinery incorporated within the Phase 2b Residential 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 10dB below the existing L_{A90} 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 adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 70) The testing of life safety plant incorporated within the Phase 2b Residential Development, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).

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.

- 71) The reserved matters application required by Condition 58 shall include details of an acoustic report which contains details of how the Residential Buildings submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the “good” levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 72) The reserved matters application required by Condition 58 shall include details of a daylight and sunlight report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the level of daylighting and sunlighting to all habitable windows in the

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Residential Buildings in accordance with the BRE Site Layout Planning for Daylight and Sunlight A Guide to Good Practice and BS8206-2:2008 Lighting for Buildings Part 2: Code of Practice for daylighting.

Reason: To provide adequate levels of daylight and sunlight for the future occupiers of the building and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 73) The reserved matters application required by Condition 58 shall include details of windows on the east facing elevation at first floor of the eastern building of Block C shall be designed to limit overlooking to properties on York Place.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 74) The east facing elevation of the northern wing of Block A which is adjacent to Cheapside shall not contain balconies and any windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 58.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 75) The east facing elevation of the southern wing of Block A which is adjacent to the new pedestrian route to 15 York Place shall not contain balconies and any windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 58.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 76) (i) No development of the Phase 2b Residential Buildings shall take place until details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

(ii) Prior to occupation of the Phase 2b Residential Buildings, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).

(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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.

- 77) (i) No development of the Phase 2b Residential Buildings shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).
- (a) A desk top study documenting all the previous and existing land uses of the Phase 2b Residential Development site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and unless otherwise agreed in writing by the local planning authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;
and, unless otherwise agreed in writing by the local planning authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The Phase 2b Residential Building 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 condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c 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 condition (i) c.”
- Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 78) 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.
- 79) No works shall commence on the Phase 2b Residential Buildings until a scheme has been submitted to and approved in writing by the Local Planning Authority which shows that a minimum of 10% of the affordable

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housing units and 5% of market housing residential units are fully wheelchair accessible. The scheme shall be fully implemented in accordance with the approved details.

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.

- 80) The heights of the residential buildings shall not exceed the following Ordnance Datum levels (AOD); Block A 29.95 metres, Block B 30.95 metres Block C ridge height 23.42 metres and eaves height 20.349 metres as shown on plans referenced P1286 C and P1288 C received on 13 November 2013.

Reason: For the avoidance of doubt over what is approved.

- 81) The Phase 2b Residential Development hereby permitted shall not be commenced until details of a minimum cycle parking standards in accordance with the details contained within Supplementary Planning Guidance Note 4 Parking Standards or any subsequent Supplementary Planning Document which replaces SPG4, has 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 Phase 2b Residential 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.

- 82) The 13 disabled car parking spaces to the rear of Block A shall be fully implemented and made available for the occupants of Block A hereby approved prior to first occupation of Block A and shall thereafter be retained for use at all times.

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

- 83) Notwithstanding the approved plans. no development of the Phase 2b Residential Buildings 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.

- 84) The roofs of Block A and Block B shall contain a green or sedum roof, and the roofs of Block A, Block B and Block C shall contain renewable solar technologies, the details of which shall be submitted as part of the reserved matters application required by Condition 58.

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.

- 85) The reserved matters application required by Condition 58 shall include details of an ventilation strategy which contains details of how the units at the ground and first floor levels of the Cheapside elevation of Block A shall be ventilated so that they are protected from the outside ambient air quality The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 86) No development of the Phase 2b Residential Development shall take place until a written Site Waste Management Plan for Phase 2a Student Residential Building, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.
Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

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 principle of the mix of uses on site is acceptable and is compliant with the Local Plan and the Submission City Plan. In addition, the redevelopment proposals would bring about substantial public benefits to the City due to the provision of the purpose built modern College building, purpose built student accommodation, up to 125 units of residential accommodation and public realm improvements. 20% of the residential units would also be secured as affordable housing. The general layout of the proposals and the footprint of the buildings are considered to be appropriate in urban design terms and would recreate a building line along Pelham Street and Whitecross Street. The height, massing and design of all of the buildings are appropriate. The College and

student buildings are of a high enough design quality and would sit acceptably in the mixed context of the immediate street scenes. The proposal and the demolition of Pelham Tower would enhance a number of key views from the adjacent Valley Gardens conservation area and North Laine conservation areas and would engage the setting of St Peter's Church and St Bartholomew's.

The loss of daylight and sunlight to certain properties is regrettable however it is considered that this is outweighed by the gains in daylight and sunlight to other properties and also by the public benefits of the scheme. It is considered that the proposal would have an acceptable impact on the outlook and privacy of adjacent residents. Subject to conditions and the Section 106 Agreement it is considered that the management plans will mitigate the noise impacts of the student residential building and the public square. It is considered that the construction impacts can be controlled through the Section 106 Agreement and the requirement for a Construction Environmental Management Plan and for the developer to enter into a Section 61 Consent agreement under the Control of Pollution Act (1974).

It is considered that the living conditions for the future residents would be acceptable. The requirement for the student and residential accommodation to be genuinely car free should mitigate any adverse impacts on on-street parking levels and the proposal is not considered to jeopardise highway safety in the area. The buildings are considered to meet appropriate standards with regard to sustainability. The proposal would not have an adverse impact on local air quality or the local wind environment. Ecology enhancements are sought by condition. It is considered that the waste, ground conditions and lighting impacts can all be adequately controlled by condition.

3. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.
The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.
4. The applicant should also note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The applicant may also wish to be aware that the site is resident in a fact located in a special stress area and an applicant would have to have extra regard to the four licensing objectives to demonstrate how they are not going to adversely impact the area
5. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

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6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
7. The nature conservation enhancement measures secured by condition on all three phases (Phases 1, 2a and 2b) shall include the minimum provision of 10 swift boxes, 6 sparrow boxes and 5 bat boxes.

City College – BH2013/01600

Letters of Objection

Property Name / Number	Street	Town	Postcode
Unknown (x25)			
22	Albert Road	Southwick	BN42 4GE
11	Barn Stables	Lewes	BN7 1ST
84 Theobald House	Blackman Street	Brighton	BN1 4FN
10/10A	Bond Street	Brighton	BN1 1RD
25A	Bond Street	Brighton	BN1 1RD
11	Cheltenham Place	Brighton	BN1 4AB
12	Cheltenham Place	Brighton	BN1 4AB
22	Cheltenham Place	Brighton	BN1 4AB
3	Cheltenham Place	Brighton	BN1 4AB
32	Cheltenham Place	Brighton	BN1 4AB
7	Cheltenham Place	Brighton	BN1 4AB
11	Clifton Street	Brighton	BN1 3PH
Flat 6, Sussex Court	Emerald Quay	Shoreham	BN43 5EW
1	Foundry Street	Brighton	BN1 4AT
2 (x2)	Foundry Street	Brighton	BN1 4AT
15	Frederick Gardens	Brighton	BN1 4TB
23	Frederick Gardens	Brighton	BN1 4TB
5	Frederick Gardens	Brighton	BN1 4TB
6	Frederick Gardens	Brighton	BN1 4TB
12	Frederick Street	Brighton	BN1 4TA
Flat F, The Ocean Building, 18-20	Frederick Street	Brighton	BN1 4UJ
1 Gloucester Mews, 113-120	Gloucester Road	Brighton	BN1 4BW
96	Gloucester Road	Brighton	BN1 4AP
234	Hangleton Road	Hove	BN3 7LP
1	John Street	Brighton	BN3 0LA
21	Kemp Street	Brighton	BN1 4EF
33	Kemp Street	Brighton	BN1 4EF
47	Kemp Street		
10	Kensington Place	Brighton	BN1 4EJ
11	Kensington Place	Brighton	BN1 4EJ
14	Kensington Place	Brighton	BN1 4EJ
15	Kensington Place	Brighton	BN1 4EJ
20	Kensington Place	Brighton	BN1 4EJ
31	Kensington Place	Brighton	BN1 3EJ
32	Kensington Place	Brighton	BN1 4EJ
34 (x2)	Kensington Place	Brighton	BN1 4EJ

37	Kensington Place	Brighton	BN1 4EJ
38 (x2)	Kensington Place	Brighton	BN1 4EJ
39	Kensington Place	Brighton	BN1 4EJ
41 (x3)	Kensington Place	Brighton	BN1 4EJ
46	Kensington Place	Brighton	BN1 4EJ
47	Kensington Place	Brighton	BN1 4EJ
48	Kensington Place	Brighton	BN1 4EJ
49	Kensington Place	Brighton	BN1 4EJ
5	Kensington Place	Brighton	BN1 4EJ
6	Kensington Place	Brighton	BN1 4EJ
43	Kestrel Way	Aylesbury	HP19 0GH
Flat 16, Blackmore Court, 2	Kingscote Way	Brighton	BN1 4GJ
Flat 18, Blackmore Court, 2	Kingscote Way	Brighton	BN1 4GJ
36	Marlborough Place	Brighton	BN1 1UA
Flat 6, 24	North Place	Brighton	BN1 1XF
28A (x2)	North Road	Brighton	BN1 1YB
2	Over Street		BN1 4EE
35	Over Street	Brighton	BN1 4EE
44	Over Street	Brighton	BN1 4EE
45	Over Street	Brighton	BN1 4EE
46A	Over Street	Brighton	BN1 4EE
10	Pelham Square	Brighton	BN1 4ET
13	Pelham Square	Brighton	BN1 4ET
16	Pelham Square	Brighton	BN1 4ET
18	Pelham Square	Brighton	BN1 4ET
19	Pelham Square	Brighton	BN1 4ET
21	Pelham Square	Brighton	BN1 4ET
24	Pelham Square	Brighton	BN1 4ET
6	Pelham Square	Brighton	BN1 4ET
2 (x2)	Pelham Street	Brighton	BN1 4FA
Flat 2, 1 (x2)	Pelham Street	Brighton	BN1 4FA
Flat 4, 1	Pelham Street	Brighton	BN1 4FA
22	Portland Street	Brighton	BN1 1RN
31	Queens Gardens	Brighton	BN1 4AR
4	Queens Gardens	Brighton	BN1 4AR
40 (x2)	Queens Gardens	Brighton	BN1 4AR
13	Robert Street	Brighton	BN1 4AH
13A	Robert Street	Brighton	BN1 4AH
2 (x2)	Robert Street	Brighton	BN1 4AH
21	Robert Street	Brighton	BN1 4AH
52	Rugby Road	Brighton	BN1 6EB
25	Southdown Avenue	Brighton	BN1 6EH
17	St Georges Mews	Brighton	BN1 4EU
18	Sydney Street	Brighton	BN1 4EN

21	Sydney Street	Brighton	BN1 4EN
36	Sydney Street	Brighton	BN1 4EP
2	The Drive	Hove	BN3 3JA
8A	Tichborne Street	Brighton	BN1 1UR
8B	Tichborne Street	Brighton	BN1 1UR
11 (x2)	Tidy Street	Brighton	BN1 4EL
15	Tidy Street	Brighton	BN1 4EL
19	Tidy Street	Brighton	BN1 4EL
2	Tidy Street	Brighton	BN1 4EL
23	Tidy Street	Brighton	BN1 4EL
26	Tidy Street	Brighton	BN1 4EL
27	Tidy Street	Brighton	BN1 4EL
3	Tidy Street	Brighton	BN1 4EL
37	Tidy Street	Brighton	BN1 4EL
9	Tidy Street	Brighton	BN1 4EL
Flat 4, 28	Tidy Street	Brighton	BN1 4EL
20A	Toronto Terrace	Brighton	BN2 9UX
Flat 8 Villiers Court	Trafalgar Place	Brighton	BN1 4FT
23	Trafalgar Street	Brighton	BN1 4EQ
26a	Trafalgar Street	Brighton	BN1 4ED
91	Trafalgar Street	Brighton	BN1 4ER
96	Trafalgar Street	Brighton	BN1 4ER
Flat 1, 100A	Trafalgar Street	Brighton	BN1 4ER
Flat 2, 87 (x2)	Trafalgar Street	Brighton	BN1 4ER
Flats 1 & 2, 87/88	Trafalgar Street	Brighton	BN1 4ER
4	Trafalgar Terrace	Brighton	BN1 4EG
2 (x2)	Trafalgar View	Brighton	BN1 4DZ
26	Upper Gardner Street	Brighton	BN1 4AN
31	Upper Gardner Street	Brighton	BN1 4AN
38	Upper Gardner Street	Brighton	BN1 4AN
2 (x2)	Whitecross Buildings, Whitecross Street	Brighton	BN1 4UP
1 Trafalgar View	Whitecross Street	Brighton	BN1 4DZ
12 Trafalgar View	Whitecross Street	Brighton	BN1 4DZ
16 Trafalgar View	Whitecross Street	Brighton	BN1 4DZ
Flat 6, Trafalgar View	Whitecross Street	Brighton	BN1 4DZ
Trafalgar View	Whitecross Street	Brighton	BN1 4DZ

Letters of Support

Property Name / Number	Street	Town	Postcode
Unknown (x2)			
30	Central Avenue		BN20 8PR
5	Chanctonbury View	Henfield	BN5 9TW
Hemsley Orrell Partnership, HOP House, 41	Church Road	Hove	BN3 2BE
115A	Church Road	Hove	BN3 2AF
Uckfield Community Technology College	Downsview Crescent	Uckfield	TN22 3DJ
BHASVIC, 205	Dyke Road	Hove	BN3 6EG
Mears Ltd, Brighton & Hove Housing Estate, Unit 1 Fairway Trading Estate	Eastergate Road	Brighton	BN2 4QL
Sussex County Cricket Ground	Eaton Road	Hove	BN3 3AN
10	Grand Parade	Brighton	BN2 9QB
90	Highdown Road	Hove	BN3 6EB
52	Kensington Place	Brighton	BN1 4EJ
Flat 27, Blackmore Court	Kingscote Way	Brighton	BN1 4GX
5 Arundel Court	Lansdowne Road	Worthing	BN11 5HQ
25	Lyndhurst Road	Hove	BN3 6FB
5	Marine Drive	Bishopstone, Seaford	BN25 2RT
Priory School	Mountfield Road	Lewes	BN7 2XN
Blatchington Mill School & Sixth Form College	Nevill Avenue	Hove	BN3 7BW
Hove Park School	Nevill Road	Hove	BN3 7BN
Healys LLP, 8 & 9	Old Steine	Brighton	BN1 1EJ
4	Powis Villas	Brighton	BN1 3HD
27	Sackville Gardens	Hove	BN3 4GJ
Worthing College, 1	Sanditon Way	Worthing	BN14 9FD
Brighton & Hove Jobs.com, 12-13	Ship Street	Brighton	BN1 1AD
Steyning Grammar School	Shooting Field	Steyning	BN44 3RX
KalliKids Ltd, Bishops House	South Road	Brighton	BN1 6SB
38	Stanmer Villas	Brighton	BN1 7HP
9	The Driveway	Shoreham	BN43 5GG

4 Temple Heights	Windlesham Road	Brighton	BN1 3AY
12	Winsford Grove	Abergavenny	NP7 0RL

Standard Letters of Support

Property Name / Number	Street	Town	Postcode
Unknown (x21)			
4	Abbey Close	Peacehaven	BN10 7SD
101	Abinger Road	Portslade	BN41 1SD
59	Abinger Road	Portslade	BN41 1SD
79	Addison Road	Hove	BN3 1TS
84	Alinora Avenue	Worthing	BN12 4LX
49	Amberley Drive	Hove	BN3 8JP
17	Argyle Road	Brighton	BN1 4QA
12	Ashcroft Close	Shoreham-by-Sea	BN43 6YR
3 Ashton Lodge	Ashton Rise	Brighton	BN2 9QR
16 Courtlands	Ashton Rise	Brighton	BN2 9QQ
Flat 1, Anscombe House, 21	Bannings Vale	Saltdean	BN2 8DB
70	Barnett Road		BN1 7GH
335	Bexhill Road	Brighton	BN2 6QL
240	Bexhill Road	Brighton	BN2 6QB
6 (x2)	Billam Terrace	Brighton	BN2 9NQ
98	Birdham Road	Moulsecoomb	BN2 4RR
17	Blackwell Road	East Grinstead	RH19 3HP
73a	Blatchington Road	Hove	BN3 3YG
4	Bonchurch Road	Brighton	BN2 3PH
97	Boundary Road	Hove	BN3 7GB
5	Bramble Way	Brighton	BN1 8GJ
16	Brigden Street	Brighton	BN1 5DP
The Parlour	Brighton Marina	Brighton	BN2 5UF
1	Bristol Rise	Brighton	BN2 5EU
21	Bristol Road	Brighton	BN2 1AP
10	Broadwood Rise	Broadfield	RH11 9SE
Flat 2, 25	Brunswick Place	Hove	BN3 1ND
42	Brunswick Road	Hove	BN3 1DH
50	Brunswick Street	Hove	BN3 1EL
7 Watling Court	Butts Road	Southwick	BN42 4DR
2	Byworth Close	Brighton	BN2 5HG
29 Carew Views, 30	Carew Road	Eastbourne	BN21 2JL

Propellernet Ltd, Castle Square House, 9	Castle Square	Brighton	BN1 1EG
Flat 4, 14	Cavendish Place	Brighton	BN1 2HS
2	Chailey Crescent	Saltdean	BN2 8DP
5A	Chailey Crescent	Saltdean	BN2 8DP
4	Charlotte Street	Brighton	BN2 1AG
2, Sweda Court	Chesham Street	Brighton	BN2 1NG
34	Chiltern Close	Shoreham	BN43 6LE
30	Chiltington Way	Saltdean	BN2 8HB
Cardens, 73	Church Road	Hove	BN3 2BB
Davenport Wealth Management, Linkline House, 65	Church Road	Hove	BN3 2BD
65	Church Road	Hove	BN3 2BD
60	Cissbury Crescent	Saltdean	BN2 8RJ
Flat 2, 15	Cissbury Road	Hove	BN3 6EN
12	Clarendon		BN3 3WS
4	Clarendon Villas	Hove	BN3 3RB
4	Colgate Close	Brighton	BN2 5QP
Flat 3, 31	College Road	Brighton	BN2 1JA
32	Compton Road	Brighton	BN1 5AN
14	Cornwall Avenue	Peacehaven	BN10 8PT
4	Cottage Close	Newhaven	BN9 0PQ
54	Cowley Drive	Woodingdean	BN2 6WB
24	Crayford Road	Brighton	BN2 4DQ
36	Cross Road	Southwick	BN42 4HF
79	Dale Crescent	Brighton	BN1 8NT
108	Ditchling Rise	Brighton	BN1 4QR
10	Downsview Drive	Wivelsfield	RH17 7QD
49	Dyke Road	Brighton	BN1 3JA
29	Dyke Road	Brighton	BN1 3JA
23	Eastbridge Road	Newhaven	BN9 0BU
Action Coach, 30	Eaton Place	Brighton	BN2 1EG
23	Ebenezer Apartments	Brighton	BN2 9AA
215	Elm Drive	Hove	BN3 7JD
7	Embassy Court	Kings Road	BN1 2PX
Flat 1, South Point	Emerald Quay	Shoreham-by-Sea	BN43 5JL
64	Essex Place		BN2 1LL
26 Blackmore Court, 3	Fenchurch Walk	Brighton	BN1 4GX
22 Melbourne	Findon Road	Brighton	BN2 5NL
26	Firle Road	Brighton	BN2 9YH
31	Florence Avenue	Hove	BN3 7GX
21	Frederick Gardens	Brighton	BN1 4TB
40 Furze Hill Court	Furze Hill	Hove	BN3 1PG
198	Gibbon Road	Newhaven	BN9 9ET

44	Gibbon Road	Newhaven	BN9 9EP
12b	Gladstone Terrace	Brighton	BN2 3LB
10	Glynn Rise	Peacehaven	BN10 7SG
35	Goffs Park Road	Crawley	RH11 8AX
Flat 7, Besson House	Gordon Close	Portslade	BN41 4LS
27	Gowin Road	Hove	BN3 7FQ
61	Graham Avenue	Patcham	BN1 8HB
Laurel House	Green Lane	South Chailey	BN8 4BT
35	Grinstead Avenue	Lancing	BN15 9DU
3	Hardwick Way	Hove	BN3 8BQ
99	Harmsworth Crescent	Hove	BN3 8BU
8	Harpers Road	Newhaven	BN9 9RR
7	Headland Close	Peacehaven	BN10 8TL
11	Henfield Way	Hove	BN3 8GY
38A (x2)	High Street	Lewes	BN7 2LU
Flat 81, St James House	High Street	Brighton	BN2 1QY
51	Hill Top Way	Newhaven	BN9 9TE
90	Hillcrest Road	Newhaven	BN9 9EZ
87 St James House	High Street	Brighton	BN2 1QY
45, Coniston Court	Holland Road	Hove	BN3 1JU
3	Hollingdean Terrace	Brighton	BN1 7HB
20, Bluebird Court	Hove Street	Hove	BN3 2TU
6	Howard Terrace	Brighton	BN1 3TR
1	Kensington Gardens	Brighton	BN1 4AL
17 Astra House	Kings Road	Brighton	BN1 2HJ
1 Dorset Court, 211-213	Kingsway	Brighton	BN3 4FD
132	Ladysmith Road	Brighton	BN2 4EG
6	Limney Road	Brighton	BN2 5QS
15	Lincoln Avenue	Peacehaven	BN10 7JR
Flat 25, 5	Little Preston Street	Brighton	BN1 2HQ
47	Lorna Road	Hove	BN3 3EL
7	Lorna Road	Hove	BN3 3EL
Debt Rescue, Units 1 & 2 Mays Farm	Lower Wick Street	Selmeston	BN26 6TS
6	Lustrells Vale	Saltdean	BN2 8FE
10d	Maldon Road	Brighton	BN1 5BD
1	Manor Place	Brighton	BN2 5GG
12	Meadow Drive	Henfield	BN5 9FF
36	Montpelier Road	Brighton	BN1 3BD
54	Moyne Close	Hove	BN3 7JY
252	New Church Road	Hove	BN8 4EB
43	Newick Road	Brighton	BN1 9JL
10	Norfolk Mews	Brighton	BN1 4PH
Crawford Cottage	North Common	North Chailey	BN8 4ED
Paddock Homes Joinery	North End Farm, Cuckfield Road	Hurtstpierpoint	BN6 9HT
93	North Road	Brighton	BN1 1YE

1	Nyetimber Hill	Brighton	BN2 4TL
36	Offington Drive	Worthing	BN14 9PN
5	Old School Place	Hove	BN3 7FY
247	Old Shoreham Road	Portslade	BN41 1XR
Flat 6, 8	Oriental Place	Brighton	BN1 2LJ
29/32	Oriental Place		BN1 2LL
15	Pankhurst Avenue	Brighton	BN2 9YP
15	Park Crescent	Rottingdean	BN2 7HN
101	Portland Road	Hove	BN3 5DP
286a	Portland Road	Hove	BN3 5QU
65	Poynings Drive	Hove	BN3 8GR
1	Poynings Drive	Hove	BN3 8GF
Circus Circus, 2	Preston Street	Brighton	BN1 4QJ
17	Preston Street	Brighton	BN1 2HN
50	Queens Park Rise	Brighton	BN2 9ZF
113	Queens Road	Brighton	BN1 3LG
64	Regency Square	Brighton	BN1 2FF
40	Reigate Road	Reigate	RH2 0QN
100	Riley Road	Brighton	BN2 4AH
EMC Management Consultant, 48	Rochester Gardens	Hove	BN3 3AW
60	Rushey Hill, The Highway	Peacehaven	BN10 8XY
Flat 2, 44	Sackville Road	Hove	BN3 3FD
22	Sandgate Road	Brighton	BN1 6JQ
23	Saunders Port View	Brighton	BN2 4AY
23	Seaview Road	Peacehaven	BN10 8PY
34a	Second Avenue	Newhaven	BN9 9HN
5	Selham Place	Coldean	BN1 9EW
11	Sevelands Close	Brighton	BN2 5QU
7	Sevenfields	Burgess Hill	RH15 9XE
Elephant, Units 1 & 6	Sewells Farm	Barcombe	BN8 5FH
2-7	Ship Street	Brighton	BN1 1AD
65	Shirley Drive	Hove	BN3 6UB
55	Shirley Drive	Hove	BN3 6UB
21	Southall Avenue	Brighton	BN2 4BA
38	St Andrew Road	Portslade	BN41 1DE
41	St Richards Road	Portslade	BN41 1PA
32	Stanford Road	Brighton	BN1 5DJ
17 Orchid View	Stanmer Heights	Brighton	BN1 8GP
80	Stapley Road	Hove	BN3 7FF
28b	Station Road	Portslade	BN41 1GB
9b	Sten Avenue	Peacehaven	BN10 8LT
Arun Court	Stoney Lane	Shoreham	BN43 6LZ
54	Tamworth Road	Hove	BN3 5FH
12	The Drive	Brighton	BN2 3UP
44	The Strand	Worthing	BN12 6DN

Flat 21, 43	Tisbury Road	Hove	BN3 3BL
47	Toronto Terrace	Brighton	BN2 9 UW
22a	Totland Road	Brighton	BN2 3EN
4	Tyson Place	Brighton	BN2 0JQ
Kingslake House, 1-5	Union Street	Brighton	BN1 1HA
GFF, 18	Vale Road	Portslade	BN41 1GF
9	Varndean Holt	Brighton	BN1 6QX
16B (x2)	Ventnor Villas	Hove	BN3 3DD
58	Walsingham Road	Hove	BN3 4FF
15	Wannoch Road	Eastbourne	BN22 7JT
54	Warren Way	Telscombe Cliffs	BN10 7DJ
Flat 5, 9	Warwick Gardens	Worthing	BN11 1PE
12, Avalon	West Street	Brighton	BN1 2RP
3	Western Road	Newhaven	BN9 9JS
31	Whitelot Close	Southwick	BN42 4YQ
Flat 14, 45	Wilbury Avenue	White Lodge	BN3 6HT
73a	Willow Way	Hurstpierpoint	BN6 9TJ
1	Woodland View, Green Road	Wivelsfield Green	RH17 7QD
5	Woods Ground, Eastern Road	Wivelsfield	RH17 7QE

27th November 2013

Planning Dept
Brighton and Hove City Council
Hove Town Hall
Norton Road

Dear Sirs,

Application BH2013/01600

I write in my capacity of ward councillor for St Peter's and North Laine, along with Cllr Pete West, to formally voice our objection, on behalf of local residents, to the granting of permission for the development of City College.

While we would like in principle to be able to support City College in their endeavours to provide the best possible facilities for students and the wider community, we believe that the proposals should be refused in their current form.

The material considerations that we would like to draw to the Planning Committee's attention are as follows. There are many other factors that have also been drawn to your attention by other objectors, and I would ask you to consider these also.

1. Financial Viability

The development of an education facility is not financially viable without the inclusion of 442 student accommodation units. This is in direct contravention of **Item CP21 of the City Plan** which allows for 300 places. City College intends to add to that figure by 50%. This accommodation is not intended for City College students and will not enhance their education in any way. It is simply a profit-motivated addition, without which the development would not be financially viable.

The private dwellings incorporated in the proposals do not include any social or affordable housing. This is again in contravention of the council's City Plan, and adds to the argument that the only way in which the proposals can be financially viable is by flouting the values of the City Plan.

2. Student Density

Student density in this small area should be seen in the context of the immediate vicinity – permission for 350 student units has already been granted in nearby London Road Co-op building, 486 are planned for Circus Street, 80 at the former Buxtons site plus 400 already at Bellerby College. It is inevitable that a concentration of over 1,700 young people living away from home within a small

area will have an impact. Residents are extremely concerned that noise and disruption, which has already caused the area to become a cumulative impact area due to current unacceptably high levels of late night disturbance, will be exacerbated.

The application does not address how this will be tackled. While there are documents on the management of the student accommodation there is nothing on controlling late night noise. This is noted by Steve Tremlett of the Planning Policy Team in a comment dated 7th August that: *"the potential concentration of student accommodation in this area is a consideration. The Student Residential Management Plan submitted to support the application should clearly demonstrate how the potential for harmful impacts on residential amenity resulting from the increased provision will be minimised."* However, the fact remains that, while a management plan can control behaviours on site, it can do nothing to control behaviours beyond the college campus.

Both London Road and North Laine could suffer economically as a result of such high student density, with the potential for a proliferation of fast food outlets, at a time when the council is working very hard to make London Road a more attractive retail offer.

The local community simply cannot sustain this number of student units in addition to the high level of HMOs already in the area. It should be noted that the Richmond House development in nearby Roundhill was twice rejected by Planning Committee for just these reasons, and the student accommodation element of City College should be seen in the same way.

3. Over Development

The height and mass of the proposed buildings, which immediately abut the North Laine conservation area, is an over development that will severely adversely affect the character of this conservation area. This view is supported by the Conservation Advisory Group (CAG) as well as the North Laine Community Association.

The development does not comply with a number of council policies. **HE6, QD1, QD2, QD4 and QD27** require planning applications within or affecting a conservation area to: preserve or enhance the character or appearance of the area; proposals for new buildings should demonstrate a high standard of design; new developments to emphasise and enhance the positive qualities of the local neighbourhood; planning permission should not be granted where it would cause material nuisance and loss of amenity to the existing and proposed residents.

Committee members will have seen the effect of the permanently looming presence over the low-rise North Laine area. This will far outweigh any potential benefits of the demolition of Pelham Tower, as a 12-storey building some distance away is to be replaced by a 10-storey building immediately adjacent to the North Laine.



4. Loss of Education Space

The current educational space of 38,368m², is set to reduce to 20,256m² in the new development. Within the context of rising birth-rate and population, and the current pressure on primary school places throughout the city, it is acknowledged that this will shortly lead to a shortage of secondary school places. I would urge the Committee to consider whether this proposed reduction in educational space will adequately meet the future needs of the city.

While City College maintain that less space is required for modern teaching methods, the fact remains that classroom interaction remains a vital element of education. We maintain that the real reason for reduced education space is to enable the development of unrelated buildings in order to pay for it, and hence the over-development of this small site, yet compromising on the real purpose of the proposals.

5. Loss of Sunlight to adjoining properties

Loss of sunlight to all windows in the rear of Nos 87-91 Trafalgar Street would not meet BRE Guidelines. Vertical sky components with the new development in place would range from 11-23%, between 0.85 and 0.73 times their existing values. In total 20 windows would have a significant loss of light outside the BRE guidelines. This would be a significant loss of light. 45-47 Cheapside will also be adversely affected as “the winter sunlight hours with the new development in place would be less than 5% and less than 0.8 times the value before” (**BRE Review of Daylight and Sunlight Chapter of Environmental Statement**)

The BRE Report also outlines concern for the daylighting of the new buildings stating that “most (of the rooms in the new residential development) do not meet the guidelines in the British Standard Code of Practice for daylighting BS8206 Part 2.

6. Antisocial behaviour in the car park and Whitecross Street

Policy QD27 of the Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The narrow alleyway that will run eastwards from Whitecross Street will act as a magnet for antisocial behaviour on London Road as well as Whitecross Street and the proposed public square. Its inclusion in the plans has caused concern to Sussex Police, as outlined in the letter of 15th July 2013, from the Crime Prevention Design Adviser, which states:

“I question whether the proposed route is fit for purpose and indeed necessary, when there is adequate access into the square from Redcross



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City Council

Street in addition to the access at Pelham Street. This approach ensures that the entry points into the development provide good active frontages with the public areas benefitting from being overlooked.”

There is likely to be a case of material nuisance and loss of amenity to the local residents in Trafalgar Street and Whitecross Street from the proposed public square, which will have 24-hour open access and no supervision once the college is closed in the evenings. This is to be sited on the current car park, which has long been the subject of complaints of antisocial behaviour at night, by residents whose bedrooms overlook it. City College has not shown any ability to control such antisocial behaviour which has continued for many years. If City College has shown itself incapable of controlling antisocial behaviour on its property up until now, residents fear there is little to suggest that it will be able to do so in the future and with the new development.

7. The construction phase

The construction impacts in the Environmental Impact Assessment (EIA) are material planning considerations in so far as the EIA is itself a material planning consideration. The construction phase will last at least four years with piling lasting more than 20 weeks. The impact on local residents of the noise and dust will make the lives of those who live close by intolerable. The impact on the mid-19th houses of Trafalgar St from the heavy piling could be potentially devastating.

In conclusion, we believe that this is an overly dense development which will be detrimental to local residents. The long term education benefits to the wider city are also questionable given that they afford less space than existing, despite a growing population. It is not financially viable in its own right, and relies on serious contraventions of the Local Plan, City Plan, and North Laine Heritage policies, in particular further cumulative impact of student density and lack of affordable housing, to enable it to be built.

Yours sincerely

Cllr Lizzie Deane
Cllr Pete West

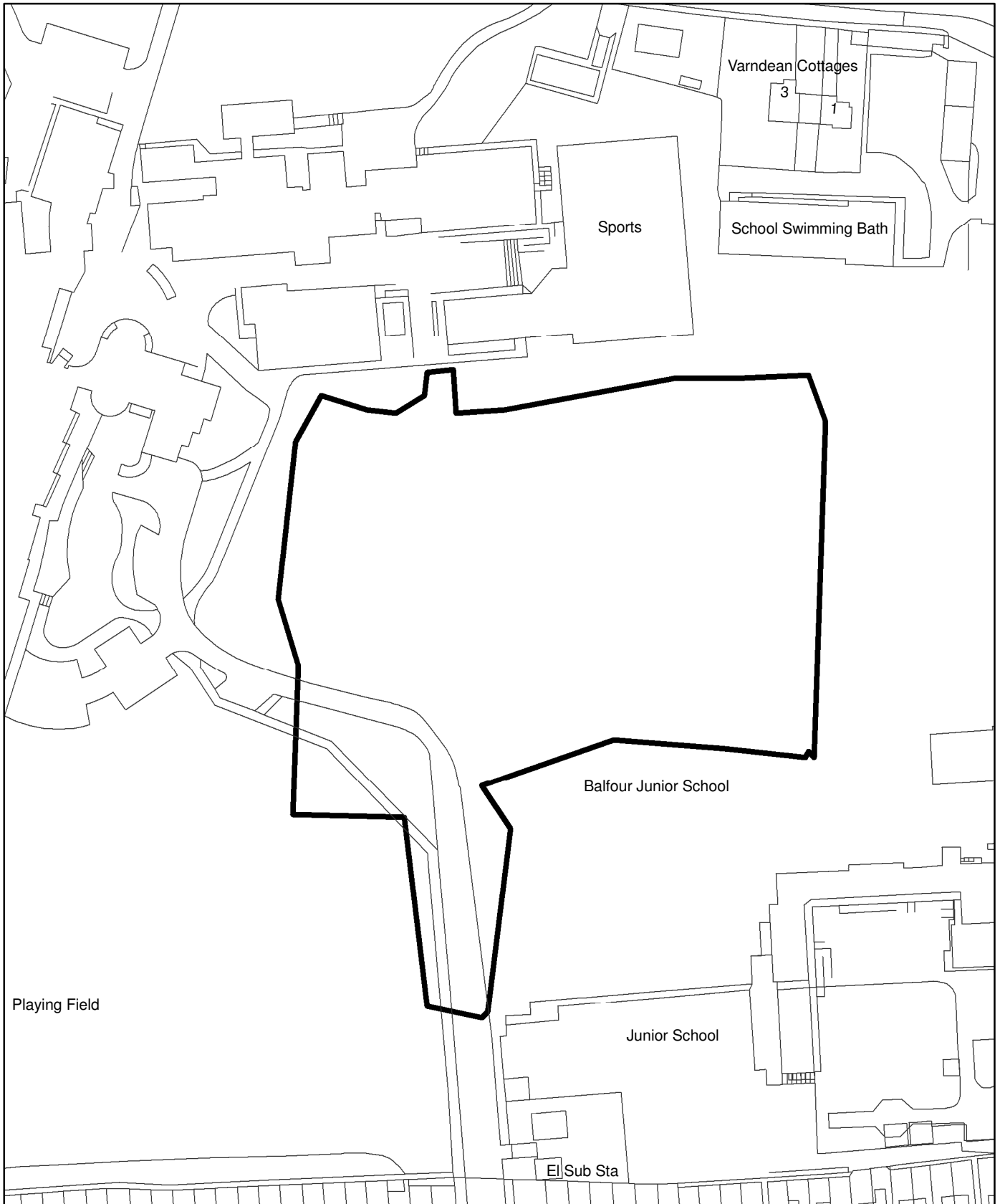
ITEM B

**Dorothy Stringer School, Loder Road,
Brighton**

**BH2013/03280
Full planning**

11 DECEMBER 2013

BH2013/03280 Dorothy Stringer School, Loder Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/03280	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Dorothy Stringer School Loder Road Brighton		
<u>Proposal:</u>	Installation of an artificial turf pitch with associated fencing and floodlighting, incorporating alteration to internal access and landscaping works.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	27 September 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 December 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Surfacing Standards, 1A Perth House, Corbygate Business Park, Corby, NN17 5JG		
<u>Applicant:</u>	Mr Ros Stephen, Dorothy Stringer School, Loder Road, Brighton, BN1 6PZ		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a large section of playing fields and the vehicular access of the Dorothy Stringer School. The school has approximately 1650 students and has a specialism as a sports college. The school is comprised of a number of large brick built buildings and is part of a larger campus which includes Balfour Primary School, Varndean High School and Varndean College. Dorothy Stringer School is located on the west side of the site. The school includes a vehicular access from Loder Road. The access is adjacent to a playing field and a row of trees which includes 2 mature Elm trees which are both covered by a tree preservation order (TPO). The Elm trees are part of the National Elm Collection.
- 2.2 The playing field includes an area which is currently used for cricket practice. The site steps up from east to west. This reflects the topography of the site which means Varndean School is sited at a much higher ground level than the Dorothy Stringer School.
- 2.3 There is an on site butterfly haven and nature area to the north of the school buildings. The campus is enclosed by residential properties to the south, east and west.

3 RELEVANT HISTORY

BH2012/03335: Dorothy Stringer High School, Loder Road. Erection of single storey modular classroom. Approved July 2013.

BH2010/00988: Replacement of existing single storey Pre-School Nursery building with new single storey building. Approved June 2010.

BH2007/04621: Dorothy Stringer High School, Loder Road. Proposed drama studio extension on first floor over roof of caretakers office. Approved March 2008.

BH2007/01685: Dorothy Stringer High School, Loder Road. Additional car parking on site of demolished canteen. Refused August 2007.

BH2005/06283: Dorothy Stringer School, Loder Road. Additional car parking on site of demolished canteen. Refused March 2006.

BH2003/02831/FP: Dorothy Stringer High School, Loder Road. Construction of fire engine access road (Retrospective). Approved October 2003.

BH2001/02115/FP: Dorothy Stringer High School, Loder Road. Construction of single storey nursery school. Approved February 2002.

BH2001/02112/FP: Dorothy Stringer High School, Loder Road. Construction of new sports block, changing facility art block & 3 storey classroom block. Approved 2002.

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of an artificial turf pitch. The pitch is proposed to mainly replace a central playing field and is south and west of the school. The proposed pitch (including the fencing) would be 107m x 76.5m. The pitch is mainly proposed to be used for football and includes perimeter fencing, 15m high floodlighting and a storage container. The scheme includes alterations to the vehicular access to the school and a replacement parking area. The alterations comprise the realignment of the access.
- 4.2 The scheme requires the removal of the clump of semi-mature trees located adjacent the swimming pool and the removal of the group of trees near the vehicular entrance. The trees to be removed include two mature Elm trees covered by a tree preservation order. The scheme includes excavation works which comprise the removal of earth and chalk which banks up to the west of the site.
- 4.3 The pitch is mainly for football and will allow up to 11-a-side football as well as football training, coaching and other recreational usage for other sports, such as hockey.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: One hundred and seventy six (176)** representations of objection have been received from: **Anderson Road, Ironwood, Michigan, USA, 21 Arundel Road, 6 (x2) & 64 Ashford Road, 86, 98, 99, 108 (x2), 128 (x2), 158 (x2), 166 (x3) & 184 Balfour Road, 2 Clwt Cottages, Bangor Road, Gyfelia, Wrexham, 99 Barnett Road, 3 Barnsway, 30, 37A, 39 & 78 Bates Road, 18 Belle Vue Cottages, 10 Bernard Road, 39A (x2) Blatchington Road, 5 Bristol Gardens, 77 (x2) Chester Terrace, 33 Crespian Way, 22A College**

Gardens, 2 Compton Avenue, 5 & 37 Cornwall Gardens, 31 Cuthbert Road, 23 Davigdor Road, 3 Denmark Road, 44 Ditchling Crescent, 31 Dover Road, 16 Draxmont Way, 32 Dudley Road, 15 Dunvan Close, Lewes, 2 Fallowfield Close, Ferny Grove, Queensland Australia, 14 Fleetwood Street, 42 Frederick Place, 37 (x2) Friar Road, 1A Friar Walk, 19 Friary Crescent, 25 Glebe Villas, 3 Gordon Road, 26, 78, 82 & 99 Green Ridge, 12, 120 & 160 Havelock Road, 104 Hawkhurst Road, 183 Hartington Road, 9 Henley Road, 19 (x2) Herbert Road, The Old House, High Street, Balcombe, 98 Hollingbury Park Avenue, 37 Hurston Close, 70 Islingword Street, South Cottage, Jackies Lane, Newick, 11 Kingsley Road, 130 Ladysmith Road, Flat 2, 32 Lansdowne Street, 180A Lewes Road, 9 Lyminster Avenue, 23 (x5), 27 (x2), 35, 43, 45, 50, 54 (x3), 56 (x2), 59, 73 (x2), 91 (x2), 105 (x2), 109 (x3), 111 (x3) & 119 (x4) Loder Road, 10 & 51 Lowther Road, 39 Maldon Road, 65 Millcroft, 14 Swanborough Court, New Road, Shoreham by Sea, Flat 7, 6 Oriental Place, 49 (x5), 57 (x3), 59, 61 (x5), 69A, 105, 147 & 162 Osborne Road, 18 Peel Road, 1 Poplar Close, 201 Preston Drove, 80 Queen's Park Rise, 14 Redvers Road, Flat 4, 5 Richmond Road, 30 Richmond Place, 37A & 63 Rugby Place, 1 Varndean Cottages, Stringer Way, 4 & 31 (x2) Sandgate Road, Flat 3, 29 Shanklin Road, 100 (x3) Stamner Villas, 41, 108 & 173 Surrenden Road, 1 Surrenden Close, 35 (x3) Surrenden Crescent, 57 Swanborough Drive, 30B Third Avenue, 8 The Drove, 7 The Heights, 3 The Martlets, 2 Upper Roedale Cottages, Ditchling Road, 1, 4, 6 (x4) & 7 Varndean Holt, 35, 113 & 143 Waldegrave Road, Mill House, Windmill Drive, 152 Waller Road, London, 8 Whippingham Road, 21 Wicklands Avenue, 6 Wykeham Terrace and 59 & 104 Woodbourne Avenue.

5.2 The grounds of objection are as follows:

- The scheme would result in a serious impact on residential amenity. The scheme would result in light pollution for miles around as well as an increase in noise disturbance from increased traffic and use of the artificial pitch. The use of the pitch will also result in a significant noise impact and loss of outlook on adjacent properties. The use will disturb children trying to sleep. The proposed hours of use are unacceptable due to the impact that it will have on traffic and noise well after 10pm.
- Wildlife such as bats, butterflies, invertebrates, slowworms and nesting birds are present in the small woodland to be lost. They will lose their long established feeding and nesting sites if this scheme goes ahead.
- The scheme involves the felling of two ancient Wheatley Elms which are protected by a tree preservation order as well as 50 other healthy trees which were planted as a condition of the sports hall to enhance the school site for the benefit of the neighbours, wildlife and pupils.
- The scheme will exacerbate parking problems in the area and could result in a danger to pedestrians and additional pollution through car fumes.
- The proposal will change the nature of the playing fields into an intensively used sports facility which is rented out for profit. The site of the proposed pitch is a valley / bowl which will amplify noise.
- The proposal will destroy the visual amenity of the site by removing mature woodland to open vistas of the existing buildings. The proposed

pitch replaces open fields with 4.5m high steel fencing, 15m high floodlights, 8,000sqm of artificial pitch and steel shipping containers and is visually inappropriate.

- The scheme lacks satisfactory information including a site waste management plan, contextual elevations and proposals to screen the pitch from neighbouring properties.
- The landscaping scheme accompanying the application provides inadequate acoustic and visual screening. The landscaping details given are also insufficient.
- Why does this pitch need to be so big? There are five 3G floodlit pitches which are available to hire within 5 miles of the school. With these pitches nearby, the destruction at the Dorothy Stringer School is unjustifiable. The proposal is an inappropriate use of the playing field.
- There has been a lack of consultation and the scheme lacks a potential transport assessment, a noise impact assessment and biodiversity and habitat report.
- The lights at West Blatchington School all weather pitch are on till 10pm and when looking out the neighbourhood is illuminated in a bright white light that is very intrusive. Serious consideration should be given to the angling of the floodlights. Many houses overlook this area and will be affected.
- The money should be spent on keeping the pitches in a better condition.
- Brighton has already lost so many trees in the last 30 years and has very few green spaces.
- The use will result in an increase in litter.
- The proposed butterfly havens will be ugly additions to the campus.
- The Varndean and Stringer Campus form part of the network of 'linear wildlife corridors' within the South Downs Way Ahead Nature Improvement Area. The site is within a half mile of the South Downs National Park.
- There is concern that youths would congregate at the backs of gardens after the facilities have closed and this could result in anti-social behaviour and crime.
- By creating a floodlit pitch and thus limiting the use of space to particular formalised games, the school will be removing potential for children to explore nature and to make up their own games.
- The scheme should not be at the expense of the existing cricket nets.
- This local amenity should not be used for commercial gain. The benefits to the local community are challenged given its potential impact on adjacent properties.

5.3 A petition of **545** signatures has also been received attached to a letter of objection to the scheme which makes the following points:

- The proposal results in the loss trees including two Elms which are particularly good examples and are part of the National Elm Collection. The proposal also results in the loss of a group of trees which were planted to satisfy a condition under BH2011/02212/FP. It is inexcusable to propose cutting down these trees.

PLANNING COMMITTEE LIST- 11 DECEMBER 2013

- The proposal results in a loss of visual amenity and outlook for the users of the campus, Balfour Road, Loder Road, Whittinghame Gardens, Poplar Close, Osborne Road and Friar Close.
- It is clear from the experiences at Blatchington Mill that light reports are worthless. There must be some recognition that these pitches blight many people's lives in terms of light pollution.
- It would be fundamentally impossible to mitigate against the noise pollution caused by the pitch which will be intermittent and involve shouting, swearing, ball noise and the noise of cars arriving and departing.
- The proposal results in the loss of significant habitat features which has been overlooked by the school.
- The scheme results in overdevelopment and a reduction in recreation land for the pupils of Dorothy Stringer, Varndean and Balfour Schools.
- The potential number of cars and pollution is horrendous.
- The proposed pitch duplicates local facilities for football pitches which have spare capacity.

5.4 **Two hundred and thirty five (235)** representations of support have been received from: **3 Atlingworth Street, 13 & 40 Ashdown Road, 29 Arundel Road, 144 Auckland Drive, 25 Belton Road, 9 Bute Street, 48, 78, 100 Barnett Road, 69 Abbey Close, Peacehaven, 12 & 186 Balfour Road, Balfour Primary School, 206 Braeside Avenue, 6 Brasslands Drive, 64A Blatchington Road, 48 & 109 Beaconsfield Villas, 6 Barnfield Gardens, 83 Bevendean Crescent, 1 Billington Way, Bellerby's College, 31 Cairo Avenue, 86 Carden Hill, 59 Carlyle Street, 8 Clifton Street, 12 Church Place, 49 Clayton Road, 9 Clyde Road, 35(x2) Coldean Lane, 14, 26 (x2), 36 Clermont Terrace, 66 Compton Road, 13 Carisbrooke Road, 76 Cedar Drive, Southwater, 49 Church Road, 48 Cokeham Road, 36 Crabtree Avenue, 137 Chester Terrace, 49 Cuckmere Way, 37 Cliveden Court, Cliveden Crescent, 29 Downsway, 44 Dale Crescent, 5 Dean Court Road, 26 Davey Drive, 19 (x2) & 21 Dover Road, 139 (x2), 177, 189, 202 & 362 Ditchling Road, 22 De Montford Road, Flat 250 Dyke Road, 9 East Drive, 28 Elmore Road, 13 & 31 Elsted Crescent, 26 Exeter Street, 6 Frederick Street, 6 Firecroft Close, 30 Fairfield Gardens, 16, 187 & 219 Freshfield Road, 111 Furze Court, 32 Greenfield Crescent, 78 Gordon Road, 2 (x4) Herbert Road, Flat 2 Rissom Court no.3 Harrington Road, 45 Highbridge Road, 30 Hill Brow, 92, 161, 166 (x2) & 180 (x2) Havelock Road, 18 Howard Road, 77 Hevers Avenue, Horley, 58 Highbank, 2 Henley Road, 42 & 54 Hampstead Road, 11 & 45 Hertford Road, 13, 147 & 172 (x3) Hollingdean Terrace, 5 Hollingbury Crescent, 14, 112 & 142 Hollingbury Park Avenue, 7 & 63 Highfield Crescent, 46 (x2) Hamilton Road, 41 Islingword Place, 67A & 80 Islingword Street, 26 Jevington Drive, 9 & 107 Lynchet Close, 51 (x2) Luxford Road, Haywards Heath, 39 Luther Road, 47A Lower Market Street, 37 (x2), 147 (x2) Loder Road, 54 (x2) & 121 Lowther Road, 8 Lucerne Road, 13 Lorne Road, 248 London Road, 22 Mayfield Crescent, 11 Marine Square, 83 Maldon Road, 131 Maresfield Road, 4 (x2) & 26 Matlock Road, 15 Mornington Mansions, 29 Mayo Court, Mayo Road, 30 Mackie Avenue, Flat 13 no.16 Montpelier Terrace, 39 Navarino Road, 5 Quarry Bank Road, 12 Queen Alexandra Avenue, 334 Queens Park Road, 16 (x2) Overhill**

Gardens, 7 Orchard Avenue, 33 Orchard Gardens, 2, 40, 160 & 195 (x2) Osborne Road, 9 Parkmore Terrace, 42 Patcham Mill Road, 129 Preston Drove, 7 & 19 (x2) Port Hall Street, Flat, 36 Preston Park Avenue, 11 Paradise Drive, Flat 12, 17 Portland Place, 43 Princes Road, 88 Peacock Lane, 30 Park Street: 30, 6 Plantation Way, Totnes, Devonshire, 77 Princes Crescent, 73 Rotherfield Crescent, 44 Rowan Way, 60 Reigate Road, 20 Rowe Avenue, 11 Rotherfield Close, 15, 31, 47, 58, 66 & 84 Rugby Road, Royal Crescent Mews: Royal Crescent Lodge, Flat 14, 20 Stamford Avenue, 45 St Leonards Avenue, Flat 5, 10 St Michaels Place, 16 Shaftesbury Road, 47 Stoneleigh Avenue, 9 Sarnia Close, 94 Stanford Avenue, 94 Southover Street, 51A, 99 & 110 Surrenden Road, Basement Flat 10 Studley Terrace, 39 Sandown Road, 37 Sackville Road, 61 Sandgate Road, 28B Sutherland Road, 2 Surrenden Crescent, Elizabeth House (x2) & 11 Southdown Road, Homeleigh, South Road, 70 Southdown Avenue, Culver Road, Lancing, 108 Stamner Villas, 16 St David's Close, Courtlands, Sunnydale, Nutley, Croo Kendal, The Approach, 31 Uplands Road, 51 Upper Lewes Road, 7A Varndean Road, 10 Valley Drive, 32 West Street, 34 Wordsworth Street, 18 Wilmington Way, 3 & 38 Withdean Crescent, 7 Winfield Avenue, Flat 1 12-14 Wellington Road, 19 Whittingehame Gardens and 32 (x2), 42, 75, 95, 96 & 111 Waldegrave Road.

5.5 The scheme is supported on the following grounds:

- The current grounds are virtually unusable throughout the autumn and winter. The scheme offers wider curriculum opportunities for the school and the adjacent schools as well after school clubs. The benefits to the school are undeniable.
- This will promote an active lifestyle for the school and all the community, including local clubs. The scheme would promote the benefits of an active lifestyle to the health and well-being of people in the city.
- There is no other all weather pitch in the area and a shortage of similar facilities in the city.
- The area will be screened and add to the butterfly havens across the city. The school intends that the local environment will be enhanced, including the planting of trees. The school intends to re-use the displaced chalk on site to create a rich network of surrogate habitats. The school has had great success with its Butterfly Haven and this scheme will fund further havens.
- The facility will dovetail with government policy to promote physical exercise and sport as a way to develop good health and fight obesity.
- The scheme is far enough away from the nearest housing to be acceptable.

5.6 **Preston Park & Fiveways Local Action Team:** Object:

- There has been no open debate between members of the community and the school and sparse information circulated was circulated.
- The scheme results in a loss of privacy, light pollution, environmental damage, loss of trees and a reduction in biodiversity.
- The scheme also results in the likelihood of anti-social behaviour and the change of use of the playing fields to a commercial business use.

- 5.7 **Councillors Ann and Ken Norman:** Object - letter attached
- 5.8 **Active Sussex, University of Brighton Sports Centre, Falmer:** Support: The development will promote health, increase participation, tackle inequality, improve employment and enhance the local ecology.
- 5.9 **Sussex County Football Association Ltd:** Support: The facility will provide much need facilities and be a major boost to the school.
- 5.10 **Brighton & Hove's Wildlife Forum:** Object: The agent of the application is not based in Brighton. Consequently, there is little benefit to the local economy. The environmental costs of the application are high. The desire for a free or very reduced cost artificial turf pitch has taken priority over the school's consideration of the true biodiversity costs of installing this pitch over the local native wildlife.
- 5.11 **East Sussex County Ecologist:** Comment: The level of ecological surveys submitted is not sufficient to inform mitigation, compensation and enhancement. A further biodiversity report is required to assess the likely impacts of the scheme.
- 5.12 **East Sussex Fire & Rescue Service:** No objection.
- 5.13 **Environment Agency:** No objection.
- 5.14 **Southern Water:** No objection subject to the following:
- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer crossing the site and all existing infrastructure.
 - Existing infrastructure should be protected during the course of construction works.
 - The applicant needs to ensure that arrangements exist for long term maintenance of the Sustainable Urban Drainage Systems to be installed.
- 5.15 **Sport England:** No objection subject to the use of the development shall not commence until a community use agreement has been submitted to and approved in writing by the Local Planning Authority.
- 5.16 **Sussex Police:** No objection to the design. Due to the increase in legitimate access to the school's grounds, the risk opportunist theft could increase. The crime prevention adviser refers to the document Secured by Design Schools Documents 2010 for advice regarding siting, access, use and security.
- 5.17 **UK Power Networks:** No objection.

Internal:

- 5.18 **Arboricultural Section:** Objection: The proposed artificial turf pitch involves the loss of several trees and mixed hedging, as well as two magnificent mature Elms. The Elm trees have been categorised as A1 in the submitted

Arboricultural Consultant report. This means they are of high quality with an estimated life span of 40 years. Both of these trees are covered by a tree preservation order. These trees contribute to the City's National Elm Collection and the Arboricultural Section objects to the loss of these Elms which are in good health and are fine specimens.

5.19 **Environmental Health:** Object: In the absence of information to address the issues regarding the noise impact of the scheme and lighting levels, refusal is recommended on the grounds that without sufficient data, the scheme is likely to result in a detrimental impact on the amenity of adjacent properties.

5.20 **Policy Section:** No comment.

5.21 **Sports Facilities / Sports Development:** Support. The scheme improves the opportunity for pupils to engage in sport and physical activity.

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

- No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment and transport movements in addition to details of temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in compliance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.
- The development hereby permitted shall not be occupied until a School Travel Plan for the development has been submitted and approved by the Local Planning Authority. The School Travel Plan shall be approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted.
- To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £60,900 to help finance off-site highway improvement schemes.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD26	Floodlighting
QD27	Protection of Amenity
HO19	New community facilities
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space

Supplementary Planning Guidance:

SPGBH4	Parking Standards
Interim Guidance on Developer Contributions	

Supplementary Planning Documents:

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

SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the proposed development; impact on trees and nature conservation the visual impact; impact on neighbouring residential amenity, with emphasis on noise and floodlighting; transport implications; and the benefit of the facilities both to the school and the community.

Principle of Development:

8.2 Policy SR17 of the Local Plan states planning permission will be granted for smaller scale new sporting and recreation facilities provided that:

- a. it involves either the expansion of existing facilities or the provision of new facilities located close to the communities that they are intended to serve;
- b. they have good pedestrian and cycle links and are well served by public transport; and
- c. intensification of facilities would not have a harmful impact on the local environment either visually (including artificial lighting), through additional noise and disturbance or impact on the natural environment.

8.3 New facilities should be located close to the communities they are intended to serve in order to reduce the length of journeys needed to get to them and school sites are well suited to provide additional community recreation facilities. Educational sites should play an important role in the location and provision of new facilities through the development of community sports programmes.

8.4 Policy SR20 is concerned with protecting public and private outdoor recreation space and states permission will not be granted for development on areas of outdoor recreation space other than that which is incidental and appropriate to the respective recreation uses unless it can be demonstrated that the land is not an important open space under the terms set out in Policy QD20 and particular attention should be paid to the retention of playing fields.

8.5 In this instance the proposal would enhance sports and recreation facilities for the benefit of pupils of the school and the wider community. Unlike the existing playing fields, the proposed pitches could be used throughout the year and in all weathers. Such facilities encourage children to play sports and lead active lifestyles. Outside of school hours the proposed facilities would provide a useful resource for local sports clubs and groups and the location within a residential area is appropriate for serving the local community.

8.6 As well as providing all year round facilities for the Dorothy Stringer School, the new pitch would offer facilities for the other schools and college within the Varndean campus. The facility would allow sports to be undertaken when the indoor facilities are being used for exams. The applicant has stated that the pitch would also cater for the city wide School Games Organiser competitive

programmes and provide for the training and development of city wide coaching, Duke of Edinburgh programmes and Sport Leaders courses.

- 8.7 Albion in the Community are in partnership with the Dorothy Stringer School and intend to work with the school to further foster these links with the aid of the new pitch. Albion in the Community would provide and develop programmes to engage and improve the quality of life of the local community through coaching sessions for children of all abilities. The Dorothy Stringer School is a specialist sports school and has existing changing facilities to accommodate the proposed pitch.
- 8.8 The Design and Access Statement states that the only other 3G (3rd Generation) all weather surface pitch within Sussex of the same size and nature of the proposed development is at Midhurst Rother College Academy, which is approximately 35 miles away. There are other 3G pitches within the Brighton area such a 3G pitch at Waterhall. The Design & Access Statement indicates that the pitch would for the most be part used by the school and for community purposes and not for competitive matches.
- 8.9 Sport England has raised no objection to the scheme subject to a community use agreement being in place. Brighton & Hove City Council Sports Facilities Team support the proposal as it improves the opportunity for pupils and residents to engage in sport and physical activity.
- 8.10 The proposal meets the requirements of policy SR20. In terms of SR17, the proposal partly meets the objectives of the policy in that it provides new sporting facilities close to the community and has good pedestrian and cycle links. However, the proposal requires the removal of trees under tree preservation orders. In overall terms, there is no objection to the principle of pitch provided the impact on the natural environment is acceptable. This issue is discussed below.

Impact on trees:

- 8.11 Policy QD16 of the Brighton & Hove Local Plan relates to the retention and protection of existing trees on site. Supplementary Planning Document 06: Trees and Development Sites (SPD6) outlines guidance for developers on the retention of trees on development sites.
- 8.12 Should this application be granted consent, the scheme would result in the loss of two distinctive groups of trees within the site. The first group relates to a clump of four groups of mixed species of semi-mature trees. These have all been planted close together and none are likely to mature into fine specimens, having been grown as screening / clumps. These trees were planted as part of a landscaping scheme required under condition 6 of application BH2001/02112/FP. That scheme was for the construction of a new sports block, changing facility art block & 3 storey classroom block.
- 8.13 The Arboricultural Section does not object to the loss of these groups. The loss of these trees is regrettable as they do have some amenity value. The trees partly shield the view of the swimming pool extension from the south and east of

the site and also have some biodiversity value. However, the trees are semi mature and the proposal includes a landscaping plan which indicates over 30 replacement Elm trees. These replacement trees would be sited along the realigned entrance and adjacent the proposed artificial pitch. Having regard to the age of the trees and the comments of the Arboriculturist, no objection is raised to the loss of these trees.

- 8.14 The proposal also includes the loss of 1 x Cherry located near the entrance of the school at the end of the vehicular access. This tree has been categorised as C1 in the submitted tree survey. This means it is a tree of low quality with an estimated remaining life expectancy of at least 10 years, an unremarkable tree of very limited merit. This tree is covered by TPO (No 15) 1999 (Tree T61), however, it does appear to be of low quality and the Arboricultural Section does not object to the loss of this tree.
- 8.15 The second group of trees and bushes to be removed are located adjacent the vehicular access to the site. These trees separate the Dorothy Stringer School from Balfour Junior School. These groups of trees include 2 mature Elms located in a visually prominent position at the end of the group of trees.
- 8.16 These trees are fine specimens. Not only are they covered by Tree Preservation Order, but they help to make up Brighton & Hove's National Elm Collection. Brighton & Hove has always had a high population of Elm trees and currently has over 17,000. These were originally planted in large numbers by the Victorians and Edwardians. This was because of the trees' tolerance to the thin chalk soil and salty winds. Elm Trees also house elm-dependent White-letter Hairstreak butterflies, a species which has been on the decline in areas that have suffered with Elm Disease.
- 8.17 In the early 1970s the council introduced a new programme to control a highly infectious form of Elm disease which was introduced by imported Rock Elm from North America. The success of the programme to fight the disease is still clear today from the many thousands of Elms throughout the city. In 1998, due to the success of the local Elm disease control programme, the city was granted full National Collection status by Plant Heritage. Brighton's National Collection of Elm trees has been preserved by preventing Dutch Elm disease from getting into Brighton.
- 8.18 The two Elm trees in question have been categorised as A1 in the Arboricultural Consultant's tree survey. This means they are of high quality with an estimated remaining life expectancy of at least 40 years, trees that are particularly good examples of their species. The Arboricultural report submitted with the application concludes that the loss of these trees is acceptable subject to suitable replacement planting, however, the Arboricultural Section disagrees with this conclusion and objects to the loss of these two fine Elms.
- 8.19 When assessing the amenity value of trees, issues such as the size of the tree, its life expectancy, form and public amenity are relevant. The public amenity assessment is based on how much of the tree or trees can be seen, and from which point. Future amenity value or potential to contribute to the area are also

considerations. In this instance, the trees have substantial amenity value given their health, age and prominence in the campus and surrounding area.

- 8.20 SPD6 states that 'trees are of considerable importance to the built and natural environment and make a significant contribution to the amenity of an area. They can screen and soften hard landscapes, provide shelter and habitat, and filter pollution.' The SPD also emphasises the importance and success of the National Collection of Elms in Brighton.
- 8.21 Dorothy Stringer School's "A Vision Statement Re Brighton & Hove Planning Application Number BH2013/03280" states that the School is aware that the development is controversial because of the loss of the two Elms, and states that the school is committed to replacing these trees with fifty substantially sized native and locally appropriate trees. The landscaping plans attached to the application show a new avenue of trees along the entrance to the school, as well as other clumps planted within the grounds, as mitigation for loss of the Elms and other trees that will need to be removed to facilitate development.
- 8.22 Replacement tree planting has been considered as part of the planning application, however, the Arboricultural Section objects to the loss of these two Elms as not only are they covered by Preservation Order, but they help comprise the City's National Elm Collection. The replacement trees shown in the landscaping plan do not justify or mitigate for the loss of these two fine trees.
- 8.23 Given the significant visual amenity value of these trees and their importance in the City's National Elm Collection, the proposal is considered to be unacceptable. The scheme is therefore recommended for refusal on these grounds.

Design:

- 8.24 Policies QD1 & QD2 of the Brighton & Hove Local Plan states that all proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the surrounding area. Policy QD1 states that it does not seek to restrict creative design provided that new development can still be integrated successfully into its context.
- 8.25 The installed appearance of the artificial pitch will be a green coloured grass playing surface with white and blue coloured line markings. The appearance of the pitch would be dominated by the proposed fencing and floodlights. Perimeter fencing is required around all sides of the pitch to provide a ball-stop. The fencing would be open steel mesh fencing and is generally 3m high. The fencing increases to a height of 4.5m behind the goalmouths to provide enhanced ball retention to shooting areas. The scheme includes floodlighting around the pitch to facilitate its use during evenings and throughout the winter months. Eight floodlighting columns are proposed to a height of 15m. Four floodlights are proposed to the north and south sides of the pitch. The scheme includes a viewing area within the fencing to the north. This area includes a storage container. No details have been given of the size of the container. If recommended for approval, these details could be secured by condition.

- 8.26 The proposed pitch would replace part of Dorothy Stringer's School's natural grassed playing field. The area of development runs from the lower level to the west to a higher level to the east and is in front of existing school buildings, including a swimming pool. The area is mostly grass and includes a practice area for cricket wickets. This area is to be relocated within the school grounds. To facilitate the development, the scheme includes extensive ground works to level the site. This would mainly involve the removal of soil and chalk from the east side of the site and its reuse for new butterfly havens within the Varndean Campus. The scheme includes natural grass banking around the perimeter of the pitch to slope back to the existing ground levels.
- 8.27 The scheme includes the realignment of the vehicular access to the site to allow the new pitch. The realigned access includes replacement parking. The access to the site from Loder Road would remain the same.
- 8.28 The pitch itself is large measuring 107m in length and 76.5m in width. It would form a dominant structure in the campus and would be highly visible in the area. There are other outdoor sports pitches within the Varndean campus. The existing pitches are significantly smaller than the proposed pitch at Dorothy Stringer. Whilst substantial in size, given the setting of the school and the overall campus, the scheme is not considered to significantly detract from the visual amenity of the area.
- 8.29 The pitch would be set against the backdrop of the school and would be a significant distance from the nearest residential properties. The nearest residential properties on Loder Road lie to the south of the site and would be over 100m from the proposed pitch. As such the perimeter fencing is not considered unduly harmful to neighbours' outlook and would not have an overbearing impact. The school playing fields are used for sport, and in this context, together with the variety of building forms within the school campus, it is not considered the appearance of the artificial pitches and lighting columns would be incongruous or detrimental to visual amenity. Given the site context within the school playing fields and Varndean campus, the proposal would not stand out as an inappropriate addition and is appropriate in terms of its design.

Impact on Amenity:

- 8.30 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.
- 8.31 Policy SU10 states that proposals for new development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment.
- 8.32 The proposed development could affect residential amenity in two ways: noise and disturbance from people arriving and leaving and taking part in sport, and the light being emitted from the proposed floodlights. The assessment of the amenity impact is focussed on the use of the proposed pitches outside of school

hours – in the evenings and at weekends – because during the school day the pitches would be used by pupils of the school as the existing playing fields are used. It is though also acknowledged that the facilities would result in an intensification of the use during the school day.

- 8.33 It is anticipated that sports use of the proposed artificial pitches would produce noise from spectators and participants shouting and perhaps the sound of a referee's whistle. The separation distances between the pitches and the nearest residential properties are as far as can practicably be achieved on the site and such sounds, though they may be heard by neighbouring residents, should not be intrusive or unduly disturbing and would not necessarily be more harmful than the noise from sports activities which do currently take place on the school playing fields.
- 8.34 Noise created from the use of the proposed pitch will undoubtedly increase to the overall levels of noise that neighbours already experience. This will mainly be due to:
- 8.35 The floodlights will mean that the area can be used for longer periods throughout the year;
- 8.36 The re-development will make the pitches a desirable facility to use and it would be reasonable to assume that the school will want to maximise its income stream from third party users. Indeed, on page 13 of the Planning Statement contained within the application it states: 'A variety of sports clubs and groups have already shown an interest and signed up for continual use of the facility. In addition to club use, a number of other community providers have also shown an interest in the site.';
- 8.37 On page 15 of the Design & Access statement it says: 'the maximum number of players with referees on the ATP will be 45 people. Given an overlap period for users to change this would be a maximum number of users at any one time of 90 people after school hours.' The noise created by the 90 users (which does not include any spectators) could at times be considerable.
- 8.38 Clearly, there is an existing level of noise and other general disturbance generated by the school. The Environmental Health Officer has commented that he cannot be confident how much additional disturbance will arise, whether it can be managed and whether or not this will have a detrimental impact on the inhabitants of nearby residential properties.
- 8.39 Accordingly, the Environmental Health Officer has commented that further information in the form of an acoustic report is needed to make a full assessment of the application. The report needs to detail the probable noise levels and assess whether or not they will be at a level likely to cause unreasonable disturbance to the nearby receptors.
- 8.40 The proposed hours of use for the pitch are as follows:
07.30 to 22.00 Monday to Thursday
07.30 to 19:00 Fridays
09.00 to 18.00 Saturdays and Sundays

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- 8.41 As a result of the proposal the use of the area for sports may be intensified and would occur over extended hours. The existing playing fields could be used at all of these times for sporting activities. Sporting activities would intensify by virtue of the artificial pitches and floodlighting, enabling use throughout the year and in all weathers.
- 8.42 While the application details proposed hours, a full noise impact assessment is not present. Potentially the pitch could have intensive use for all of the hours proposed. The Environmental Health Officer considers that the hours of use should be reduced to the following: 08.00 to 20.00 Monday to Friday, 09.00 to 17.00 Saturdays and 09.00 to 13.00 Sundays and Bank Holidays.
- 8.43 The applicant has reduced the hours as originally proposed. The hours as originally proposed included the use of the pitch until 22.00 on Fridays. Taking on board the advice of the Environmental Health Team, this has been reduced to 19.00. The applicant has stated that under FA guidance, they require the pitch to be open for a minimum number of hours and consequently cannot agree to the hours suggested by the Environmental Health Team.
- 8.44 There is concern that allowing the pitch to open until 10pm on Monday to Thursday would result in a detrimental noise impact on the amenity of adjacent properties. The applicant has clarified that the pitch would for the most part be used for community uses such as training when not used by the school and not for competitive matches. This is noted. However, the scheme would still result in intensified use of the site and potential noise impact even if it is just used for community purposes.
- 8.45 Without the benefit of a full noise impact assessment, the use of the pitch until 10pm during the week is unlikely to be acceptable.
- 8.46 Policy QD26 of the Local Plan applies to proposals for floodlighting and states proposals for floodlighting are required to keep to the minimum necessary level of light intensity and to an appropriate number, height, design and size of structures and fittings necessary to minimise light pollution and harm to amenity. Floodlighting which creates significant illumination beyond those areas requiring illumination or will result in detriment to amenity or to sensitive areas and their settings will not be permitted.
- 8.47 The application includes a 'Lighting Impact Statement' and a Floodlighting Scheme, both prepared by Surfacing Standards Ltd. Surface illuminance levels need to be mapped to ensure that lighting levels as given by Sport England are achieved. A key document in terms of lighting design (especially relevant now, considering the light can now be classed as a statutory nuisance under the provisions of the Environmental Protection Act 1990), is The Institution of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light'. This is the nationally recognised reference document for lighting performance.
- 8.48 A copy of the document is included within the application and reference is made to it and its prescribed standards within the Lighting Impact Statement. The Environmental Health Officer has commented that the predications are

favourable and an acceptable range within which the luminaire intensity should fall and not exceed (given in candelas) is stated for the locality for which Dorothy Stringer School falls into – E2 (villages or relatively dark outer suburban areas).

- 8.49 The Environmental Health Officer appreciate the predictions indicate that the installation will meet the most stringent of the light control parameters detailed within the guidance. However, further information is required to fully ensure that the floodlights are acceptable.
- 8.50 Within the Lighting Impact statement it states: 'As less than 2 Lux vertical illuminance will be projected towards any residential property, the system will exceed the requirements for an environmental zone E2 location.'
- 8.51 In order to understand how the prediction of 'less than 2 Lux vertical illuminance' has been arrived at, the Environmental Health Officer would wish to see further mapping of predicted illuminance with details of vertical illuminance predictions across the site as opposed to the surface illuminance already extensively detailed in the floodlighting scheme graphical tables.
- 8.52 Recent floodlight installations in Brighton & Hove have shown that the issue for surrounding properties is not necessarily the spill of illuminance from lighting the pitch itself, but from the glare created at source by the lamp and the luminaire itself. Due to this, the Environmental Health Team would ask that ways to prevent excessive glare are carefully considered prior to installation.
- 8.53 In the absence of the information to fully address the issues regarding noise disturbance and luminance levels, the scheme is recommended for refusal on the grounds that the use of the pitch and the proposed floodlighting will have a negative impact on the neighbouring amenity, by reason of light pollution and noise disturbance. The scheme is thereby contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 8.54 In accordance with policy TR1, any development should provide for the demand for travel it creates and maximise the use of public transport, walking and cycling.
- 8.55 The applicant is proposing to retain the existing pedestrian routes within the site. Pedestrian access to the site can be achieved from Loder Road from the south, Stringer Way to the north east and Draxmont Way to the north west. The majority of pedestrian routes within the site are segregated from other road users and are deemed acceptable.
- 8.56 The applicant states that there are currently 35 cycle parking spaces on site. These are located close to the car parking areas and near the proposed sport pitch and are therefore deemed acceptable to cater for any additional demand occurring outside of school hours.

- 8.57 SPG04 states that the minimum standard for disabled parking for a D2 (sports pitch) land use is 3 disabled spaces for up to 2500m² gross floor space and thereafter an additional 1 space for each 1000m². Therefore for this development the minimum disabled car parking standard is 8 spaces. The applicant is proposing 4 disabled car parking spaces on-site. While this provision is below the minimum standards in SPG04 it meets the guidance contained within the Department for Transport (DfT) guidance "Parking for Disabled People" which requires 5% of overall provision to be disabled parking. The Highway Authority therefore deems the disabled parking provision acceptable. If recommended for approval, the usage of the disabled car parking could be managed through the Travel Plan process and additional disabled parking provided as necessary.
- 8.58 The main vehicular access is retained from Loder Road. However, the existing internal access road is to be slightly altered to provide a bus turning circle and the route slightly realigned to accommodate the Artificial Turf Pitch (ATP). The Highway Authority has no objections to the access road amendments.
- 8.59 The maximum car parking standard for a D2 (sport pitch) land use is 1 car space per 2 players at the busiest period plus 1 car space per 5 spectator positions. The applicant intends to retain the existing car parking provision of 89 car parking spaces including 4 disabled parking spaces. Given that these are existing car parking spaces the Highway Authority would not object to the proposed car parking provision. Given the level of car parking available and the demand generated by this development it is unlikely to result in overspill car parking on the adjacent highway.
- 8.60 The applicant hasn't submitted a Transport Statement in support of this application that details a forecast of the likely trip generation associated with this proposal or any modal split data as to how people will travel to the site. The trips associated with the operation of the ATP during school times are already taken account of as they are associated with the operation of the school. The use outside of school times associated with other schools and community use may increase the trips above existing levels as there could be more people partaking in activities at any one time than is currently the case. This is because of the improvement in the quality of the facilities could encourage people to relocate from other sites within the city to this one and because the flood lights enable continuous use of the site throughout the year. Even taking account of the fact that the school currently hires out their sports hall and pitches and the potential for divert trips from other facilities there is considered to be an increase in trips as a result of this development.
- 8.61 Given the scale of the development it is forecast that there could be an increase in total person trips associated with this development. The Highway Authority would therefore look for this to be mitigated by the applicant funding off-site highway works. To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 2nd February 2012, the Transport Team has recommended a financial contribution of £60,000.

- 8.62 As this scheme is for a community use and does not increase the number of children on site or result in overspill of parking onto the surrounding streets, it would be unreasonable for the Local Planning Authority to request this contribution for this scheme.
- 8.63 The applicant has submitted a Travel Plan dated October 2012. As a result of this application the applicant must produce an updated Travel Plan which takes account of the Council's latest School Travel Plan guidance and the fact that there could be increased use of the facility in the evening. The School Travel Plan must promote sustainable forms of travel to community users. Measures that should be included are the provision of public transport information at the point of booking and relevant transport information on any promotional material or website. If recommended for approval, an updated Travel Plan could be required by condition.
- 8.64 Subject to the submission of Travel Plan, the scheme is deemed appropriate in terms of its demand for travel and highway considerations.

Sustainability and Biodiversity / Ecology:

- 8.65 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.
- 8.66 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill.
- 8.67 Policy QD18 of the Brighton & Hove Local Plan relates to the protection of protected species and states that measures will be required to avoid any harmful impact of a proposed development on such species and their habitats.
- 8.68 The change in levels from the excavation work gives the school the opportunity to take advantage of the underlying chalk material. This material attracts and offers support to a diverse flora and many rare species such as butterflies. The school has an existing butterfly haven located to the north of the school. The butterfly haven at the Dorothy Stringer School has launched the 'Big Butterfly Count' in previous years and is recognised as a great success. The school are understandably proud of their biodiversity achievements and are an established Local Wildlife Site. The school intends to reuse the excavated chalk to create a minimum of 8 new butterfly havens within the campus. These new butterfly havens will add to the biodiversity of the area.
- 8.69 The scheme includes the removal of a number of trees within the site to accommodate the proposed pitch. Neither of the two areas of trees to be removed are included in the Dorothy Stringer Wildlife Area. To compensate for the removal of the trees, the applicant is proposing extensive landscaping. Most notably, the scheme includes the planting of over 30 Elm trees along the realigned access and around the site.

- 8.70 The previous biodiversity achievements and intentions of the school are recognised. However, the loss of the existing areas of woodland needs to be fully considered in respect of their potential ecological benefits. The East Sussex County Ecologist has commented that the level of ecological surveys is not sufficient to inform appropriate mitigation, compensation and enhancement.
- 8.71 Given the loss of woodland / hedge, the scheme requires a Preliminary Ecological Appraisal (PEA) to be carried out to assess the likely impacts of the scheme. The survey and assessment should consider the proposed development and the surrounding area. The report should also consider the existing nature conservation resource of the site, identify impacts and assess the need for avoidance, compensation and new benefits for biodiversity, including the potential to create and/or strengthen connectivity between existing habitats.
- 8.72 The applicant has submitted additional biodiversity information to address the comments of the ecologist. The ecologist has commented that the additional information is still insufficient and that a full biodiversity report is required. If recommended for approval, a condition could be recommended requiring the submission of a preliminary ecological appraisal to be submitted prior to commencement of development for the approval of the Local Planning Authority. Subject to this condition, the scheme is deemed appropriate in respect of its impact on nature conservation.

9 CONCLUSION

- 9.1 The proposal would benefit the school, the campus as a whole and the wider community. However, the proposal results in the loss of two mature Elms protected by tree preservation orders which are part of the National Elm Collection, are of good health and of significant positive visual amenity value. The significant adverse impact of the loss of these trees is not outweighed by the benefits of the scheme.
- 9.2 The proposal also raises concerns regarding its impact on the amenity of adjacent premises in respect of noise disturbance and light pollution.
- 9.3 The proposal is therefore recommended for refusal on these two grounds.

10 EQUALITIES

- 10.1 The proposal would allow suitable access for people with disabilities.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

- 1) The proposed development would result in the loss of two healthy and mature Elm trees which form part of the National Elm Collection and are covered by a tree preservation order. The trees make an important contribution to the visual amenity of the area. The loss of the trees would be materially harmful to the character and appearance of the area and to

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the objectives of the National Elm Collection. The proposal is therefore contrary to policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD06: Trees & Development Sites.

- 2) Insufficient information has been submitted to demonstrate that the impact of the use of the pitch and the proposed floodlighting will not have a negative impact on the neighbouring amenity, by reason of light pollution and noise disturbance. The proposal is therefore contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Tree Layout	RWG-NDJ-13-17B		9 th October 2013
Tree Layout	RWG-NDJ-13-17A		9 th October 2013
Existing Site Location	01	01	27 th September 2013
Block Plan	02	01	27 th September 2013
Proposed Location Plan	03	01	25 th October 2013
Proposed ATP Plan	04	02	25 th October 2013
Elevation Plan	06		27 th September 2013
Floodlighting Scheme	07	01	27 th September 2013
Landscaping Plan	08	01	27 th September 2013
Section A-AA and B-BB Existing and Proposed	10		25 th October 2013
Section C-CC and D-DD Existing and Proposed			25 th October 2013
Outline Landscape Plan	LP1C		25 th October 2013
Topographical Survey	T1	01	25 th October 2013

Dear Mr. Hawkes,

Address: Dorothy Stringer School, Loder Road, Brighton BN1
6PZ

Application number: Planning Application BH2013/03280

Description: Installation of an artificial turf pitch with associated
fencing and floodlighting, incorporating alteration to
internal access and landscaping works

Application type: Full planning

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

The plans are certainly ambitious and represent a major change to the school but will have a serious adverse effect on the very large surrounding area and the residents who live in that area.

Traffic and parking: The number of cars arriving Dorothy Stringer campus will be significantly greater as well as increasing the potential danger in a residential area not designed for this purpose. If 90 people arrive and leave per hour, this could add up to approximately 4,000 per week.

Sound and light pollution: We have already heard from neighbours of Blatchington Mill ATP how their lives have been badly affected by the floodlights and sound and it would be similarly relentless in this case.

The current green grass playing area will be destroyed: To be replaced with an artificial surface that is not intended to support wildlife.

Noise: No games are ever played in silence and the noise will be heard over the whole neighbourhood and the 15m floodlights will illuminate the whole area especially being viewed looking from residential properties above and within the surrounding area.

The deciduous trees growing on Balfour Primary School pitch will drop their leaves in the autumn which will also lead to the display of the whole lighting system to the surrounding residential properties.

No extra parking provided: With four schools on this campus there is already chaos during school arrival and departure times on all the surrounding roads. Existing sports matches at other times cause extreme congestion with cars parked on verges in Stringer Way and on pavements in Balfour Road, Surrenden Road and all other roads in the immediate area.

We are told that most, if not all participants in sports events on the artificial turf would arrive and depart by bus which we believe is highly unlikely as buses are

very low and low in numbers in the evening. The main entrance to the campus via Loder Road will continue to be the main entrance and will be heavily used for extended periods so with the expected increase of vehicular movements, this entrance would appear to be insufficient to cope with the extra volume of traffic.

The hours of operation - Monday to Friday 08.00-22.00, Saturday 8.00-18.00 and Sunday 8.00-18.00 will greatly increase noise and disturbance for residents.

The proposal will cause light and noise pollution, and will change the nature of a field which is used by children during the school day, into an intensively used, commercial sports facility, which is rented out for profit for up to 14 hours per day, seven days per week, and all to the detriment of local residents.

We understand from adjacent residents that their lives are already becoming intolerable because of the volume of traffic. If this planning application is successful, then the small respite that residents currently have through school holidays and at some other times will disappear completely especially given the success of this application is based entirely on it having as much use as possible. The result being, the more successful the pitch, the worse it will be for residents.

The proposal will destroy some of the visual amenity of the site by removing mature woodland, opening up views of existing buildings, the proposed pitch with 4.5m high steel fences and 15m high floodlights. The proposed landscaping scheme further provides poor visual and noise-blocking partitioning. We also have concerns about the proposal's impact on the Council's own 'Green Infrastructure Network Study 2009', which confirmed the open spaces around the school as a "green buffer zone".

Flood Lighting: Included in the details of the proposal, in referring to the floodlights, it states, "The following results . . . will be the results when first installed and up to the first 100hrs of usage". What therefore, will be the results from the 101st hour onwards?

Further, the proposal also states: "The nominal values shown in this report are the result of precision calculations, based upon precisely positioned luminaires in a fixed relationship to each other and to the area under examination. In practice the values may vary due to tolerances on luminaires, luminaire positioning, reflection properties and electrical supply." This seems to confirm that the evidence and data supporting the proposal does not take account of light that will be reflected back up from the pitch and which will result in significantly increased light pollution - which we understand also occurred at the Blatchington Mill development, when the pitch was closed for several weeks for this reason. This encourages one to fully scrutinise other apparent evidence and data supporting the proposal, which appears incomplete, some residents have suggested this is misleading.

Trees: This proposal will involve felling two mature Wheatley Elms protected by tree preservation orders, and approximately 50 other healthy native trees including Beech, Field Maple, Lime, Ash, Elder, Hazel, Hawthorn, Sycamore and



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COUNCILLOR REPRESENTATION

Wildlife were planted as an original condition of the planning permission for the sports hall, in order to enhance the school site for the benefit of the neighbours, wildlife and pupils.

The Varndean and Dorothy Stringer Campus form part of the network of the linear wildlife corridors within 'The South Downs Way Ahead Nature Improvement Area' that lies within half a mile of the South Downs National Park. The woodland which will be destroyed is situated within 50 meters of an officially designated Local Wildlife Site which is known to have two UK BAP species; the Brown Banded Carder Bee and the Small Blue Butterfly. The woodland is well established and is a diverse habitat for invertebrates, reptiles, birds, badgers, slowworms and bats, all of which have all been sighted on the Campus.

We believe this proposal is contrary to Policies TR2, TR3, SU10, QD2, QD26 and QD27 as stated in the current Brighton and Hove Local Plan and therefore should be refused.

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. In addition, please note that one of us requests the right to speak at that Planning Meeting.

Yours sincerely,

Councillor Ann Norman

Councillor Ken Norman

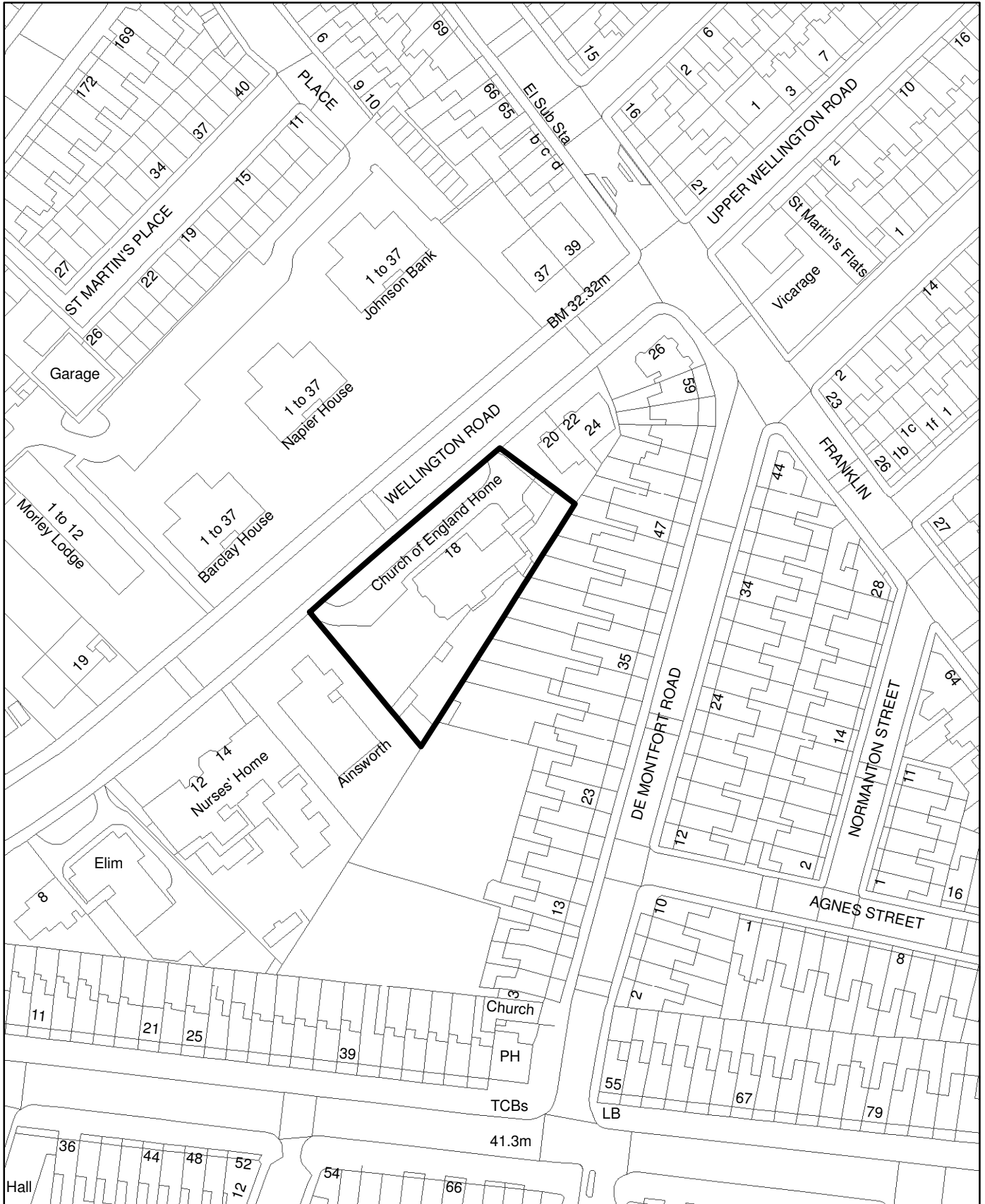
ITEM C

18 Wellington Road, Brighton

**BH2013/01254
Full planning**

11 DECEMBER 2013

BH2013/01254 18 Wellington Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

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

This application was withdrawn from the agenda on the 28th August 2013 as the applicant submitted plans and drawings which arrived too late for officers to consider whether the application should be re-advertised or whether the submission amounted to a fresh application. The amendments have been advertised and the report has been updated appropriately.

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

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

road is a group of Victorian terrace houses. To the rear of the site (the east) occupying higher ground are three storey terrace houses, while to the north of the site, occupying lower ground than the application site are a pair of Victorian houses.

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

3 RELEVANT HISTORY

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

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

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

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

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

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

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing building and the redevelopment of the site to provide two separate blocks comprising a total of 31 one, two and three bedroom flats. Associated parking, cycle parking, amenity space and bin storage would also be provided.
- 4.2 Block A would be located on the north-eastern side of the site and would comprise 3 storeys and accommodation in the roof. This block would comprise a total of 6 three bedroom flats, 4 two bedroom flats and 7 one bedroom flats.
- 4.3 Block B would be located on the south-western side of the site and would comprise 3 storeys and accommodation in the roof. This block would contain a total of 6 two bedroom flats and 8 one bedroom flats.
- 4.4 6 off-street parking spaces, including 3 disabled bays, would be provided to the north-west of the proposed blocks.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Twenty One (21) letters of representation have been received from 29A, 31, 33, 35, 37, 39, 41, 49, 51A De Montfort Road, 11B Gladstone Terrace, 14 Seville Street, 4 Upper Wellington Road, Flat 8 12-14, 19, 20, Flat 1 20, 22A, 36 Johnson Bank and 37 Wellington Road, Flat 1 Downsvieiw 26 Compton Road and Chris Dent (Consultant acting on behalf of De Montfort Road residents)**

objecting to the application for the following reasons:

- Inadequate off-street parking provision. The development will impact car ownership and parking in an already congested area. The Developers statement that there is “significant spare capacity on street to accommodate overspill” is simply not true. If Block B was not proposed there would be room for more parking to the rear,
- Wasteful resource of existing building. The loss of the original façade is very sad, the existing property is a building of interest. A sympathetic re-modelling of the existing building would be desirable. If Block B was not proposed the residents of Block A would have some outside space, there does not seem at present even space for clothes drying,
- The area is very densely populated, with the blocks of flats along Wellington Road and lately in the locality a lot of student HMOs with 5 or 6 people,
- The development provides no 3 bed family accommodation,
- Previous objections have focused on the overbearing scale and size of the development of the site as well as the plans for demolition of the current building. This recent application is again unreasonable in its size, proposed use and lack of consideration for neighbours, the local community and environment. The mass, density and impact on the local environment does not seem to be in sympathy with the Council’s ideologies and values for community planning, green spaces and protection of habitats and the interests of the city and its population,
- Loss of neighbouring amenity, particularly with respect to the overbearing and dominating effect of two larger buildings, taking into account distance from neighbouring boundaries, density, size, height, loss of light, increased noise and light pollution,
- Loss of light, skyline and sunlight and overshadowing to neighbouring properties,
- Approval BH2011/03796 is an extant permission for 25 self-contained flats for people with learning difficulties, so still a community facility. The new application is radically different and will have a seriously different effect on local amenities, traffic, comings and goings at all hours, as well as the safety and well being of the established local population. Therefore the previous planning permission should have no real influence or effect on the planning process for approval in this instance. Furthermore the extant plans are considered to be unreasonable in size and scale so the proposers comparison of the new application to the extant plans does not provide a satisfactory rationale,
- The garden around the existing building is a wildlife haven and should be kept as a garden. No bat, swift or nature assessments including the

potential damage to the mature trees have been addressed. Will harm wildlife including bats and badgers,

- Residents searching for parking spaces in area will cause safety issues, especially as the roads are used by children and families walking to and from schools within the area and a local park,
- The proposed very large scale and size of both buildings (3 storeys plus roof accommodation) and the overall mass would result in overdevelopment. While the planning proposal states that both blocks will be 'largely set within the footprint and height parameters of the approved scheme', this does not take into account the negative impact of the significant increase in height and width of the building to replace the existing building and the impact of an entirely new building in this space,
- The current single building is two storeys high. The proposal is for two, three storey 'blocks'. The proposal states that the height will not be increased however it is hard to understand how this will not occur with an additional floor,
- Policies HO4 and QD27 are in contradiction,
- There are errors on the plans regarding the rooflights at 3rd floor in Block A and the representation of the lift/stair tower,
- Plans do not detail a lit fire escape location. It would be wholly unsatisfactory if fire escapes were to be located to the rear of the building with lights on throughout the night,
- Lack of private amenity space,
- Have serious concerns about the rear design of the building and whether it would be in keeping with the existing building,
- Direct overlooking and loss of privacy,
- Loss of outlook for future residents due to frosted glazing/reduces opening of windows and very poor natural lighting for basement flats at rear, go against BRE Standards of day lighting,
- Plans show much higher screening on boundary treatment to De Montfort Road neighbours so not a true reflection of the reality of how overbearing the structure would be to neighbouring properties,
- Demolition of the existing building, which is considered to be a heritage asset and the lack of care that has been taken to preserve a heritage building. The 'villa' is the last remaining detached Victorian villa in the area and deserves to be retained in its entirety along with the gardens and amenity space in order to enhance the lives of its future residents and the wider community. It is disappointing the existing building has been allowed to be left in a poor state. Analysis needs to be made, in accordance with PPS5 of the importance of the Heritage Asset and the practicalities of alternative schemes to refurbish the shell as the previous application proposed,
- Loss of community use/facility,
- Lack of information to allow full review of the application such as regarding tree root protection, bat and swift surveys. The trees are visible from a range of public viewpoints and contribute to the amenity of the area. They provide a landmark feature and their loss would undermine the character of the locality. It is necessary to ascertain whether the tree protection measures are adequate,

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- The number and design of the windows on the proposed plans are not in keeping with the style of other Victorian buildings in the area or the current 'villa' and look to be over represented (far too many windows),
- The previous consent was given to a building of very different use, with less comings and goings and far less demand on local infrastructure and amenities,
- All local residents would like the building and grounds to be in appropriate use. In fact most would agree that a residential use would be acceptable, but as long as the building and green space integrity is retained. A smaller refurbishment of the building and grounds would make a desirable conclusion to the ongoing dilemma, would add to the local and wider community and not provide a further strain on local infrastructure and amenities,
- Previous approval included conditions that the windows used obscured glazing and stipulated that balcony windows and doors could not open. These previous conditions imply that the distances and overlooking to De Montfort Road properties are not enough to provide reasonable privacy,
- Loss of green space,
- The cycle parking and waste storage areas are not adequate for visitor cycle parking and fortnightly waste collection. The location of the proposed bin store will cause harm to the amenities of neighbouring properties especially on hot days and if collections are delayed,
- The new 3 bed flats seem tiny and in appropriate,
- Can local schools support such large potential influx?
- The proposed lift tower height is not clear and the excavation to the rear does not match the front elevation plans. It is not clear what the intensions are in terms of supporting the wall at the rear of the property, if they intend to significantly dig out a basement level,
- The latest proposals do very little to change the problems raised by both local residents and Council Planning Officers,
- The Level may be fabulous but it is still too far for families with children,
- The extra cycle storage is comical and pretty well unusable due to access through the waste and recycling bin, and
- The minor changes to the front windows do not change the fact that there are too many, disproportionate in size and out of keeping with the true Victorian style. The dormer roofs should be pitched and not flat or are they just inappropriately sized?,

5.2 **53 De Montfort Road, Comment**. Pleased that the building will no longer lie empty and provide housing and the plans look stylish however is concerned about parking as the plans show 6 spaces, 3 of which are disabled parking. This seems inadequate for thirty apartments and is a concern as parking is already at a premium in the neighbourhood.

5.3 **27 Napier House, Wellington Road, supports** the application on the grounds that an earlier proposal to demolish the building was opposed on the ground that the existing building was of merit and a use for it should be found; several years have passed and in its abandoned state it has become an eyesore. There

is a chronic housing shortage in Brighton and this proposal would help ease the situation, albeit only to a small degree and is urgently needed.

- 5.4 **22A Wellington Road**, comments that it is depressing that it has to start from scratch, the existing building could be renovated and made beautiful again.
- 5.5 **Safe Net**, objects on the grounds that the organisation has been in contact with Baron Homes since September 2010 regarding the sale of the property for a D1/community space use, namely to provide a Safety Centre delivering safety services for families and children and space for voluntary groups working with children and families plus use for income generating community events. The appearance and size of the new building is inappropriate, the existing building, a heritage asset of architectural and historic interest, is proposed to be completely demolished. The current proposal does not at all aim to restore or alter the existing building, or to attempt to keep in character with the existing. Adjoining residents will suffer overshadowing, overlooking and loss of privacy from the creation of 31 additional residential units. Safety Net proposes to use the existing main structure of the building. There will be an increase in noise and disturbance from an additional 31 residents/families and their cars, for which parking will primarily be on local surrounding streets.
- 5.6 **Councillor Bill Randall**, objects to the proposal. Letter Attached.
- 5.7 **Brighton & Hove Archaeological Society**: Are unaware of any archaeological implications.
- 5.8 **CAG**: Group welcomes the application subject to details on the design, particularly the materials to be used and the dormer windows scale being amended downwards.
- 5.9 **County Ecologist**: Comment The level of ecological surveys is not sufficient to inform appropriate mitigation, compensation and enhancement. There are no statutory nature conservation sites and three non-statutory Site of Nature Conservation Importance (SNCIs) within 1km of the proposed development. Given the location, scale and nature of the proposed development there are unlikely to be any significant impacts on any designed sites or protected habitats.
- 5.10 There are six trees on site that are protected by Tree Preservation Orders. These trees should be protected.
- 5.11 From local records and the survey information provided, the site has the potential to support bats, reptiles and breeding birds. In the case of bats and reptiles, further surveys are required to inform appropriate mitigation and/or compensation.
- 5.12 **East Sussex Fire and Rescue Service**: Following an assessment of the application have no comments to make but would recommend consideration of active fire safety measures.

- 5.13 **Environment Agency:** Following an assessment of the application have no comments to make.
- 5.14 **Southern Water:** Comment Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development and can provide a water supply to the site (subject to formal applications by the applicant or developer) but there are no public surface water sewers in the area too serve the development.
- 5.15 **Sussex Police:** Comment Pleased to note that the Design and Access Statement submitted gave mention to the crime prevention measures to be incorporated into the design and layout in the form of Secured by Design principles. Would ask that where it is stated that 1.5m fencing will be employed to restrict access to the rear of the buildings, request that this is positioned from the eastern elevation of Block B to the boundary, between block A and B and the south western elevation of Block A to the boundary. The latter will provide a demarcation line discouraging free access to the refuse/recycling and cycle storage area. There will be a requirement for gates within the fencing.
- 5.16 The level of crime at this location is above average when compared with the rest of Sussex and as a result would ask that crime prevention measures are implemented. The cycle storage area should be enclosed to provide a higher degree of security and in a bid to reduce arson attacks on the euro bins and to stop them being used as climbing aids and battering rams, recommend they are located in a lockable enclosure.
- 5.17 **UK Power Networks:** Has no objections to the proposal.
- Internal:**
- 5.18 **Access Officer:**
(Original comments 25/06/2013) Comment The lifts need to have a clear car size of 1400mm deep by 1100mm wide. Also the lift car in Block A appears to be in the wrong orientation. Some doors do not have the required 300mm clear space at the leading edge on the pull side. The layouts with the WC between the bath and the basin do not work because there needs to be room for a 1500mm turning circle if the bath is removed. The WCs obstruct the doors in some bathroom layouts (mainly due to the door positions).
- 5.19 This is a development of 31 units so there should be 2 wheelchair accessible units. None of the units shown seem to be obviously designed with the appropriate features.
- 5.20 (Additional comments following receipt of amendments 01/10/2013) The revised layouts are much better in terms of Lifetimes Homes but some doors still do not have the required 300mm clear space at the leading edge on the pull side.
- 5.21 The proposed wheelchair accessible units are totally unsatisfactory as wheelchair accessible units both because of size and because of placement.

- 5.22 **Arboriculturist:** No objection. The proposal would result in loss of trees which are not covered by the Tree Preservation Order and therefore there is no objection to their loss. A condition is recommended requiring the submission of an Arboricultural Method Statement.
- 5.23 **Economic Development:** Has no adverse economic development comments but requests a contribution through a S106 Agreement for the payment of £15,500 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the refurbishment of the building.
- 5.24 **Education:** Comment. In this instance would seek a contribution towards the cost of providing educational infrastructure for the school age pupils the development would generate. In this instance would seek £44,410.60 in respect of nursery, primary and secondary education.
- 5.25 Education is an essential part of any community and therefore any development needs to be able to provide for the education infrastructure that it requires, in addition the Council has a statutory duty to provide a school place for every child that wants one. A spreadsheet showing the number of school age pupils that a development of this nature is likely to generate is provided. The primary schools in the area have no or limited surplus capacity, anticipate this being the case for the foreseeable future. Development should not be allowed to erode away what little capacity there is left in the City, developers should ensure that their developments are sustainable in the broadest sense of the work and this has to include funding the education infrastructure that their development demands.
- 5.26 Note that all the proposed housing units are market housing and that there is no affordable housing proposed.
- 5.27 **Environmental Health:** Recommend approval subject to conditions regarding contaminated land, sound insulation of the party walls between the lifts and residential units and plant noise.
- 5.28 **Heritage:** Object Number 18 Wellington Road has been proposed for inclusion in the Council's Local List, which is currently under review, and should be treated as a non-designated heritage asset as referred to in paragraph of 135 of the NPPF. It will be assessed based upon the criteria for local listings that were agreed by the Economic Development and Culture Committee following public consultation.
- 5.29 This building was proposed for statutory listing in 2006 but English Heritage considered it to be too altered to merit listing. In their report however they described it as "locally distinctive building" with "local historical interest".
- 5.30 It is considered that 18 Wellington Road meets the criteria for inclusion on the Local List. It has clear townscape interest and architectural interest (as

acknowledged by English Heritage) and also has historic interest due to its associations with notable past residents. Detached mid-Victorian villas in substantial grounds are comparatively rare in the local context, particularly in urban situations. It is also the most impressive of the surviving villas in Wellington Road. It therefore meets the criteria of rarity and representativeness.

- 5.31 The building merits every effort being made to retain it and to incorporate the original part into a new development. With regard to the current application, it is not considered that the proposal has had regard to the local heritage significance of the building and it has not been demonstrated that the retention and conversion of the original part of the building is not a viable option.
- 5.32 Permission should not be granted for its loss unless there are public benefits great enough to outweigh the harm arising from the complete loss of this heritage asset.
- 5.33 **Housing:**
(Original comments 25/06/2013) Objection In line with policy HO2 of the local plan and affordable housing brief this scheme should provide 40% affordable housing on the site which equates to 12 units. Would expect 10% (1) of the affordable housing units to be built to fully wheelchair accessible standards in line with Affordable Housing Brief.
- 5.34 Affordable housing brief reflects the very pressing need for affordable homes in a City. Currently have over 16,345 people on the Housing Register waiting for affordable rented housing and 726 people waiting for low cost home ownership.
- 5.35 (Additional comments 18/09/2013 following receipt of amendments) Pleased to note that in line with policy HO2 of the Local Plan and affordable housing brief this scheme provides 40% affordable housing on the site which equates to 12 units. Note that 2 of the units will be built to fully wheelchair accessible standards and would expect that at least 10% will be for affordable housing.
- 5.36 **Planning Policy:**
(Original comments 03/07/2013) Objection. It is considered that the current level of information submitted with the application does not demonstrate compliance with policy HO20. The extant planning permission for the site includes a drop-in community facility which is absent from this scheme. There is no affordable housing proposed, contrary to policy HO2 and submission policy CP20. Due to the existing open space designation in the Open Space Study 2009 and update of 2011 and policies QD20, HO6 and CP16, any residential use should look to provide its own generated demand for open space on site, where appropriate to that open space typology. The majority of the units have no provision of private amenity space for the residential units proposed, contrary to policy HO5.
- 5.37 (Amended comments 9/08/2013 following receipt of further information form agent) Objection. The current level of information submitted with the application does not yet demonstrate compliance with policy HO20. Policies HO6 and CP16 seek to ensure any residential use looks to provide its own generated demand for open space on site where appropriate to that open space typology

and may require a reassessment of the built footprint or the overall number of residential units proposed. The scheme is therefore contrary to policies QD20, HO6 and CP16. It is also contrary to Local Plan policy HO5 in terms of provision of private amenity space. The provision of 40% affordable housing to comply with policy HO2 and CP20 is welcomed.

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

5.39 **Sustainability Officer:**

(Original comments 16/07/2013) **Objects.** Approval cannot at this stage be recommended as the standards recommended in SPD08 cannot be met; applicants are expected to provide sufficient justification for a reduced level in the basis of site restrictions, financial viability, technical limitations and added benefit arising from the development. No justification for a reduced Code Level 3 is provided. The applicant should be asked for further information to try to improve the predicted performance.

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

5.41 **Sustainable Transport Officer:**

(Original comments 25th July 2013) The transport aspects of the application are acceptable subject to the provision of S106 contributions of £25,950 for sustainable transport improvements and the attachment of conditions relating to disabled parking and cycle parking.

5.42 (Additional comments 17/10/2013 following receipt of amendments)

Disabled Parking - The number and lengths of bays is appropriate. The widening of the NW of the bays needs to be further widened from 1.2m to 1.8m in accordance with 'Inclusive Mobility'. Revised plans showing this should be required by condition.

5.43 **Cycle Parking** – The number is appropriate. However the nature of the proposed provision is not clear. The spacing of 0.4m approximately is severely inadequate for Sheffield Stands. The applicants need to clarify the nature of provisions and this should include assistance for users if the provision is non-standard and may cause difficulties for any user. Also the cycle parking needs to be sheltered. Revised plans should be required by condition showing these improvements.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR15	Cycle Network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites

QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE10	Buildings of local interest

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Developer Contributions – Interim Guidance

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP16	Open Space
CP19	Housing Mix
CP20	Affordable Housing

8 CONSIDERATIONS & ASSESSMENT

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

Principle of Development:

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

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

- 8.3 Exceptions may apply when;
- a) the community use is incorporated, or replaced within a new development; or
 - b) the community use is relocated to a location which improves its accessibility to its users; or
 - c) existing nearby facilities are to be improved to accommodate the loss; or
 - d) it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.
- 8.4 Where an exception (a-d) applies, priority will be attached to residential and mixed use schemes which may provide ‘live work’ and, or starter business units to meet identified local needs.
- 8.5 Whilst it is acknowledged that the site is currently vacant, its previous use was Class D1 and thus any change of use away from this must be fully justified as set out in policy HO20. This application does not seek to re-provide the facilities or mitigate the loss.
- 8.6 Within the information submitted it is stated that the former occupiers, The Children’s Society, relocated to a Community Centre in Hangleton in 2004, which was better and larger accommodation.
- 8.7 Since submission of the application a letter from The Children’s Society has been submitted in which it is stated that the Wellington Road building “was not ‘fit for purpose’. It is also stated that cost of improving the access standards and improving other elements of the building, such as the heating system, was prohibitive.
- 8.8 The letter received from The Children’s Society confirms that the Society has relocated to another building, with improved facilities and accessibility for users, this new site is located approximately 5 miles from the application site and serves a different local community. Furthermore the Wellington Road site also provided opportunities for the local community to rent facilities, including a soft play room, a kitchen and the garden for either regular or one-off community activities (e.g. as a weekly toy library and facilities for children’s parties). Justification for the loss of these concurrent other facilities is therefore also required in order of the proposal to comply with policy HO20. It is noted that a list of other community facilities in the area is listed within the submitted Design and Access Statement however it is not stated what facilities are provided at these other sites. Overall it is considered that the applicant has failed to demonstrate that all the former community facilities (used on a regular and/or irregular basis) have been incorporated, replaced, relocated or accommodated

elsewhere or that nearby facilities being improved to accommodate the loss of the Wellington Road site, as required by criterion a, b and c of policy HO20.

- 8.9 Baron Estates has submitted a letter which states that the site has been marketed since October 2007, offering the property to let or for sale for D1/community use.
- 8.10 The marketing strategy included the following;
- a marketing board fixed to the property,
 - marketing particulars prepared,
 - the sending of property details to clients registered on the Baron Estates database including clients who have requirements for D1/community space, and
 - display of the property details on 6 websites including Baron Estates and the City Council.
- 8.11 It is stated that any serious response to the marketing of the site has been unsuccessful and that the property does not appeal to D1 users for a number of reasons including that the building does not comply with the Disability Discrimination Act in respect of access, the building is in a quiet residential area too far away from Brighton's mainline station where the majority of occupiers wish to be and the lower ground floor has limited natural daylight. It is noted that an objection from Safety Net has been received in which it is stated that the organisation has been in contact with Baron Homes since September 2010 regarding the sale of the property for a D1 use however no further information regarding this contact has been submitted as part of the objection or information as to whether offers to buy the site from Baron have been made by the organisation. Baron Homes have confirmed that no offers were made.
- 8.12 No evidence of the documentation referred to in the above marketing strategy have been submitted as part of the application. Confirmation of dates and clear evidence of when and where actual advertisements were placed for alternative non-residential institution user/s nor an indication of purchase price have not been submitted, in addition Baron Estates does not appear to be listed as a contributor on the Council's commercial property database. Further details of when the property details appeared on the database would therefore be helpful.
- 8.13 It is acknowledged that application BH2008/03248, which was granted a time extension under application BH2011/03796, allowed the partial loss of the existing facilities however this approved scheme provided a drop-in centre for people with learning and physical disabilities thereby retaining an element of a community facility within the site.
- 8.14 The proposed development would result in the loss of a community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the well-being of the community and quality of life of the neighbourhood. The proposal is therefore contrary to policy HO20.

Demolition of Existing Building

- 8.15 The Heritage Team have identified the building as a 'non-designated heritage asset'. They have confirmed that the building is likely to be included in the Local List.
- 8.16 This proposal requires total demolition of the building. It is acknowledged that the Heritage opinion has emerged during the life of this application. In terms of harm as a result of the loss of the building, this is considered to be significant by the Heritage Team. Notwithstanding that view it is acknowledged that demolition should not be supported or encouraged. On that basis, a scheme which preserves the building would be the preferred approach of the Local Planning Authority. Refusal is not recommended on grounds of preservation of the building in this application but should form part of any future discussions about the use of the building. An informative is recommended which encourages exploratory discussion about what scheme might be viable to retain the building.

Proposed Residential Accommodation

- 8.17 The proposal would result in the provision of 31 flats, 6 of which would be 3 bedroom units, 10 would be 2 bedroom units and 15 would be 1 bedroom units. The proposed units would vary in floor space from between approximately 34.44m² (unit 2 of Block B) to approximately 82.98m² (unit 14 Block B).

Affordable Housing:

- 8.18 Affordable Housing policy H02 seeks to secure 40% affordable housing. In this case 31 new residential units are proposed. Since submission of the application confirmation has been received stating that 40% affordable housing would be provided. There are no further details provided than this.
- 8.19 The Local Planning Authority seeks to ensure that proposals for new residential development incorporate a mix of dwelling types (and tenures) and sizes that reflects and responds to Brighton & Hove's housing needs. Since submission of the application the proposal has been amended in order to incorporate a mix of one (x15), two (x10) and three (x6) bedroom units. There is no objection to this mix.

Lifetime Homes:

- 8.20 Policy HO13 of the Brighton & Hove Local Plan states that planning permission will only be granted for new residential dwellings that are built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations.
- 8.21 Since submission of the application a number of amendments to the layout of the proposed units have been made in order to address concerns raised by the Council's Access Officer. However the Council's Access Officer has still identified a number of issues with the proposal which results in the internal layout of the development failing to comply with the Lifetime Homes Standards, namely some doors still do not have the required 300mm clear space at the leading edge on the pull side (Block A bathroom doors to units 1, 4, 5 (both first and second floor) and 9 (both first and second floor)). It is considered that these issues could be resolved via a condition if overall the proposal was considered acceptable.

8.22 Five percent of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard, and at least one of these units should be available for affordable housing. The proposal is for 31 units, since submission of the application it has been confirmed that units 5 and 6 in Block B would be wheelchair accessible units. It is noted that units at both first and second floor in Block B are labelled as units 5 and 6. Both units 6 include the provision of a shower room rather than a bath which would be more accessible for wheelchair users. The proposed wheelchair accessible units fail to comply with policy HO13 as only one lift would be provided within the block and the proposed units do not appear to be large enough to comply with and accommodate the required wheelchair accessible standards.

8.23 It is not considered that the issues regarding the wheelchair accessible units could be resolved via the attachment of a condition due to the small size of the potential units and as such the proposal is contrary to policy HO13 of the Brighton & Hove Local Plan.

Amenity Space:

8.24 Policy HO5 requires the provision of private amenity space where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies would be taken into account. It is noted that a number of the proposed units would comprise Juliet Balconies, which do not provide external private amenity space for occupiers of the associated units.

8.25 Since submission of the application the proposed external amenity areas, private and communal have been annotated on the plans submitted. It is stated that the proposed private amenity spaces would be accessible to the proposed ground floor flats via French doors, although it is not apparent from the plans submitted where the French door locations would be for each ground floor flat and the scope of each private amenity space for all the ground floor units. It is stated within the submitted Planning Statement that the ground floor flats would have use of private external areas immediately in front of the windows “in order to provide a defensible space to protect to residential amenity when the communal garden is being used”.

8.26 From the sectional drawings provided it would appear that a slope to the rear of property would render most of the rear section of the site unusable for the intended communal/private amenity spaces.

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

8.28 Open Space:

Since the 2008 application was approved the Open Space, Sport and Recreation Study 2008 (approved 30/07/2009) and subsequent 2011 study have been approved. Within these studies the site was audited as open space as part of the privately owned ‘park and garden’ around 18 Wellington Road and

as a result policy QD20 is relevant to the application. Policy QD20 states that planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value.

- 8.29 The open space within the site was included in the studies as it was recognised that significant pieces of open space within the curtilage of a building can provide a significant open space offer especially in areas that are densely built up/populated with limited open space opportunities, thus highlighting where it is important to have regard to landscape and open space provision should redevelopment proposals take place.
- 8.30 The 2011 study assessed the garden area within the site with potential to have this offer improved. Compared with other private open spaces the site scored relatively well. The study shows that in the Hanover and Elm Grove Ward, in which the site is located, there are significant deficiencies in all types of open space (except allotments) therefore demonstrating the need to carefully consider any proposals which seek the loss of existing open space.
- 8.31 The proposed development would occupy the majority of the site with 'left-over' space to the front, rear and sides of the buildings. These areas would not be accessible to any other sector of the public apart from the residents of the residential blocks. It is acknowledged that the proposal does have a similar footprint to the 2008 application, which was approved, which was for 25 self-contained units for people with learning/physical disabilities and a drop in centre. This earlier application and the subsequent extension of time application offered significant benefits to the community as it regenerated a vacant property, retained a D1 use and provided specialist housing in line with the identified housing needs at the time of the application. The determination of the previous application also predated the approval of the Open Space, Sport and Recreation Study 2009 and 2011.
- 8.32 In addition to the approval of the Open Space studies since the 2008 application, the emerging City Plan has been through consultation and the site has been clearly identified as open space in the Schedule of Changes to the Proposals Map/Policies Map, to which no objections have been raised.
- 8.33 The loss of the open space discussed above is compounded by the increase in demand generated by the proposed residential units for 'additional' open space, which generates a greater demand when compared to the previous approved scheme which had approval for the provision of 25 units.
- 8.34 Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This policy requires the provision of suitable outdoor recreation space to be split between children's equipped play space, casual / informal play space and adult/youth outdoor sports facilities. Such sufficient provision is not proposed as part of the application. In recognition that development schemes

will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off-site improvements is therefore recommended to address the requirements of policy HO6. In this case the contribution required towards sport, recreation and open space would be £74,720. Such a contribution could be secured by legal agreement were approval to be recommended.

- 8.35 Whilst the Local Planning Authority gives weight to the housing provision the proposed development would create, this is considered to be outweighed by the harm outlined above in respect of the loss of the important open space provision.

Standard of Accommodation:

- 8.36 Both proposed blocks include lift shafts situated next to proposed bedrooms. In order to ensure that the amenity of future occupiers would not be significantly harmed by such arrangement an approval would be subject to condition relating to wall sound insulation. In addition no details of the proposed location of associated plant to operate the proposed lifts have been provided and therefore it would also be recommended that a condition regarding acceptable Rating Levels from such machinery be attached if overall the proposal was considered acceptable.
- 8.37 It would appear that some of the proposed rooflights would be inserted in order to provide natural light and ventilation to rooms within the third floor/roof level units which do not benefit from the provision of vertical windows. Whilst the provision of a rooflight is considered acceptable to ventilate and provide natural light in terms of a bathroom/kitchen it is not clear from the information submitted if the proposed rooflights would be positioned in order to provide outlook from bedrooms. Bedroom 2 in Unit 14 (Block B) and the bedroom in Unit 16 (Block A) would not benefit from a vertical window, only a rooflight. If the proposed rooflights are not positioned to provide some element of outlook it is considered that the proposal would result in a poor standard of accommodation harmful to the amenity of future occupiers.
- 8.38 No information has been submitted as part of the application to demonstrate that a sufficient amount of light and sunlight would be provided to the proposed kitchen areas of units 2, 3, 6 (first and second floor), 7 (first and second floor) and 8 (first and second floor) in Block A. Due to their deep floor plan arrangement poor levels of daylight/sunlight would result in a poor standard of accommodation harmful to the amenity of future occupiers.
- 8.39 It is stated within the submitted Design and Access Statement that the bedroom windows which would face east towards De Montford Road would have obscured glazing up to 1.7m from floor height with a clear pane above in order to avoid overlooking to the neighbouring properties, an issue which is discussed in more detail below. It is noted that such mitigation measures are not shown on the floor plans or elevational plans provided. The standard of accommodation proposed for future occupiers as a result of the inclusion of the obscured glazing to the lower parts of bedroom windows (in some cases all bedrooms of

a unit) is considered to be poor and unacceptable. Such mitigation measures were intended as part of approved application BH2008/03248 but were subsequently altered as a result of concerns raised by Officers.

Design and Visual Amenity Impacts:

- 8.40 Since submission of the application a number of discrepancies between the drawings submitted have been addressed in respect of proposed rooflights and dormer windows and the proposed lift shaft is now clearly identified on the submitted drawings.
- 8.41 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design. QD4 seeks to preserve or enhance strategic views, the setting of landmark buildings and views in and out of conservation areas. Whilst QD5 seeks to ensure new developments present an interesting and attractive street frontage particularly at ground floor.
- 8.43 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.44 The application site lies within the Hartington Character Area of the Hanover and Elm Grove Neighbourhood, as defined in the Urban Characterisation Study. The Hartington Character Area is described as ‘a high density Victorian residential area following the contours of the steep valley side. Terraced houses with front gardens, regular frontages and uniform building height in mixed private tenure (ownership and rental). A strong sense of place’, and that ‘Hanover and Elm Grove neighbourhood may be classified as an urban pre-1914 residential inner suburb whose original street pattern and character has been eroded and includes a post 1945 housing estate. Mainly small terraced housing arranged over a clearly defined grid pattern in narrow streets, low rise but high density. Significant area of planned public housing including major high rise blocks in weak urban realm’.
- 8.45 Wellington Road is characterised by a mixture of development styles, predominantly formed from flatted development both more modern purpose built and converted period properties.
- 8.46 The scale of the buildings proposed are considered to be appropriate, paying some respect to other properties in the street, including the existing building.
- 8.47 Both of the proposed blocks would comprise a projecting central section containing the main entrances on the front elevation with a related portico and ‘false’ windows above, which aims to provide a central feature to the buildings. However it is not considered that these elements are articulated strongly enough given the overall scale and size of the buildings proposed.

- 8.48 SPD12 was adopted on the 20th June 2013 and came into effect from the 5th August 2013. It is not considered that the proposed central rear dormer window on Block A accords with the detailed guidance provided in SPD12 due to its proposed size and design, which includes excessive areas of supporting structure to the side and below the windows.
- 8.50 The three proposed dormer windows within the front roof slopes of Block A would align with windows on the elevation below however the proposed two outer dormer windows would not. These outer dormer windows would dominate the related pitched roof which is considered to be of harm to the visual amenity and appearance of the building.
- 8.51 Since submission of the application the central windows at second floor level within the front elevation of both blocks have been amended to allow for diminishing window proportions from the ground floor to the roof, which is a classical design feature of a villa style development.
- 8.52 Both blocks would comprise flat roof sections towards the centre of the buildings. It is noted that the approved 2008 also comprised flat roof sections however the amount proposed in the current proposal is greater in respect of Block A, the larger of the two buildings. The intention to provide additional accommodation in the roofspace of the current development results in a contrived flat roof form which fails to reflect the period design of the development, resulting in a poorly designed pastiche development.
- 8.53 Amended drawings clearly show the provision of a lift shaft for both the proposed residential blocks. Both shafts would project approximately 1.1m above the related flat roofs of the buildings. The lift shaft relating to Block B would be located towards the eastern side of the flat roof whereas the shaft relating to Block A would be located towards the centre of the related flat roof. Despite the proposed projection of the lift shaft above the related roof it is not considered that the shaft relating to Block B would be highly visible from within the Wellington Road street scene due its positioning towards the rear of the building however it is considered that the siting and projection of the shaft relating to Block A would be visible within the street scene and harmful to the visual amenities of the Wellington Road street scene and the wider area.

Amenity:

- 8.54 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.
- 8.55 It is noted that the use would result in the development being in continuous use where previously for some time the site has only been occupied during working hours. However it is not considered that the occupation of the residential accommodation would result in demonstrable harm though noise disturbance.
- 8.56 Overlooking/Loss of Privacy

The site is one of the larger plots within this location, with the existing building centrally located within the plot. The rear gardens of the properties which front onto De Montford Road to the east of the site abut the eastern boundary of the plot. The development between Wellington Road and De Montford Road is more tightly squeezed to the northern end owing to the alignment of the roads. As such the rear gardens of the properties which abut the north end of the site have shorter gardens than those at the southern end, the shortest of which at number 45 is approximately 8m between the rear boundary and the rear projection.

- 8.57 The rear elevation of Block A would be sited a minimum of approximately 1.2m from the shared boundary with the eastern neighbouring properties. To prevent overlooking and loss of privacy to the De Montford Road neighbouring properties the applicant intends to provide fixed obscured glazing to the bottom section of the windows within the rear elevations of the blocks, allowing for light and ventilation however restricting outlook to the sky only. Although such measures would mitigate impacts upon the amenities of neighbouring properties from overlooking and loss of privacy, for the reasons set out above it is considered this is unacceptable due to the adverse impacts it would have upon the amenities of future occupiers of the development.
- 8.58 Application BH2010/03994 granted planning permission for the redevelopment of the site located to the south of the applicant site by way of the demolition of the existing building and the construction of a new four storey block of 12 flats and 3 terraced houses to the rear. The neighbouring flat development includes the provision of north facing balcony areas. A distance of only approximately 5.4m (measurement taken from the Proposed Site Plan) would be located between the two neighbouring elevations. It is noted that the eastern most parts of these balcony areas are located behind louvers.
- 8.59 Since submission of the application the proposal has been amended to mitigate over-looking and loss of privacy to the southern neighbouring property by way of the omission of a window to the living room areas of units at ground, first and second floor levels, in the south facing elevation of Block B and the addition to an annotation to the plans to state that the retained south facing windows at first and second floor levels would be non-opening and comprise opaque glazing. As a result of these amendments it is considered that the proposal would not have a significant adverse impact upon the amenities of the southern neighbouring property with regards to over-looking and loss of privacy. If overall the proposal was considered acceptable it would be recommended that a condition is attached to an approval to ensure the inclusion of the non-openable and opaque windows.
- 8.60 Sunlight/Daylight/Over-shadowing
The submitted comparison drawings show that the footprint of the proposed development would be similar to that approved in the 2008 application whilst the height would be the same. It is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties with regards to loss of sunlight/daylight or overshadowing.

Sustainable Transport:

- 8.61 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.
- 8.62 Car parking and Traffic Impact:
The site is not located within one of the City's Controlled Parking Zones and therefore free on-street parking is provided along Wellington Road. 6 parallel off-street parking spaces would be provided to the west of the new buildings. SP4 sets our maximum standards in respect of car parking provision and therefore the level proposed is considered acceptable provided that adequate provision is made for sustainable modes and displaced parking would not arise.
- 8.63 As part of the application a Transport Technical Note has been submitted in which the local sustainable modes provision are reviewed but only in general terms. The Council's Transport Officer states that beneficial improvements to the provision can be identified and that the applicant should contribute towards the work to help compensate for the parking 'shortfall' and encourage the use of sustainable modes to help meet policy TR1. An amount of £25,950 would be required, if overall the proposal was considered acceptable, towards improving the westbound bus stop at the bottom of Elm Grove, to pay for 2 years car club membership on behalf of the first occupiers of the development should they wish to join and improve the standards of footways between the application site and local bus stops and other facilities, such as providing dropped kerb facilities.
- 8.64 The applicant has carried out parking beat surveys utilising an agreed method known as the Lambeth Parking Method. However some of the assumptions made in the application of this chosen method could be varied, for example car ownership for the proposed development has been estimated from a very small area using census data and the survey analyses does not seem to have allowed for the unavailability to general parkers of reserved bays such as doctor's and disabled parking spaces. The Council's Transport Officer has reassessed the survey data and considers that some displaced parking could arise as a result of the proposal. Consultation in recent years in the Hanover area have indicated that there is not majority support for the introduction of a Controlled Parking Zone in the area and therefore in these circumstances, the Transport Officer considered that a small degree of displaced parking does not warrant a reason for refusal of the application.
- 8.65 In order to accord with SPG4 at least 3 disabled parking bays are required. Since submission of the application amendments have been made to the scheme to convert 3 of the original 6 proposed off-street parking bays to disabled parking bays. Whilst the Council's Transport Officer stated that the number and lengths of the proposed disabled bays are acceptable, the widening of the north-west bays need to be further widened from 1.2m to 1.8m. This issue could be dealt with via a condition if overall the proposal was considered acceptable.

8.66 Cycle Parking:

In order to accord with SPG4 the proposed development should provide a minimum of 41 secure, sheltered cycle parking spaces. The recently submitted amended plans show the provision of 30 cycle storage facilities for the proposed residents to the north-east of Building A whilst a further 10 spaces for visitors would be located between the two buildings.

8.67 The proposed number of cycle parking spaces is considered acceptable however the nature of the proposed facilities is unclear from the information submitted, for example are the proposed facilities to be covered. The spacing of the facilities shown is stated to be inadequate by the Council's Transport Officer. Further information/revised plans to address these issues could be requested via a condition if overall the proposal was considered acceptable.

Sustainability:

8.68 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

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

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

8.71 In instances when the standards recommended in SPD08 cannot be met, applicant are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development.

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

8.73 It is noted that a number of the proposed bathrooms would not be provided with natural light or ventilation which would result in the reliance on mechanical

means of ventilation and artificial lighting and subsequently an excessive draw on energy.

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

8.75 Waste Management

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

8.76 Refuse Storage

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

Landscaping and Ecology:

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

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

- 8.79 As part of the application an Arboricultural report has been submitted, which was written in respect of the 2008 application, under the old 2005 British Standard. Whilst the Council's Arboriculturist considers that this report is adequate at this stage of the application it is recommended that if the application is overall considered acceptable the Arboricultural Report should be amended/up-dated, especially given that the footprint of the proposed development is different to that of the development approved previously and will encroach onto the Root Protection Area of one of the retained trees.

- 8.80 If approval is granted a condition should be attached requiring an Arboricultural Method Statement to be submitted which includes details of how all retained trees on site would be protected to BS5837 (2012) as well as details of how any tarmac will be lifted and replaced as part of the development and an amended Arboricultural Report.

- 8.81 Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. Such features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated.

- 8.83 The existing building and the mature sycamore in the north-west corner of the site have been identified as having medium potential to support bats, whilst the existing building and the gardens have the potential to support breeding birds. In addition the site offers potential foraging and basking habitat for reptiles as well as numerous opportunities for refuges and/or hibernacula. There are also numerous records of common reptiles.
- 8.84 The Desktop Biodiversity Report and Phase 1 Habitat Survey submitted as part of the application has been viewed by the County Ecologist and is not considered to inform appropriate mitigation, compensation and enhancement measures. In the case of bats and reptiles further surveys are required to inform of appropriate mitigation and/or compensation. The County Ecologist does not consider that this issue could be dealt with post decision and therefore does not recommend that conditions are attached to the application if overall considered acceptable. Overall it is considered that the applicant has failed to demonstrate compliance with policies QD17 and QD18 of the Brighton & Hove Local Plan and SPD11 Nature Conservation and Development.

Other Considerations:

8.85 Infrastructure

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

8.86 Contaminated Land

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

Planning Obligations:

8.87 Public Art

Local Plan policy QD6 states that the provision of public art will be sought from major development schemes although the type of public art and level of contribution will vary depending on the nature of the development proposal, the characteristics of the site and its surroundings.

- 8.88 No acknowledgment of policy QD6 has been made within the application however an 'artistic component schedule' can be included as part of a S106 agreement, including a contribution of £18,800 towards the provision of public art, if overall the proposal is deemed acceptable, in order to ensure that the proposal complies with policy QD6.

8.89 Education

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

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

8.91 Local Employment Scheme

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

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

9 CONCLUSION

9.1 The applicant has failed to justify the loss of the community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the well-being of the local community and quality of life of the neighbourhood.

9.2 The building is considered to be a non-designated heritage asset, as such demolition is not supported. Refusal on these grounds is not recommended but future discussions are.

9.3 It is considered elements of the design of the proposed new buildings would be of detriment to the visual amenities of the Wellington Road street scene and the wider area.

9.4 The applicant has failed to demonstrate that the development would adequately address issues of sustainability, lifetime homes, nature conservation and loss of

open space. Furthermore the proposal would not provide an acceptable standard of accommodation to all future occupiers.

- 9.5 Whilst it is noted that The Local Plan, the City Plan and the National Planning Policy Framework identify housing as a priority it is not considered that the provision of housing on site should outweigh compliance with other policies. Overall it is therefore considered that the scheme is unacceptable and contrary to policy. Refusal of planning permission for the reasons identified in Section 11 below is therefore recommended.

10 EQUALITIES

- 10.1 The development does not accord to Lifetime Homes standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

- 1) The applicant has failed to justify the loss of the community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the well-being of the local community and quality of life of the neighbourhood. The proposal is therefore considered in conflict with Policy HO20 of the Brighton & Hove Local Plan.
- 2) The proposed development by virtue of the design and size of the proposed central dormer window on Block A, the siting of the front outer dormer windows on Block A, the poorly-articulated main entrances, the protrusion of the lift shaft above the roof of Block A and its siting and the provision of large areas of untraditional flat roof form would result in a development which would be of detriment to the visual amenities of the Wellington Road street scene and the wider area. As such the proposal is contrary to policies QD1, QD2, QD4 and QD5 of the Brighton & Hove Local Plan.
- 3) The applicant has failed to justify the loss of the existing open space, which in the absence of sufficient evidence to the contrary is considered to have the potential to make a contribution to the well-being of the community. In addition insufficient information has been provided to demonstrate that an adequate level and quality of usable communal amenity space and usable private amenity space would be provided to meet the needs of and provide adequate living conditions for future occupiers. As such the proposal is contrary to policies HO5 and QD20 of the Brighton & Hove Local Plan and policy CP16 of the Brighton & Hove City Plan Part One.
- 4) The applicant has failed to demonstrate that a proportion of the proposed residential units would be built to a wheelchair accessible standard. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan.
- 5) Obscured glazing would be provided to the lower half of east facing bedroom windows which would prevent outlook from habitable rooms. In addition the applicant has failed to demonstrate that adequate outlook would be achievable from bedrooms within the roofspace of the blocks. As

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such the proposal would provide a poor standard of accommodation harmful to the amenity of future occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

- 6) The applicant has failed to demonstrate that sufficient protection would be afforded to the existing nature conservation features on the site and that suitable enhancement and compensatory measures would be provided. The development is therefore contrary to policies QD17 and QD18 of the Brighton & Hove Local Plan and SPD11 Nature Conservation and Development.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
OS & Block Plan & Topographical Survey	0769-P-100	-	12 th September 2013
Existing Floor Plans	0769-P-101	-	12 th September 2013
Existing Elevations & Site Photographs	0769-P-102	-	12 th September 2013
Proposed Site Plan	0769-P-103	Rev. C	12 th September 2013
Proposed Ground & First Floor Plans	0769-P-104	Rev. D	12 th September 2013
Proposed Second & Third Floor Plans	0769-P-105	Rev. D	12 th September 2013
Proposed Elevations Sheet 1 of 2	0769-P-106	Rev. D	12 th September 2013
Proposed Elevations Sheet 2 of 2	0769-P-107	Rev. D	12 th September 2013
Proposed Section A-A	0769-P-108	Rev. C	12 th September 2013
Proposed Section B-B	0769-P-109	Rev. B	12 th September 2013
Comparison Drawing 1	0769-P-112	Rev. B	23rd September 2013
Comparison Drawing 2	0769-P-113	Rev. B	12 th September 2013
Comparison Drawing 3	0769-P-114	Rev. B	12 th September

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			2013
Comparison Drawing 4	0769-P-115	Rev. B	12 th September 2013
Proposed Roof Plan	0769-P-116	-	12 th September 2013

29 June 2013

I object to the Planning Application BH2013/01254.

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

Councillor Bill Randall

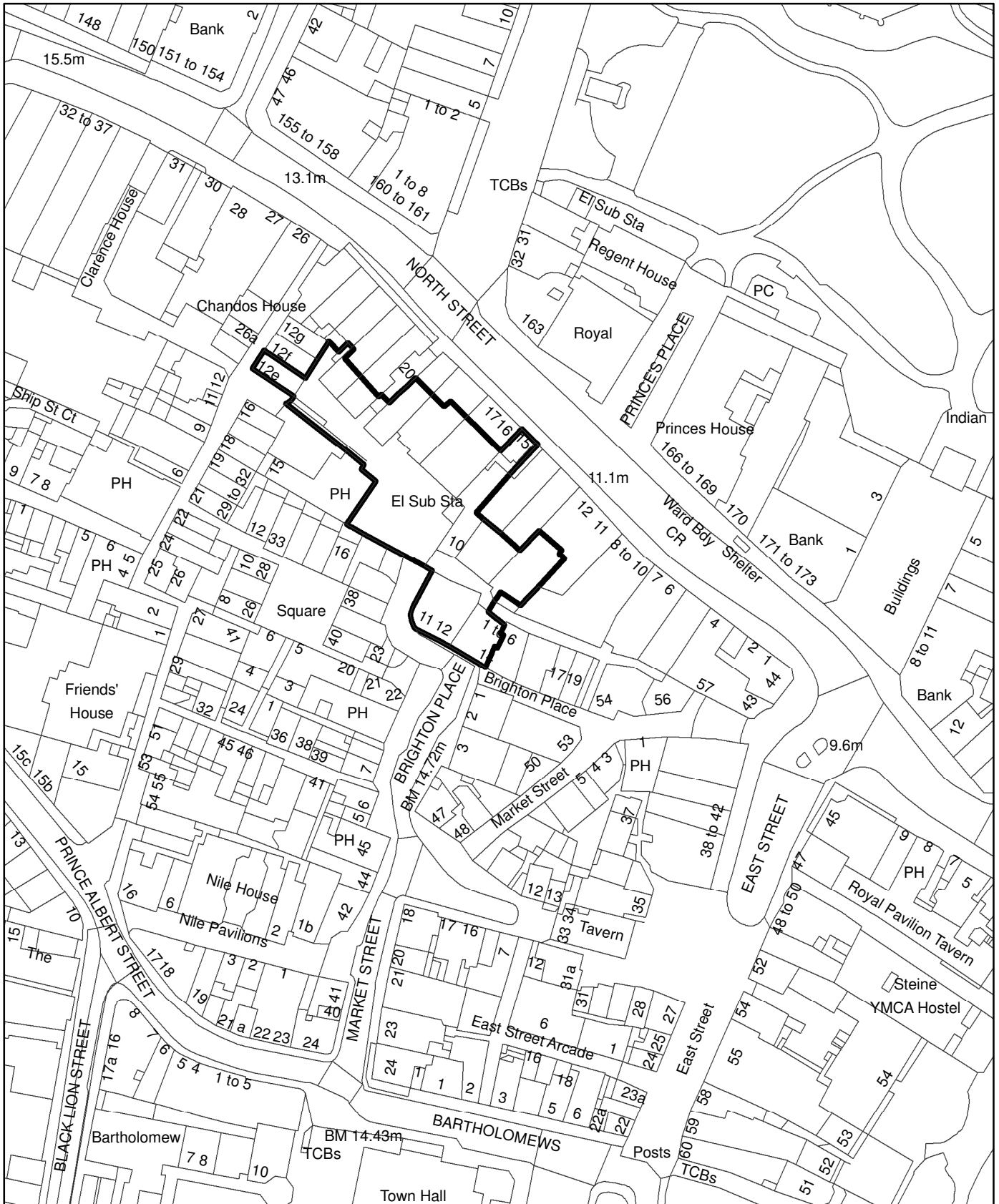
ITEM D

**13-22 North Street, 12D Meeting House Lane
and 11-14 Brighton Place, Brighton**

**BH2013/00710
Full planning**

11 DECEMBER 2013

BH2013/00710 13-22 North Street 12d Meeting House Lane, & 11-14 Brighton Place, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/00710	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place Brighton		
<u>Proposal:</u>	Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description)		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	12 March 2013
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	11 June 2013
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton.		
<u>Applicant:</u>	West Register (Property Investments) Ltd, 280 Bishopsgate, London		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises buildings, the rear of buildings, land and open space located upon North Street, Brighton Place and Meeting House Lane in Brighton. Much of the site entails buildings and land formerly used within Hannington's department store which closed in the early 2000's.
- 2.2 The site is wholly contained within the Old Town Conservation Area whose development pattern dates back to the original historic fishing port. The Old Town Conservation Area is characterised by irregular linear roads running predominately north to south and twittens (alleyways) running east to west. The old street blocks are rectangular at the northern end of Old Town, with a bend eastwards with North Street angled approximately south eastwards, with some modern later exceptions such as Prince Albert Street.
- 2.3 The area is characterised by diversity of building sizes, heights, periods and styles. There is predominance of buildings which are 2 to 4 storeys in height

with a close grained form and some much larger buildings inserted later and dating from the mid 19th century to more recent, such as the Hippodrome, Town Hall and Bartholomew Square development. There is little surviving development pre 16th century, with much of the buildings appearing to date from 18th and 19th centuries; although it is possible that Old Town does include earlier buildings or part of building that have been masked by later remodelling. The application is more closely located with the area immediately to the south of the site, known as The Lanes; which is characterised by a network of narrow twittens and smaller scale building.

- 2.4 The application site more specifically comprises the buildings at the rear of North Street and land located between Brighton Place running to Meeting House Lane and behind the northern side of Brighton Square. Many of the rear portions of the buildings at the rear of North Street are largely later unsympathetic additions, which are not of architectural or historic merit.
- 2.5 The exceptions to this are no.15 North Street (Timpsons) and a gambrel roofed flint and brick building behind 14 North Street. The two buildings are likely to be the oldest in North Street and are of architectural or historical merit, making an important contribution to the character of the Old Town Conservation Area. Both were placed on the Statutory List at Grade II during the course of the application by English Heritage in September 2013.

3 RELEVANT HISTORY

This application has been submitted to run concurrently with 5 other applications.

BH2013/00711: Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops - Under consideration.

BH2013/00715: Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works – Under consideration.

BH2013/00716: Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square – Under consideration.

BH2013/03589: Alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway – Under consideration.

4 THE APPLICATION

- 4.1 Planning permission is sought for the creation of new pedestrian shopping lane that would extend between Meeting House Lane and Brighton Place. The redevelopment would create a total of 14 new retail/restaurant/café units, 7 residential properties and 2 floors of office space

- 4.2 The redevelopment would require adaptation, reconfiguration and extension of existing shops on North Street to create 8 new shop units on the north side of the new Lane and 6 on the south side.
- 4.3 In addition the scheme would create 7 residential properties above the shops that are arranged around a first floor courtyard. The new commercial premises to south side of the new Hanningtons Lane would comprise of 2no floors of offices above.
- 4.4 The adaptation of 12d Meeting House Lane would provide additional shop frontage to the West of new Hanningtons Lane and also include alterations to the flat above.
- 4.5 As a result of the recent listing the redevelopment no longer includes the demolition of 15 North Street (Timpsons) but still incorporates the adaptation of Puget's Cottage at the rear of 14 North Street as well as demolition of existing ground floor stores and first floor structures to rear of some North street shops.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One (1)** letters of representation have been received from **20 North Street**, objecting to the application for the following reasons:

- The development may result in a loss of daylight to buildings surrounding the site
- The development during the construction phase could lead to a loss of amenity and/or impact upon businesses surrounding the site

Neighbours: Two (2) letters of representation have been received from **7 Brighton Place, 7 North Street** supporting the application.

- 5.2 **Regency Society** object to the proposal on the following grounds:
- The development of the under used areas of the Old Town and creation of additional office and retail space is welcomed.
 - The development would result in the loss of 15 North Street, one of the oldest buildings in the North Street and the society consider that the upper floors of the building incorporate a number of important original features.
 - The upper floors should be retained while the ground floor could be sympathetically re-configured to achieve the desired new pedestrian access to the new lane.
 - Having examined the interior of 15 North Street there is evidence that part of the building probably date back to least the early part of the 19th century. This building and the one immediately to the rear (Puget's Cottage) could be one of the oldest buildings in The Old Town and they should be valued for their historic and architectural context.
 - It would be possible to have a passage at ground floor level whilst retaining the remainder of the building. Such an entrance could highlight the historical significance of the building, the amended design of the

entrance passage is poor quality and would not bring coherence to the north street frontage and is an odd combination of curved glass and narrow truncated traditional frontage which would harm the historic North Street frontage

English Heritage:

- 5.3 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 5.4 In previous comments whilst there was no objection in principal and there was expressed it was considered that further opportunities to enhance the Conservation Area could be achieved. It was commented that whilst the creation of the new lane would result in the loss of some historic fabric, but on balance it is considered that the public benefits would outweigh the harm in this case.
- 5.5 Concerns had been raised with regards to the loss of 15 North Street and further justification be submitted. Subject to the LPA accepting the loss of the building, appropriate recording should be secured by planning condition.

Environment Agency:

- 5.6 Having screened the planning application with regard to the development type and its location, the Environment Agency have no comment.

East Sussex County Archaeologist:

- 5.7 Although the application is situated within an archaeological Notification Area defining the village of Brightonhelmstone and the post-medieval town of Brighton it is likely that the major development of the site in 1966 has destroyed all archaeological remains relating to the occupation.
- 5.8 However the site is also located on top of important Quaternary deposits known as Brighton Raised Beach which outcrop at Black Rock by Brighton Marina. These deposits formed at the end of the Ice Age have been found to contain artefacts and remains relating to homind activity.
- 5.9 Although the current complex includes below ground car parks, it is unclear if the new proposed development would require any excavation deeper than the current impact depth and so if it would encounter further deposits.
- 5.10 In light of this and the NPPF additional information was requested were requested. The applicant subsequently submitted a geo-archaeological / Palaeolithic heritage statement
- 5.11 This statement outlines the current understanding of Pleistocene deposits in the Brighton area, including the important Brighton Raised Beach and based on the current modelling of these Pleistocene sediments assesses the potential for impact on them from the proposed development.
- 5.12 The heritage statement summarises areas of potential impact at a depth relevant to these deposits as:

The available information suggests that the existing basement will be remodelled at its existing level rather than deepened – most of the basement will receive no additional impact. However, the north-eastern corner will be extended beyond the existing ramp to form a new space for restaurant kitchens and plant and this may involve further excavation down to the existing basement level (i.e. to a depth of 1.2-1.6m). It is also possible that the slope of the existing access ramp may be reconfigured within its existing footprint, although this is unlikely to involve more than minimal new excavation of the upper levels.

- 5.13 The report concludes based on the existing information that there is a potential that archaeological deposits will be disturbed or exposed.
- 5.14 As discussed in previous correspondence it is unlikely significant post Pleistocene remains (at shallow depth) have survived on this site due to the impact of the construction of the current buildings.
- 5.15 In light of the potential that any groundworks which extend below made ground are highly likely to impact on either Holocene colluvium or Pleistocene sedimentation (Head or Raised Beach) the area affected by the proposals should be the subject of a **programme of archaeological works**. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

- 5.16 Accordingly it is requested that planning conditions to secure implementation of a programme of archaeological work in accordance with a written scheme of investigation is secured and the development not being brought into use until the site investigation and analysis has been completed.

Brighton & Hove Archaeology:

- 5.17 The development lies in the centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or Reformation periods.

Sussex Police:

- 5.18 Following in-depth pre-application discussion, the Police are satisfied with assurances that all observations and recommendations from a crime prevention perspective would be implemented.
- 5.19 It is recommended that all shop fronts and doors conform to LPS 1175SR2 with a minimum thickness of 6.8mm P2A. Retail front doors should be illuminated to

standard. If allowable, additional security measures be incorporated it is recommended that fitting of monitored intruder alarm are fitted within the retail units.

- 5.20 Apartment doors are to conform to PAS 024 with security chains and viewer fitted. Consideration for post delivery is to be given in the form of post boxes in lobbies or externally fitted. This would reduce the opportunity for necessary access to apartments, reduce lock manipulation, arson and fishing.
- 5.21 The installation of a controlled at the rear of retail plot 1 is welcomed as it would reduce potential unauthorised entrance. Remote access may be required due to the numbers of flats.

County Ecologist:

- 5.23 There are no sites designated for their nature conservation interest that are likely to be impacted by the development.
- 5.24 The site comprises existing buildings and hardstandings within an urban setting and there is minimal bio diversity interest.
- 5.25 The proposed development involves the demolition of buildings, there is a chance that bats or nesting birds may be present. However, from the information available, the risk is low. If any sign of protected species is discovered during demolition, works should stop and advice sought from a suitable qualified and experienced ecologist.
- 5.26 In summary the proposed development is unlikely to have any significant impacts on bio diversity and can be supported from an ecological perspective.

East Sussex Fire & Rescue Service:

- 5.27 The Fire Authority will comment on means of escape and access for fire fighting purposes at Building Regulations stage.
- 5.28 When considering active fire safety measures for all types of premises, including residential and domestic buildings, the installation of sprinkler systems are recommend.

CAG:

- 5.29 The Group has no objections on conservation grounds to the proposal of a residential development at first floor level to the west of Puget's Cottage. However it is recommended that improvements are made to the design of the proposed building to ensure it is sympathetic to surrounding buildings. The Group recommends that Unit 13 should have a cobbled front and a clay tiled roof, and suggest that historic street signs are used in the area.

Internal:

Heritage:

- 5.30 The site falls within the Old Town Conservation Area. Number 15 North Street and Puget's Cottage are Grade II listed buildings, together with the linking brick paved yard or twitten. Several buildings to the south of the site in Brighton Place

and all the buildings to the south and west of the 1960s Brighton Square development, on Meeting House Lane, are listed. The site also falls within an Archaeological Notification Area (ANA)

- 5.31 The Old Town's character is set out in the document Conservation in the Old Town (1979). Whilst this needs updating, it remains a valid material consideration. The original historic small fishing port of Old Town is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west. The main street blocks are exactly rectangular and at the northern end, the grid is warped eastwards and North Street is angled slightly south-eastwards. The area is characterised by a diversity of building sizes, heights, periods and styles but is predominantly 2 – 4 storeys in height and close-grained with some much larger buildings inserted from mid 19th century to the present such as the Town Hall, The Hippodrome, and the Bartholomew Square development. The area immediately to the south of the site, known as The Lanes, is characterised by a network of narrow twittens and smaller scale buildings.
- 5.32 Most of the rear parts of the buildings on North Street are modern later extensions which are of no architectural or historic merit and detract from the character of the conservation area. The exceptions are the Timpson's building - 15 North Street - and the gambrel-roofed, part flint and brick building behind it, known as Puget's Cottage, which currently comprise part of the rear accommodation of number 14 North Street. These two buildings are two of the oldest if not the oldest buildings in North Street. Puget's Cottage is currently hidden from public view.
- 5.33 Numbers 11-14 Brighton Place form part of the Brighton Square development. The Brighton & Hove Pevsner guide says of Brighton Square: –
“This is of 1966 by Fitzroy Robinson & Partners, sensitive infill, shops and flats of load-bearing brick placed over a reinforced concrete basement car park, the entrance to which is discretely tucked away. Architecturally of its time, with projecting upper bays clad in tile hanging and shiplap boarding, successfully in keeping to the style and variety of The Lanes. It was well received when built, earning a Civic Trust award, and is still a model for urban renewal. In the centre of the square a fountain and Dolphin sculpture by James Osborne.”
- 5.34 The portal building has been altered and shop units extended into its arched openings. The buildings around the square have had their timber lapboarding replaced with artificial composite boarding and fibre cement fascia boarding and the original timber windows have been replaced in white powder coated aluminium albeit all in the same style. Most of the shop fronts and their fascias and many of their pilasters have been altered in an unsympathetic way and the ground floor facades have lost their architectural unity. The fountain and dolphin sculpture are later insertions. 11 Brighton Place is unauthorised partially constructed building which detracts from the character of the Conservation Area and its demolition requires no justification.
- 5.35 The Proposal and Potential Impacts: This application is part of a wider development including Brighton Square to the south. Whilst the two need to be

considered together, it is also important to consider their impacts in the event that one or the other failed to go ahead and it is essential that they work in urban design and architectural terms as stand alone schemes. The Masterplan is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. This document is very much welcomed.

- 5.36 The creation of a new twitten or lane between Brighton Place and Meeting House Lane, with retail frontages at ground floor level, in place of the unsightly service yard and modern buildings is most welcome and would substantially enhance the appearance and character of the Old Town Conservation Area. It would offer positive urban design, social and economic benefits to Old Town in terms of increased permeability, attractiveness, enhanced public realm and small retail units. The heights and the grain of the development are considered appropriate to this part of the Conservation Area and the traditional design approach is considered appropriate in this case. The variety of historic period designs interspersed with several contemporary designs reflects the varied character of the area. All styles of architecture are valid, provided that they are sympathetic to the character of the area and are not anachronistic or pre-date the area's development. The crucial issue is the quality of the design, detailing and materials. The proposed palette of materials and the traditional detailing as shown on the elevations are based on historic examples in the area and are appropriate to Old Town but will need to be carefully controlled by conditions.
- 5.37 Number 11 Brighton Place is an unauthorised partially constructed building which detracts from the character and appearance of the conservation area and its demolition requires no justification. Similarly the demolition of the existing flat roofed stores and first floor additions to the North Street buildings can only be welcomed.
- 5.38 With regard to the listed buildings, number 15 North Street would be retained unaltered. Puget's cottage would be subject to minor alterations that would not affect its special interest. More crucially, this remnant of the early development of Old Town would be brought back into public view and visually integrated with the new lane. Its significance would therefore be better revealed by the development and its setting would be substantially enhanced, including by the demolition of the flat roofed building to the south, the restoration of the gable end and the construction of a new flint wall. The setting of other nearby listed buildings, in Brighton Place and Meeting House Lane, would be preserved or in some cases enhanced.
- 5.39 There would be potential concern about the blank south flank wall of Unit 16 if the associated development of Brighton Square failed to go ahead, but this could be overcome by blind window recesses and storey bands if necessary and in any case that concern does not outweigh all the positive heritage benefits of the proposals.

Sustainable Transport: Comment

- 5.40 The proposals are intended to be car free. This is satisfactory as general parking standards are maxima and the application site is easily accessible by sustainable modes. Residents should be prevented from buying parking permits by a TRO amendment to be funded by the applicants as part of the S106 agreement.
- 5.41 Disabled parking: SPG4 suggests minimum requirements of 3 disabled spaces for the development. These spaces are not proposed. It is accepted that this area is unusually constrained and it is difficult to identify potential sites for bays. However there is no reason why policy TR18 should not be complied with. Policy TR18 includes alternative measures when bays cannot be provided and among these are contributions to the local shopmobility scheme and especially adapted public transport infrastructure. Shopmobility is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes. It is therefore proposed to require (1) A £9,000 contribution towards this local shopmobility scheme (2) A £1,000 contribution to fund a raised kerb in East Street north of the taxi rank to facilitate access to taxis by wheelchair users, as part of the S106 agreement in lieu of disabled parking provision. The proportion attributable to the Hannington Lane scheme is a total of £8,621
- 5.42 SPG4 suggests at least 13 cycle spaces for Hannington's Lane. The application proposes 1 + visitor provision for the hotel, 29 for Brighton Square and 70 for Hannington's Lane. The numbers proposed are clearly substantially higher than required but the exact layout is not clear and details should be required by condition.
- 5.43 Construction would be difficult in this constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access should be required as part of any consent. The applicants have identified loading facilities and estimated demand for the development once built on the basis of a survey of deliveries required by existing local businesses. They propose a service and delivery plan including a monitoring process. There is generally some spare capacity in the existing loading bays in North Street, and if problems arise in practice there are potential measures such as TRO revisions which could be implemented to address them. The plan and process should be confirmed by condition and this aspect of the application is acceptable on this basis.
- 5.44 Sustainable modes and contributions- The proposed development will attract additional trips onto the network. The number of trips is not estimated in the TS but it is straightforward to estimate the number of trips likely to be generated by the residential and office uses and these estimates together with the standard contributions formula suggest that a contribution of £10,400 for these uses alone would be appropriate. Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £16,000 for the development as a whole would be appropriate. This should be spent on (1) Dropped kerbs and other small measures to facilitate walking and cycling within The Lanes at an estimated cost of £12,500 (2) Provision of a real time bus information facility in the hotel foyer at an estimated

cost of £3,500. The proportion attributable to the Hannington Lane is a total of £12,522.

- 5.45 Travel Plan: The applicants have submitted outlines which are generally satisfactory of the likely content of travel plans for each of the three applications and the detailed submissions should be required by condition. The detailed submissions should include provision for (1) Approval by the Council of the content of the proposed travel leaflets (2) The continuation of annual monitoring surveys for at least 5 years or until modal targets agreed by the Council have been met (whichever is earlier).
- 5.46 Impact on local pedestrian movements: The application as originally submitted gave rise to potential concerns arising from the new pedestrian access onto North Street. However this has been removed from the revised application and these problems no longer arise.
- 5.47 Legal status of the new lane: The existing lanes are adopted highways and in principal it would be desirable for consistency, and to guarantee public access, for the new Hannington's Lane to obtain this status. However, this would commit the Council as Highway Authority to funding maintenance which is undesirable given budgetary constraints. Also, the applicants have not offered the routes for adoption and there is no planning policy by which this can be required. Policies QD2 and TR8 do however support permeability of developments and for this reason it is considered that the applicants should be required by condition to enter into a walkways agreement which would guarantee limited public access rights. This should apply to the new Hannington's Lane and the link between it and the north east corner of Brighton Square. The walkways agreement would be made under section 35 of the 1980 Highways Act and would define the times when the walkway would be available for public use, the times and/or other circumstances in which the owner could close the walkways, and the maintenance and cleaning arrangements. Construction and drainage details of the new lane should be required for approval by condition to ensure compliance with policy QD27.

Access consultant

- 5.48 In light of Equalities Act it would be good to know what considerations have been given to toilet facilities within the retail units.
- 5.49 The gradients of the new lane appears satisfactory and so do entrances to the shop units themselves, It is noted that stepped access from Brighton Place is retained/rebuilt but that the old ramp would be removed. However, access is available from three other existing lanes and also from the new proposed lane to the north. So the stairs should not be a serious issue so long as adequate signage of alternative routes are provided.

Economic Development

- 5.50 The Economic Development team supports the application as it provides additional employment space as part of a wider more comprehensive redevelopment scheme for the Brighton Square and surrounding area in the form of new retail and office accommodation.

- 5.51 The scheme proposes to provide in total 15 new retail units (A1 and A3) together with new B1 office accommodation which is welcomed and fully supported.
- 5.52 The offices are in the form of 4 small units ranging from 73m² to 123m² which will be well suited to meet the needs of new emerging businesses looking for space in the city centre. No further information is provided with regards to the office space i.e. targeted sector occupation, any proposed flexible leasing arrangements, or type of tenure.
- 5.53 The applicant states that the proposal will provide employment for 91 jobs compared to the existing provision of 48 jobs which is welcomed however there is no supporting information to evidence this figure.
- 5.54 Based on the Employment Densities Guide 2nd Edition 2010, the proposal would have the ability to provide the following;
A1 retail: 1 job per 19m² = 30 jobs
A3 restaurant: 1 job per 18m² = 15 jobs
B1 office: 1 job per 12m² = 32 jobs
Total: 77 jobs
- 5.55 Although there is an estimated increase based on the Employment Densities Guide there is some difference between the applicants quoted figure therefore further information would be welcomed to support the applicants quoted figure.
- 5.56 If approved, a contribution through a S106 agreement for the payment of £8,430 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction phase is requested.

City Clean:

- 5.57 Due to current accessibility, City Clean do not presently run a kerb side collection in this area. Residents currently use communal bins for household rubbish and recycling points adjacent to Brighton Town Hall.
- 5.58 With additional residential properties being constructed it is requested that any new resident use a similar arrangement to dispose of waste and recycling. Residents could use the provision for a private contractor set out in the application. However, as a waste disposal Authority, the City Council is legal obliged to collect household waste and therefore would require a waste management plan to ensure that the proposals for private collections are adhered to and allow for additional waste and recycling provisions in the future if the Council are required to take over collection in the future. A planning condition to secure and implement this plan is recommended.

Environmental Health: Comment

- 5.59 Conditions have been recommended for Contaminated Land; Noise; Lighting; Odour; Sound Insulation and Deliveries and Waste Collections.

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- 5.60 It is understood that this planning application only forms part of the overall development for this area and relates to the development to the North of Brighton Square where Hannington Lane will be developed with a link onto North Street.
- 5.61 Construction Environmental Management Plan (CEMP): The proposal is a significant development and site activities could generate large amounts of noise, dust and vibration. A robust CEMP should be provided, clearly identifying how these issues will be managed so that the impact on neighbouring residents and businesses will be controlled as reasonably as possible. The CEMP should include reference to BS5228 and a commitment to an application for a Section 61 agreement for noisy working hours. Reference to calculations to determine whether the proposal is considered to be significant under BS5228 should be provided. A plan of how utilities providers would be managed to prevent continuous disruption to residents and businesses in this area should be supplied.
- 5.62 It is recommended that a specific condition require prior to commencement a scheme in writing to the local planning authority for approval which details how the developer proposes to deal with asbestos risk specific to the construction and removal phases.
- 5.63 Potentially Contaminated Land: A Phase I contamination assessment report has been undertaken by Ashdown Site Investigation Ltd., (LW24044/ds February 2013). Their conclusions recommend an intrusive site investigation to quantify associated risks.
- 5.64 Therefore, it is recommended that the Council's full phased contaminated land condition is applied to this development (Part 1a has been completed).
- 5.65 Noise affecting the apartments' facades facing North to the courtyard area behind North Street: A noise assessment has been undertaken by 7th Wave Acoustics, dated 5th March 2013.
- 5.66 A long term noise assessment was undertaken in the courtyard area behind Cargo on North Street. In order to meet BS8233 criteria, it is recommended that for the one bedroom façade window facing the courtyard at Unit 1, the glazing/window-set should mitigate noise by 47dB. Otherwise, it is recommended that standard thermal double glazing would be sufficient. A condition has been recommended below.
- 5.67 Noise affecting the apartments' facades facing South and East on to the proposed Hannington Lane and the proposed link to North Street (excluding the North Street apartment): A long term noise assessment was undertaken at 12E Meeting House Lane. It is recommended that for the bedroom facades facing the proposed lane and the link to North Street, the glazing/window-set should mitigate noise by 40dB.
- 5.68 However, this area is not currently 'a lane' and is not generally used by the public. On a site visit on Friday 12th April 2013 at approximately 4.30pm, it was noted that compared to Meeting House Lane which had a high throughput of pedestrians the noise environment where the assessment was undertaken was

relatively quiet. Therefore, as it is proposed to have along the new lane: shops, restaurants and cafes, including a restaurant/cafe with a roof terrace at first floor level, the future noise levels during the day and night along this location are likely to be higher than those which were measured. Additionally, it should be noted that the noise assessment was undertaken at what can be considered the quietest time of year (end of February and beginning of March).

- 5.69 Therefore it is recommended that the glazing specification for the bedrooms of these properties is in line with areas where there are already shops, restaurants and pedestrian use such as Brighton Place (Donatellos). This area is more representative of what Hannington Lane will become.
- 5.70 Considering there are bedrooms facing out to the proposed lane, it is recommended that to ensure a good nights sleep, the glazing specification for bedrooms is increased so that it attenuates noise by 45dB. As stated above, this is in line with other parts of the development where restaurants and pubs are located and loud maximum noise levels have already been measured.
- 5.71 Noise affecting the apartment facing North Street: Four day/nights of readings were undertaken outside of Cargo on North Street. These readings showed consistently high noise levels and maxima. The plans show that there is a bedroom proposed that will face out to North Street. Consequently it is proposed to install a glazing/window – set that attenuates noise levels by 47 dB, in order to bring the levels down to BS8233 standards. A condition has been recommended below.
- 5.73 Ventilation for the proposed apartments: In order to achieve satisfactory internal noise levels, the windows for the proposed apartments must be closed. Therefore, the consultant has also recommended that alternative means of ventilation are provided. This must ensure that the internal noise level achieved by the glazing is not compromised. A condition has been recommended below.
- 5.74 Specifications for the Party Walls/floors between the residential apartments and the commercial units (including the relocated substation): The consultant has recommended that the separating floors/walls between the commercial units and residential properties achieve an airborne sound insulation performance 5dB above Approved Document E. This has been conditioned below.
- 5.75 Noise from Plant: The noise modelling assessment for plant shows that the noise levels due to plant at the nearest noise sensitive receptors will be greater than 5dB below background levels except at 1 location. The modelling process assumed that all plant was running concurrently which is unlikely to be the case. Therefore it is stated that noise levels may actually be a bit lower.
- 5.76 Consequently, it is acceptable to recommend the standard plant condition especially as plant details and plant position can change. The condition for plant noise has been suggested below.
- 5.77 Noise from deliveries and waste collections: To prevent residents being unreasonably disturbed by deliveries and waste collections, it is suggested that

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deliveries and waste collections should not occur before 7am or after 7pm on Mondays to Saturdays and not at all on Sundays or Bank Holidays. A condition has been recommended below.

- 5.78 The applicants should note that if complaints about noise from deliveries or waste collection activities are received, then the Council has a duty to investigate these complaints under the Environmental Protection Act 1990.
- 5.79 Lighting: Lighting details are yet to be specified. A condition has been recommended below.
- 5.80 Odour abatement: Information about odour abatement for the kitchens of the proposed cafes and restaurants should be provided. This would be to prevent future complaints about Statutory Odour Nuisance. A condition has been recommended below.
- 5.81 Licensing: The Licensing department must be consulted if any of the retail outlets will sell alcohol. This is because this development lies within the cumulative impact zone, which means that there is a presumption for refusal of any new licence application.
- 5.82 City Clean: City Clean should be consulted about future waste collection / disposal due to the size of the proposal and that it includes residential and retail components.
- 5.83 Food: The food team should be consulted regarding any plans for commercial kitchens.
- 5.84 Adopted Local Plan Policy QD6 states that the provision of new public art will be sought from major development schemes. The type of public art and level of contribution vary depending on the nature of the development proposal, the characteristics of the site and its surroundings.
- 5.85 To safeguard the implementation of this policy, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.
- 5.86 It is suggested that the public art element for this application is to the value of £9,500.
- 5.87 To make sure this and other requirements of Policy QD6 are met at implementation stage, it is recommended that an artistic component schedule be included in the section 106 agreement.

Sustainability: Comment

- 5.88 The proposals address all aspects of sustainability policy set out in SU2, SU16 and SPD08. Some aspects of the scheme propose reduced standards against SPD08 and these have been justified in terms of site constraints, technical and financial feasibility, and additional benefits provided to the city. The proposals are considered to be a positive response to sustainability policy given a constrained

site with technical and practical challenges, and the additional public realm benefits offered by the scheme.

- 5.89 Sustainability features included in proposals include: CfSH Level 4, with CO2 reductions beyond the minimum Level 4 standards; BREEAM Office 'very good' standard; EPC 'B' rating for the retail units; renewable technologies on office (air source heat pump) and dwellings (7kWp of photovoltaic panels are proposed offsetting over 3,100kg CO2/yr. photovoltaic panels); small efficient communal gas based heating system for the retail units; efficient thermal building fabric throughout; energy efficient lighting; significantly reduced residential water use to 80litres/person/day; basic rainwater catchment via butts for dwellings; recycling facilities; construction waste management with targets of 85% reduction waste from landfill; energy efficient lighting; sustainable materials.
- 5.90 'Excellent' BREEAM standards and Code for Sustainable Homes Level 4 are expected for major developments via SPD08. The Residential standards have been met, with Level 4 proposed for the dwellings.
- 5.91 The office development is proposed to be built to BREEAM Office 'very good' and currently is targeting 67% in water, but below 60% in energy section. Justification for a reduced overall BREEAM standard has been demonstrated due to site and technical constraints.
- 5.92 Discussions during consideration of this application explored raising the score within BREEAM category ENE1 to reflect minimum requirements for an 'excellent' score in energy (6 credits in category ENE1). In order to make this application acceptable, this should be specified in conditions.
- 5.93 The retail units are all sized below 80m². Whilst SPD08 expects Retail BREEAM 'excellent' for major retail, assessment of these small units under a BREEAM scheme would not be practical financially. An agreed approach for these units is that they be delivered to an Energy Performance rating of 'B' (equivalent to the 'excellent' energy standard).

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Pollution land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU16	Production of renewable
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 frontage
QD7	Crime prevention through environmental design
QD9	Boarding up of flats, shops and business premises
QD10	Shopfronts
QD11	Blinds
QD14	Extension and alterations

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QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning Obligations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR4	Regional shopping centre
EM6	Small industrial, business units and warehouse units
HE1	Listed Buildings
HE3	Development affecting the setting of Listed Buildings
HE6	Development within of affecting the setting of Conservation Areas
HE8	Demolition within conservation areas
HE12	Archaeology

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD07	Advertisements
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in favour of sustainable development
CP2	Sustainable economic development
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

CP16 Open space
CP19 Housing mix

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application are the character, appearance and setting of the Old Town Conservation area and the setting of the nearby Listed Buildings, Archaeology, transport infrastructure, access, environmental sustainability, the amenities of nearby occupiers including residential and commercial, living standards of the residential units created, new town centre commercial uses and operational impacts such as noise, light and odour.

Planning Policy:

8.2 There are no objections in principle to the proposed uses. The creation of residential, office and retail uses within a town centre location is supported by the current local plan, emerging local plan and by the National Planning Policy Framework (NPPF).

8.3 The site encompasses mostly storage areas located at the rear of North Street and space left over for the servicing of the rear of North Street and Brighton Square. The site does encompass some of the retail sales space within some of the shops on North Street and requires the demolition of one retail unit. However, the development would result in a net gain in retail floor space and as such would not undermine the viability or vitality of the Regional Shopping Centre.

8.4 The proposal would also provide additional employment space, new housing within a sustainable location without compromising a current Local Plan allocation or protected use and accordingly is supported by policy in principle.

Design and heritage:

8.5 This application is part of a wider development including Brighton Square to the south. Whilst the two elements need to be considered together, it is also important to consider their impacts in the event that one or the other failed to go ahead and it is therefore essential that they work in urban design and architectural terms as stand alone schemes.

8.6 The creation of a new twitten or lane between Brighton Place and Meeting House Lane in place of the unsightly service yard and modern buildings is welcomed. The present appearance of this portion of the Conservation Area is very poor and the infill and creation of a new Lane would have significant townscape benefits. The proposed development seeks a high quality and varied pastiche buildings to create harmony with the Lane and Old Town character.

8.7 The proposed heights and the grain of the development are considered appropriate to this part of the Conservation Area. The variety of historic period designs interspersed with several contemporary designs positively reflects the varied character of the area.

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- 8.8 All the styles of architecture being proposed are valid provided that they are sympathetic to the character of the area and are not anachronistic and ahistorical. The crucial issue is the quality of the design, detailing and materials and as such this will need to be carefully controlled by conditions.
- 8.9 Originally the scheme sought the demolition of 15 North Street (Timpsons) which without significant justification could have been considered harmful to the character of the Conservation Area. As a result of recent listing decisions (Puget's Cottage and 15 North Street); the scheme now omits a new link lane between North Street and Brighton Place and retains 15 North Street. Due to these changes a retail unit and 2 units of residential accommodation has been deleted from the proposal. The scheme as proposed now creates a flint wall to terminate the northern emphasis of the development adjacent to 15 North Street and reveal part of Puget's Cottage.
- 8.10 The creation of a new twitten or lane between Brighton Place and Meeting House Lane, with retail frontages at ground floor level, in place of the unsightly service yard and modern buildings is welcomed and would substantially enhance the appearance and character of the Old Town Conservation Area. It would offer positive urban design, social and economic benefits to Old Town in terms of increased permeability, attractiveness, enhanced public realm and an increased number of small retail units.
- 8.11 Most of the rear parts of the buildings on North Street are modern later extensions which are of no architectural or historic merit and detract from the character of the Conservation Area. The exceptions being the Timpson's building – No. 15 North Street and the gambrel roofed part flint and brick building behind it which currently comprise part of the rear accommodation of No. 14 North Street (Puget's Cottage). These two buildings are two of the oldest if not the oldest buildings in North Street. They are of architectural and historic interest and make a contribution to the character of the Conservation Area.
- 8.12 Number 15 North Street would be retained unaltered. Puget's Cottage would be subject to minor alterations that would not affect its special interest. The gambrel roofed building at the rear of No. 17 is visible from Brighton Place. It is of late 18th C or early 19th C in date, although the flint parts may be the remains of an earlier 17th C building. Crucially, this remnant of the early development of Old Town would be brought back into public view and visually integrated with the new lane. Its significance would therefore be better revealed by the development and its setting would be substantially enhanced, including by the demolition of the flat roofed building to the south, the restoration of the gable end and the construction of a new flint wall.
- 8.13 The setting of other nearby listed buildings, in Brighton Place and Meeting House Lane, would be preserved or in some cases enhanced.
- 8.14 The demolition of the modern extensions and parts of modern buildings at the rear of the shops on North Street and 12D Meeting House Lane are acceptable and don't require further justification. The replacement buildings are of a good architectural design and would enhance the character of the conservation area.

- 8.15 Landscaping: The landscaping within this portion of the project is largely limited to hard landscaping and hard surfacing. Nevertheless the continuity of the paving, surfaces and quality of materials are extremely important in ensuring a high quality and appropriate finish to the development. In addition, there is considered to be some scope to secure some form of planting either in the form of hanging baskets and/or planters.
- 8.16 A detail scheme of landscaping and materials is recommended to be secured by planning conditions.

Impact on Amenity:

- 8.17 The main concerns in this case are the impact of the new uses and physical development upon the amenities of adjacent and nearby occupiers. Issues to be considered relate to light, daylight, noise, privacy and outlook.
- 8.18 The surrounding area is a centrally located within a historical and high density location. As such weight to matters relating to noise, light and amenity should be considered within the context and expectation of the surrounding development and that of closely knit townscape and its sensitive historical environment.
- 8.19 Daylight/sunlight: Given the high density, historic location of the proposed development, a new lane that imitates similar development patterns to the historic Lanes and Old Town, with development in such close quarters would unavoidably provide some concern with regards to light and daylight.
- 8.20 The existing historic street pattern and development would not meet current best practice or guidance. The BRE report – *Site Layout Planning for Daylight and Sunlight - A guide for Good Practice* has been used to establish the potential impacts in this case. The BRE advice is not mandatory and does advise that in historic city centre such as The Lanes a high degree of obstruction may be unavoidable if developments are to match the height and proportions of existing development.
- 8.21 Concerns were raised with regards to the impact of new buildings and their impact upon 12 Meeting House Lane and the daylight provision within the residential development. The applicant has commissioned a daylight and sunlight analysis of these potential impacts, which has since been analysed by the BRE.
- 8.22 The report findings from the BRE stipulate that the daylight provision to the new residential development would achieve adequate levels.
- 8.23 The loss of sunlight to 30 Brighton Square would meet the BRE guidelines, whilst 29 Brighton Square would meet the guideline on annual loss of sun, but marginally fail the winter sunlight guidance.
- 8.24 The main loss of light identified is to two first floor windows at 12 Meeting House Lane. These rooms would be left with little light following redevelopment.

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However, they are within the ownership of the applicant and could be refurbished to improve daylight, but there are no present concrete proposals.

- 8.25 On balance and considering the tight knit historical fabric and expectations of daylight and sunlight in such a location, it is considered that the overall impact of the development upon nearby residential properties and standard of daylight provided within the new residential development would be acceptable in this case.
- 8.26 Outlook and privacy: The proposed development by reason of its siting, scale, height and the background character of the area would have an acceptable impact upon the outlook and privacy of adjacent occupiers.
- 8.27 The new lane is sited onto and behind the commercial units on North Street. The siting of the proposed development would therefore largely be sufficiently distanced as to not cause a loss of outlook from the nearest properties above the units further east at the rear North Street.
- 8.28 The new residential premises would maintain acceptable distances and relationships and inter relationships between the new development and the surrounding occupiers as to have an acceptable outlook and maintain privacy for all parties.
- 8.29 The new buildings as reported earlier; would result in some loss of daylight/sunlight to occupiers of the flats at 12 Meeting House Lane. However, given the siting, distance and orientation of the new buildings in respect of these residential occupiers and their outlook and privacy is considered acceptable.
- 8.30 Noise: Noise assessments has been undertaken by in March 2013 and submitted with the application. The area has a mix of commercial day, evening and night time activities. As such, there is already an expectation within the area that there is active combination of uses. This leads to
- 8.31 The Environmental Health Team have recommended that subject to securing appropriate double glazing to the new residential units that the proposal would be acceptable and unlikely to harm future occupiers.
- 8.32 Securing double glazing can sometime run contrary to historic conservation aims as it can be difficult to secure appropriate glazing details. However, by reason of the upper floor siting of the windows and confirmation from the Heritage team that the use of slimline glazing in upper floors would be acceptable it is considered that a sufficiently high standard of glazing can be secured.
- 8.33 Noise from Plant: The noise modelling assessment for plant shows that the noise levels due to plant at the nearest noise sensitive receptors would be greater than 5dB below background levels except at a single location. The modelling process assumes that all plant was running concurrently which is unlikely to be the case. The Environmental Health team consider that the actual noise levels may be lower. Consequently, it is deemed acceptable to recommend the standard plant

condition to secure compliance, particularly as plant details and plant position can change.

- 8.34 Noise from deliveries and waste collections: To prevent residents being unreasonably disturbed by deliveries and waste collections, it is suggested that deliveries and waste collections should not occur before 7am or after 7pm on Mondays to Saturdays and not at all on Sundays or Bank Holidays. A condition has been recommended.
- 8.35 Ventilation: In order to achieve satisfactory internal noise levels, the windows for the proposed apartments should be closed. Therefore, the acoustic report has also recommended that alternative means of ventilation are provided. To ensure that the internal noise level achieved by the glazing is not compromised a condition has been recommended.
- 8.36 The consultant has recommended that the separating floors/walls between the commercial units and residential properties achieve an airborne sound insulation performance 5dB above Approved Document E. This has been conditioned below.
- 8.37 Lighting: Lighting details are yet to be specified. A condition has been recommended to ensure that a suitable scheme of lighting is secured and that light pollution is not exacerbated above tolerable levels.
- 8.38 Outdoor abatement: Formation about odour abatement for the kitchens of the proposed cafes and restaurants should be provided. This would be to prevent future complaints about Statutory Odour Nuisance. A condition has been recommended below.

Living accommodation

- 8.39 The application site currently has 3 residential flats, these are located within the upper floor of North Street and the accommodation would not be affected by the proposals. The proposal would create 7 additional two bedroom residential units, all located upon the north side of the new Lane.
- 8.40 Each of the new flats would be laid out over two floors with the entrance on the first floor. The duplexes would be access via a rear courtyard with roof gardens for each unit. The first floor of the flats each have a shared mixed main living space lounge/kitchen room, entry level WC and two bedrooms with bathrooms on the second floor.
- 8.41 The proposed accommodation would provide a high standard of living for the occupiers and given the complex urban fabric of the area, the amenity space is welcomed. The floor space of each unit varies between 55 and 38 sq m for the first floor and 38 and 49 Sq m on the second floor.
- 8.42 The layout of the new flats would provide good circulation, wide stairs and opportunities to provide adaptable housing. The units would each have a good standard of outlook and amenity space especially given the complex layout of the surrounding development. Subject to adequate sound attenuation and

ventilation measures covered earlier in this report, the new residential properties would provide an adequate standard of living accommodation.

Employment uses

- 8.43 The development would create approximately 380 sq.m of office accommodation. The offices are in the form of 4 small units ranging from 73m² to 123m² which will be well suited to meet the needs of new emerging businesses looking for space in the city centre.
- 8.44 The proposed creation of office and employment uses within a sustainable town centre location with good transport links are welcomed and there are no objections in policy terms to the creation of the additional floor space.
- 8.45 If approved, a contribution through a S106 agreement for the payment of £8,430 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction phase has been requested by the economic Development team and has been added to the heads of terms for the S106 agreement.

Transport:

- 8.46 Travel demand and Parking: The proposals are intended to be car free. Such an approach is satisfactory as general parking standards are maxim and the application site is centrally located and easily accessible by sustainable modes of transport.
- 8.47 Residents should be prevented from buying parking permits by a TRO amendment to be funded by the applicants as part of the S106 agreement.
- 8.48 Disabled parking: SPG4 suggests minimum requirements of 18 disabled spaces for the Hannington Lane proposal. These spaces are not proposed. It is accepted that this area is unusually constrained and it is difficult to identify potential sites for bays. However there are alternative measures when bays cannot be provided and among these are contributions to the local shopmobility scheme and especially adapted public transport infrastructure. The Shopmobility scheme is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes and this area.
- 8.49 It is therefore proposed to require a £7,826 contribution towards this local shopmobility scheme and improving a dropped kerb near to the taxi rank in East Street in lieu of disabled parking provision.
- 8.50 The adopted parking standards also suggest 18 cycle parking spaces for the development. The application proposes 70. The numbers proposed are substantially higher than required but the exact layout is not clear and details should be required by condition. The applicants should also be required to confirm that hotel staff/ guests will be able to use other cycle parking to compensate for the slight under provision for that use.

- 8.51 Deliveries and construction: Construction could be difficult in this constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access should be required as part of any consent. It is recommended a Construction Environmental Management Plan is secured by S106.
- 8.52 The applicants have identified loading facilities and estimated demand for the development once built on the basis of a survey of deliveries required by existing local businesses. It is proposed that a service and delivery plan including a monitoring process be used. The Highway Authority comment that there is generally some spare capacity in the existing loading bays in North Street, and if problems arise in practice there are potential measures such as TRO revisions which could be implemented to address them. The plan and process should be confirmed by condition and this aspect of the application is acceptable on this basis.
- 8.53 Sustainable modes and contributions: The proposed development will attract additional trips onto the network. The number of trips is not estimated in the Transport Statement but the Highway Authority have commented that it was straightforward to estimate the number of trips likely to be generated by the residential and office uses and these estimates together with the standard contributions formula suggest that a contribution for these uses alone would be appropriate.
- 8.54 Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £17,692 for the Hannington Lane scheme. This should be spent on dropped kerbs and other small measures to facilitate walking and cycling within The Lanes
- 8.55 Travel Plan: A travel plan for the applications should be required by condition. Any detailed submissions should include provision for approval by the Council of the content of the proposed travel leaflets and the continuation of annual monitoring surveys for at least 5 years or until modal targets agreed by the Council have been met.
- 8.56 Impact on local pedestrian movements: The existing Lanes are adopted highways and in principal it would be desirable for consistency purposes to guarantee public access, and secure the new Hannington Lane to obtain this status. However, this would commit the Council as Highway Authority to funding maintenance, which is the Highways Team advice is undesirable given budgetary constraints. In addition, the applicants have not offered the routes for adoption and there is no planning policy by which can compel this.
- 8.57 Adopted policy does however support permeability of developments and for this reason it is considered that the applicants should be required by condition to enter into a walkways agreement which would guarantee limited public access rights.

- 8.58 Construction and drainage details of the new lane also should be required for approval by condition to ensure compliance with policy.

Sustainability:

- 8.59 The retail units are all sized below 80m² and whilst SPD08 requires Retail BREEAM 'excellent' rating for major retail developments, assessment of a number of small units under a BREEAM scheme would not be reasonable in this case. The construction method includes building into existing buildings at the rear of North Street which would be difficult to assess under BREEAM. Therefore technical, site and financial justification has provided grounds for assessment to an alternative standard: An Energy Performance Certificate rating of 'B' (In BREEAM energy terms equivalent to 'excellent'). The use of CfSH and BREEAM assessments on the site would ensure that site wide sustainability issues associated with these retail units would be addressed by these two assessments, so that although the retail units would not have their own BREEAM assessments.
- 8.60 The achievement of sustainability standards are challenging because of the nature of the site, with new development woven into a tight historical setting in close proximity to other buildings and in some cases built into existing historic buildings. Feasibility for renewable technologies is compromised, but despite this the proposals include renewables within the office and residential development with air source heat pump technology supplying heat to the offices, and photovoltaic panels providing electricity to the dwellings.
- 8.61 The design brief to maintain facades giving the appearance of the historical Lanes of the Old Town Conservation Area adds another barrier to the achievement of sustainability standards, requiring additional cost for the developer to meet similar standards using 'heritage' products such as windows. Given these difficult site and technical challenges, the proposals reflect a robust approach and have addressed sustainability policy well.
- 8.62 The submitted information indicates that a 'very good' standard overall will be achieved with a score of 57.76%, this is just within the 'very good range' of 55%-69%. Scores in specific sections are: 36% in energy and 66.67% in water. BREEAM 'excellent' standard is expected for major development under SPD08. The office development proposed for Hannington Lane is a total of 378m² (Drawings 1139-R-22A, 1139- P-214-A) if proposed as an individual proposal this would fall into the 'medium' scale category under SPD08 (236-999m²) and would trigger a BREEAM 'very good' standard.
- 8.63 The specification is for office space totalling 378m² over 2nd and 3rd floor of the building: a concrete frame construction with metal stud infill system, flat roof and high levels of insulation. Air Source heat pumps will be used for heating. Good building envelope and air-tightness performance is sought above building regulations standards. 'A' rated building materials; and site waste management plan.
- 8.64 Sustainability features included in proposals include: CfSH Level 4, with CO₂ reductions beyond the minimum Level 4 standards; BREEAM Office 'very good' standard; EPC 'B' rating for the retail units; renewable technologies on office (air

source heat pump) and dwellings (photovoltaic panels); small efficient communal gas based heating system for the retail units; efficient thermal building fabric throughout; energy efficient lighting; significantly reduced residential water use to 80litres/person/day; basic rainwater catchment via butts for dwellings; recycling facilities; construction waste management with targets of 85% reduction waste from landfill; energy efficient lighting; sustainable materials.

- 8.65 Approval is recommended with conditions suggested to secure Code for Sustainable Homes 4. Pre commencement: Design Certificate, Pre occupation: Final certificate); BREEAM office 'very good' 50% in energy & water sections; Green lease agreement with incoming tenants to fit out to BREEAM 'very good', 50% energy & water. Pre-occupation; EPC 'B' rating for retail units (evidence may include an Energy Performance Certificate). Pre-occupation.; Considerate Constructors scheme and to investigate roof and wall planting to minimise urban heat island effect.

Other issues:

- 8.66 Land contamination: A land contamination assessment report has been undertaken by and submitted by the applicant. The Environmental Health team agree with the submitted report and its conclusion that an intrusive site investigation to quantify associated risks is required. Therefore, it is recommended that the Council's full phased contaminated land condition is applied to this development.
- 8.67 Archaeology: The submitted archaeology report concludes that based on the existing information there is a potential that archaeological deposits will be disturbed or exposed.
- 8.68 It is unlikely significant that post Pleistocene remains (at shallow depth) have survived on this site due to the impact of the construction of the current buildings.
- 8.69 In the light of the County archaeologist comments with that the potential that any groundworks which extend below made ground are highly likely to impact on either Holocene colluvium or Pleistocene sedimentation (Head or Raised Beach) the area affected by the proposals, the development should be the subject of a programme of archaeological works to enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.
- 8.70 Accordingly it is recommended that planning conditions to secure implementation of a programme of archaeological work in accordance with a written scheme of investigation is secured and the development not being brought into use until the site investigation and analysis has been completed.
- 8.71 Waste collection: Due to current accessibility, City Clean do not presently run a kerb side collection in this area. Residents currently use communal bins for household rubbish and recycling points adjacent to Brighton Town Hall.
- 8.72 With additional residential properties being constructed it is requested that any resident use a similar arrangement to dispose of waste and recycling. Residents could use the provision for a private contractor set out in the application.

However, as a waste disposal Authority, the City Council is legal obliged to collect household waste and therefore would require a waste management plan to ensure that the proposals for private collections are adhered to and allow for additional waste and recycling provisions in the future if the Council are required to take over collection in the future. A planning condition to secure and implement this plan is recommended.

9 CONCLUSION

- 9.1 The proposal when considered both independently and as part of a comprehensive redevelopment master plan with Brighton Square redevelopment would provide significant improvements to the appearance of the area and to the surrounding historic environment.
- 9.2 The new commercial and residential development within a central and sustainable and accessible location is welcomed. The new office space and retail would provide additional employment opportunities whilst the new residential accommodation would provide a good standard of living accommodation for the occupiers.
- 9.3 The detailing and quality of detailing and materials are key to delivering a high quality development which translates and assimilates the surrounding heritage assets and environment. Suitable detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, a high quality of amenity, delivery, operation and compliance with adopted planning policy.

10 EQUALITIES

- 10.1 The development would provide improved access with the new lane of accessible gradient and access to the square, commercial units in Meeting House Lane.
- 10.2 The new residential units and development would be required to meet Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Heads of terms

- 11.1 Section 106 agreement to secure:-
 - A contribution of £27,018 towards improving sustainable highway infrastructure in the area, shopmobility in-lieu disabled parking, Traffic Regulation order changes;
 - A contribution of £9,500 towards Public Art
 - A contribution of £8,430 towards the Local Employment Scheme (LES);
 - An employment strategy to secure at least 20% local labour during construction of the project;
 - A Walkways Agreement

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Prior to first occupation, an obligation to enter into a Walkways Agreement under Section 35 of the Highways Act 1980 to agree means of security access and management of the new Lane.

- A Construction Environmental Management Plan;

The Developer covenants with the Council not to Commence Development until it has submitted to the Director for approval a Construction Environmental Management Plan (CEMP) which will provide the following information

- The phases of the Proposed Development including the forecasted completion date(s)
- A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- A plan showing construction traffic routes.

Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1239 P 200	-	06/03/2013
Block Plan	1239 P 201	-	06/03/2013
Existing Basement Plan	1239 P 202	-	06/03/2013
Existing Ground Floor Plan	1239 P 203	-	06/03/2013
Existing First Floor Plan	1239 P 204	-	06/03/2013
Existing Second Floor Plan	1239 P 205	-	06/03/2013
Existing Roof Floor Plan	1239 P 206	-	06/03/2013
Proposed Site Plan	1239 P 210	B	18/10/2013
Proposed Basement Plan	1239 P 211	B	18/10/2013
Proposed Ground Floor Plan	1239 P 212	B	18/10/2013
Proposed First Floor Plan	1239 P 213	D	14/11/2013
Proposed Second Floor Plan	1239 P 214	C	18/10/2013
Proposed Roof Floor Plan	1239 P 215	C	18/10/2013
Existing & Proposed Elevations 1	1239 P 220	D	18/10/2013
Existing & Proposed Elevations 2	1239 P 221	B	01/08/2013

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Existing & Proposed Elevations 3	1239 P 222	B	18/10/2013
Existing & Proposed Elevations 4	1239 P 223	D	18/10/2013
Existing & Proposed Elevations 5	1239 P 224	B	01/08/2013
Existing & Proposed Elevations 6	1239 P 225	A	14/06/2013
Existing & Proposed Elevations 7	1239 P 226	B	14/06/2013
Existing & Proposed Elevations 8	1239 P 227	B	18/10/2013
Existing & Proposed Elevations 9	1239 P 228	B	14/06/2013
Existing & Proposed Elevations 10	1239 P 229	C	18/10/2013
Existing & Proposed Elevations 11	1239 P 230	A	14/06/2013
Existing & Proposed Elevations 12	1239 P 231	B	06/09/2013
Existing & Proposed Elevations 13	1239 P 232	A	14/06/2013
Existing & Proposed Elevations 14	1239 P 233	A	14/06/2013
Existing & Proposed Elevations 15	1239 P 234	A	14/06/2013
Existing & Proposed Elevations 16	1239 P 235	A	18/10/2013
Proposed Section 1	1239 P 240	-	06/03/2013
Proposed Section 2	1239 P 241	A	14/06/2013
Daylight Report	-	-	06/09/2013
Sustainability Statement	-	-	06/03/2013
BREEAM Domestic Refurbishment	-	-	06/03/2013
Sustainability checklist	-	-	06/03/2013
Mechanical and electrical services overview	-	-	06/03/2013
Noise assessment	-	-	06/03/2013
Street Lighting	-	-	06/03/2013
Design and access statement	-	-	06/03/2013
Phase 1 Contamination report	-	-	06/03/2013
Drainage and flood risk strategy	-	-	06/03/2013
Transport Statement	-	-	06/03/2013

- 3) The rooflight(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 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. 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.

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- 5) All railings within the development shall be painted black. Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 6) Deliveries and waste collections shall not occur except between the hours of 7am and 7pm on Mondays to Saturdays and not at anytime on Sundays, Bank or Public Holidays. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 7) The Party Walls/Floors between commercial units (including the relocated plant room) and residential units shall be designed to achieve an airborne sound insulation value of 5dB greater than that specified in Approved Document E of the Building Regulations. **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.
- 8) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 9) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 10) 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 and planting of the development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale elevations and sections of all architectural features, including the include the dormers, parapets, cornices, bays, windows, doors, balconies, balustrades, gates and shop fronts. The development shall thereafter be

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implemented in strict accordance with the approved details 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.

- 12) The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted. **Reason:** To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.
- 13) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:1 scale joinery section details of the new shop front, doors and windows of the new buildings. The development shall thereafter be conducted in strict accordance with the approved details 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.
- 14) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority; details include the location, number, design, luminance level and method of fixings. 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) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:5 scale detailed elevations and sections of all rainwater goods. The development shall thereafter be conducted in strict accordance with the approved details 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.
- 16) No development shall take place until a written scheme for the new street nameplates has been submitted to and approved by the Local Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 17) Prior to the commencement of any flint facing elevations or flint construction, a sample flint panel shall be constructed and approved on site. The flintwork hereby approved shall be conducted in accordance with

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the approved panel and thereafter retained. **Reason:** To ensure a satisfactory appearance to the development, to preserve the setting of listed buildings and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 18) Prior to the commencement of the development hereby approved a Construction, 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.
- 19) 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
- 20) Unless otherwise agreed in writing by the Local Planning Authority, no office development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM Very Good standard overall, with at least 60% in water section and a minimum of 6 credits scored within the BREEAM Energy Section ENE1 (equivalent to the mandatory minimum standard for excellent in energy) for the office development has been submitted to, and approved in writing by, the Local Planning Authority. The evidence that these levels have been achieved should be provided by a licenced BREEAM assessor. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 21) No development shall commence until a scheme for the glazing of the façade of the proposed apartments facing north to the courtyard area behind North Street has been submitted to and approved in writing by the Local Planning Authority. The glazing for the bedrooms facing this courtyard shall attenuate airborne sound by 47dB. **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.

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- 22) No development shall commence until a scheme for the glazing of the façade of the proposed apartments facing south and east on to the proposed Hannington Lane and the new link to North Street has been submitted to and approved in writing by the Local Planning Authority. The glazing for the bedrooms facing the proposed Hannington Lane and link to North Street shall attenuate airborne sound by 45dB **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.
- 23) No development shall commence until a scheme for the glazing of the proposed apartment facing North Street and the new lane joining North Street to the proposed Hannington Lane, has been submitted to and approved in writing by the Local Planning Authority. The glazing for the bedroom windows of this apartment shall attenuate sound borne noise by 47dB. **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.
- 24) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation **Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan
- 25) Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation. **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.
- 26) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
- (Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have

to satisfy the requirements of b and c below. However, this will be confirmed in writing);

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

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

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

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include 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 a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c 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) 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 condition (i) c.”

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

Pre-Occupation Conditions:

- 27) 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.
- 28) 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

PLANNING COMMITTEE LIST- 11 DECEMBER 2013

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.

- 29) 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.
- 30) Unless otherwise agreed in writing by the Local Planning Authority, none of the office 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
- 31) Unless otherwise agreed in writing by the Local Planning Authority, none of the retail development hereby approved shall be occupied until a Green lease agreement with incoming tenants to fit out to BREEAM 'very good', 50% energy & water 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
- 32) Unless otherwise agreed in writing by the Local Planning Authority, none of the retail development hereby approved shall be occupied until an EPC 'B' rating for retail units (evidence may include an Energy Performance Certificate) 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
- 33) Prior to the commencement of development upon the site a Feasibility study outlining the potential for roof and wall planting to minimise urban heat island effect shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be thereafter retained.

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

- 34) No development shall take place until a written scheme for the ventilation of the residential units has been submitted to and approved in writing by the Local Authority. The ventilation scheme shall ensure that the internal noise conditions that will be achieved due to the glazing specifications of the apartments are not compromised. **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.
- 35) No development shall commence until a scheme for the fitting of odour control equipment for the proposed restaurants and cafes 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 36) Prior to occupation of the development hereby approved, the Developer or owner shall submit to the Local Waste Authority for approval in writing a detailed Waste Management Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable waste management of residential and commercial properties within the development. The Waste Management Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:
- (i) Promote and enable the separation of waste material for recycling
 - (ii) Provide appropriate containment for recycling and non recyclable waste
 - (iii) Ensure all commercial properties are aware of their duty of care
 - (iv) Ensure suitable containment is provided to prevent any waste becoming a source of litter
 - (v) Enable household waste and recycling to be separated from commercial waste for possible collection from the Local Waste Authority.
- 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.
- 37) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

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

Reason: To ensure the promotion of sustainable forms of travel and comply with policies 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. 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.
3. 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 creation of a new shopping lane with commercial and residential development would provide significant improvements to the appearance of

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the area and to the surrounding historic environment and provide additional housing and greater employment opportunities in accordance with policy frameworks.

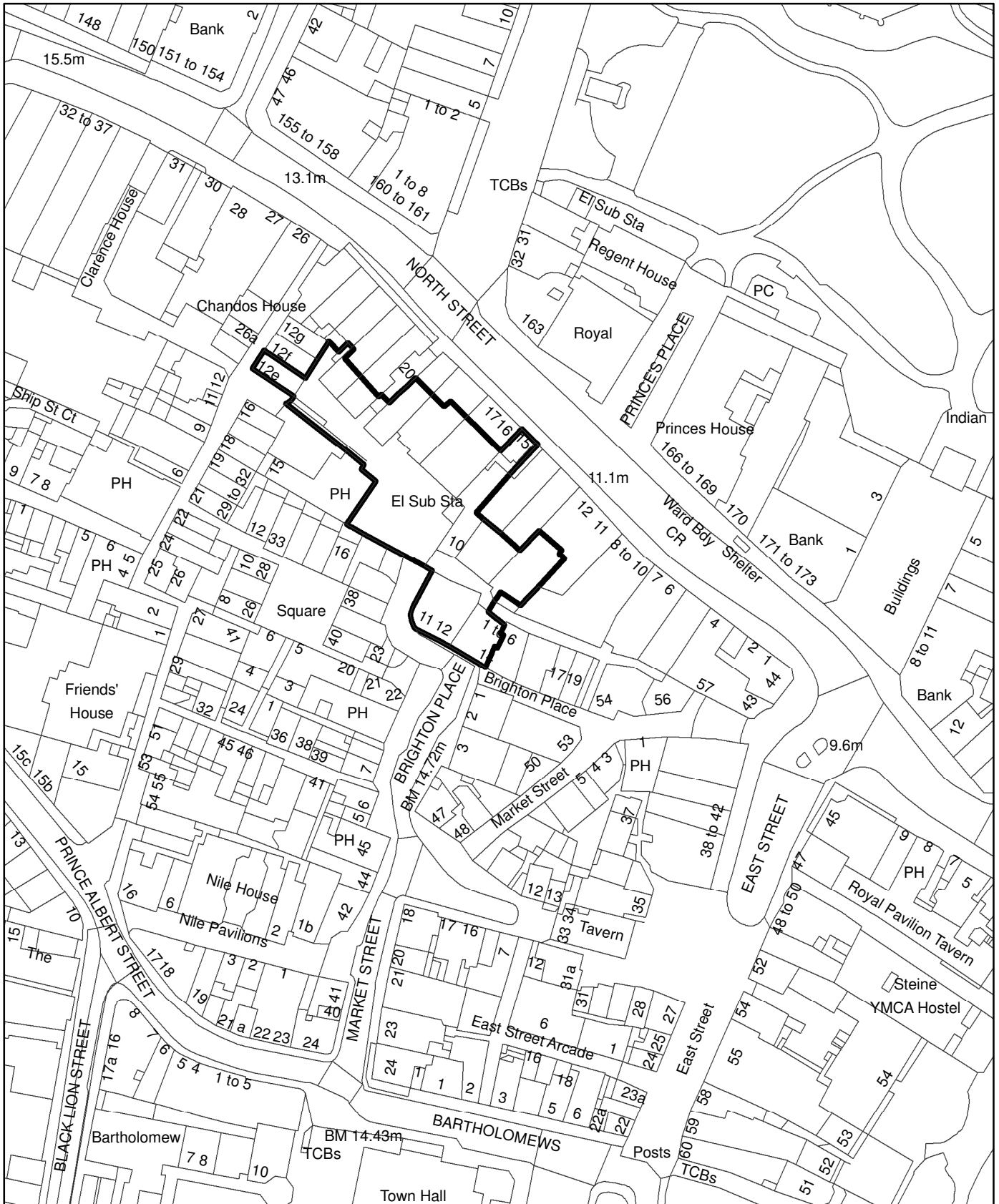
ITEM E

**13-22 North Street, 12D Meeting House Lane
and 11-14 Brighton Place, Brighton**

**BH2013/00711
Conservation area consent**

11 DECEMBER 2013

BH2013/00711 13-22 North Street 12d Meeting House Lane, & 11-14 Brighton Place, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/00711	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place Brighton		
<u>Proposal:</u>	Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	06 March 2013
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	01 May 2013
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue Brighton BN1 6FA		
<u>Applicant:</u>	West Register (Property Investments) Ltd, 280 Bishopsgate London EC2M 4RB		

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** Conservation Area Consent subject to no further grounds for objection being received prior to the public consultation period expiring and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The development comprises buildings, the rear of buildings, land and open space located upon North Street, Brighton Place and Meeting House Lane in Brighton. Much of the site entails buildings and land formerly used within Hannington's department store which closed in the early 2000s.
- 2.2 The site is wholly contained within the Old Town Conservation Area whose development pattern dates back to the original historic fishing port. The Old Town Conservation Area is characterised by irregular linear roads running predominately north to south and twittens (alleyways) running east to west. The old street blocks are rectangular at the northern end of Old Town, with a bend eastwards with North Street angled approximately south eastwards, with some modern later exceptions such as Prince Albert Street.
- 2.3 The area is characterised by diversity of building sizes, heights, periods and styles. There is predominance of 2 to 4 storeys with close grained form and some much larger buildings inserted later and dating from the mid 19th century to more recent, such as the Hippodrome, Town Hall and Bartholomew Square development. There is little surviving development that pre dates the 16th Century, with much of the buildings appearing to date from 18th and 19th centuries; although it is possible that Old Town does include earlier building or part of building that have been masked by later remodelling. The application is more closely located with the area immediately to the south of the site, known

as The Lanes; which is characterised by a network of narrow twittens and smaller scale building.

- 2.4 The application site more specifically comprises the buildings at the rear of North Street. Many of the rear portions of the buildings at the rear of North Street are largely later unsympathetic additions, which are not of architectural or historic merit.
- 2.5 The exceptions to this are no.15 North Street (Timpsons) and a gambrel roofed flint and brick building behind 14 North Street. These two buildings are likely the oldest in North Street, are of architectural or historical merit and make an important contribution to the character of the Old Town conservation area. Both were placed on the Statutory List Grade II by English Heritage in September 2013.

3 RELEVANT HISTORY

This application has been submitted to run concurrently with 5 other applications.

BH2013/00710: Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description) - Under consideration.

BH2013/00715: Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works – Under consideration.

BH2013/00716: Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square – Under consideration.

BH2013/03589: Alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway – Under consideration.

4 THE APPLICATION

- 4.1 Conservation Area Consent is sought for the demolition of existing buildings 13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place Brighton.
- 4.2 It should be noted that as a result of recent listings and to reflect changes to development proposals the application to demolish buildings has been amended to omit the buildings at 15 North Street (Timpsons) and at the rear of 14 North Street (Pugets Cottage)

5 PUBLICITY & CONSULTATIONS

External:

Neighbours:

- 5.1 None received

5.2 CAG:

The Group has no objections on conservation grounds to the application for demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops.

English Heritage:

- 5.3 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 5.4 In previous comments whilst there was no objection in principal, it was considered that further opportunities to enhance the conservation area could be achieved. It was commented that whilst the creation of the new lane would result in the loss of some historic fabric, but on balance it is considered that the public benefits would outweigh the harm in this case.
- 5.5 Concerns had been raised with regards to the loss of 15 North Street and further justification should be submitted. Subject to the LPA accepting the loss of the building, appropriate recording should be secured by planning condition.

Internal:

Heritage:

- 5.6 The site falls within the Old Town Conservation Area. Number 15 North Street and Puget's Cottage are Grade II Listed Buildings, together with the linking brick paved yard or twitten. Several buildings to the south of the site in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development, on Meeting House Lane, are listed. The site also falls within an Archaeological Notification Area (ANA)
- 5.7 The Old Town's character is set out in the document Conservation in the Old Town (1979). Whilst this needs updating, it remains a valid material consideration. The original historic small fishing port of Old Town is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west. The main street blocks are exactly rectangular and at the northern end, the grid is warped eastwards and North Street is angled slightly south-eastwards. The area is characterised by a diversity of building sizes, heights, periods and styles but is predominantly 2 – 4 storeys in height and close-grained with some much larger buildings inserted from the mid 19th century to the present such as the Town Hall, The Hippodrome, and the Bartholomew Square development. The area immediately to the south of the site, known as The Lanes, is characterised by a network of narrow twittens and smaller scale buildings.

- 5.8 Most of the rear parts of the buildings on North Street are modern later extensions which are of no architectural or historic merit and detract from the character of the Conservation Area. The exceptions are the Timpson's building - 15 North Street - and the gambrel-roofed, part flint and brick building behind it, known as Puget's Cottage, which currently comprise part of the rear accommodation of number 14 North Street. These two buildings are two of the oldest if not the oldest buildings in North Street. Puget's Cottage is currently hidden from public view.
- 5.9 Numbers 11-14 Brighton Place form part of the Brighton Square development. The Brighton & Hove Pevsner guide says of Brighton Square: –
“This is of 1966 by Fitzroy Robinson & Partners, sensitive infill, shops and flats of load-bearing brick placed over a reinforced concrete basement car park, the entrance to which is discretely tucked away. Architecturally of its time, with projecting upper bays clad in tile hanging and shiplap boarding, successfully in keeping to the style and variety of The Lanes. It was well received when built, earning a Civic Trust award, and is still a model for urban renewal. In the centre of the square a fountain and Dolphin sculpture by James Osborne.”
- 5.10 The portal building has been altered and shop units extended into its arched openings. The buildings around the Square have had their timber lapboarding replaced with artificial composite boarding and fibre cement fascia boarding and the original timber windows have been replaced in white powder coated aluminium albeit all in the same style. Most of the shop fronts and their fascias and many of their pilasters have been altered in an unsympathetic way and the ground floor facades have lost their architectural unity. The fountain and dolphin sculpture are later insertions. 11 Brighton Place is unauthorised partially constructed building which detracts from the character of the Conservation Area and its demolition requires no justification.

The Proposal and Potential Impacts

- 5.11 This application is part of a wider development including Brighton Square to the south. Whilst the two need to be considered together, it is also important to consider their impacts in the event that one or the other failed to go ahead and it is essential that they work in urban design and architectural terms as stand alone schemes. The Masterplan is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. This document is very much welcomed.
- 5.12 The creation of a new twitten or lane between Brighton Place and Meeting House Lane, with retail frontages at ground floor level, in place of the unsightly service yard and modern buildings is most welcome and would substantially enhance the appearance and character of the Old Town Conservation Area. It would offer positive urban design, social and economic benefits to Old Town in terms of increased permeability, attractiveness, enhanced public realm and small retail units. The heights and the grain of the development are considered appropriate to this part of the Conservation Area and the traditional design approach is considered appropriate in this case. The variety of historic period designs interspersed with several contemporary designs reflects the varied character of

the area. All styles of architecture are valid, provided that they are sympathetic to the character of the area and are not anachronistic or pre-date the area's development. The crucial issue is the quality of the design, detailing and materials. The proposed palette of materials and the traditional detailing as shown on the elevations are based on historic examples in the area and are appropriate to Old Town but will need to be carefully controlled by conditions.

- 5.13 Number 11 Brighton Place is an unauthorised partially constructed building which detracts from the character and appearance of the Conservation Area and its demolition requires no justification. Similarly the demolition of the existing flat roofed stores and first floor additions to the North Street buildings can only be welcomed.
- 5.14 With regard to the Listed Buildings, number 15 North Street would be retained unaltered. Puget's Cottage would be subject to minor alterations that would not affect its special interest. More crucially, this remnant of the early development of Old Town would be brought back into public view and visually integrated with the new lane. Its significance would therefore be better revealed by the development and its setting would be substantially enhanced, including by the demolition of the flat roofed building to the south, the restoration of the gable end and the construction of a new flint wall. The setting of other nearby listed buildings, in Brighton Place and Meeting House Lane, would be preserved or in some cases enhanced.
- 5.15 There would be potential concern about the blank south flank wall of Unit 16 if the associated development of Brighton Square failed to go ahead, but this could be overcome by blind window recesses and storey bands if necessary and in any case that concern does not outweigh all the positive heritage benefits of the proposals.

6 MATERIAL CONSIDERATIONS

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

- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan

HE8 Demolition in Conservation Areas

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issue for consideration is whether the loss of the existing buildings on the site would adversely affect the character and appearance of the Old Town Conservation Area.
- 8.2 Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a Conservation Area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:
 - a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
 - b) viable alternative uses cannot be found; and
 - c) the redevelopment both preserves the areas character and would produce substantial benefits that would outweigh the building's loss.

Buildings at the rear of North Street

- 8.3 Most of the rear parts of the buildings on North Street are modern later extensions which are of no architectural or historic merit and detract from the character of the Conservation Area.
- 8.4 The extensions vary heavily in terms of their scale, height, levels, materials and presently have a very poor outward appearance. Pedestrian access to link Brighton Place and Meeting House Lane is available via a through route but not clearly signed, well used or attractive. The appearance of this through route is therefore poor and harms the setting of the Old Town Conservation Area.

- 8.5 The exceptions are the Timpson's building – No. 15 North Street and the gambrel roofed part flint and brick building behind it which currently comprise part of the rear accommodation of No. 14 North Street known as Pugets Cottage. These two buildings are two of the oldest if not the oldest buildings in North Street. Both are of architectural and historic interest and make an important contribution to the character of the Conservation Area. English Heritage listed both buildings Grade II in September 2013 and as such the demolition of 15 North Street has been omitted and the development proposal amended to retain both buildings.
- 8.6 Demolition: On the basis that the redevelopment proposals to build a lane to link Meeting House Lane and Brighton Place with a combination of uses including Retail, Commercial, Office and Residential with a high quality redevelopment are acceptable, it is considered that the proposals would produce substantial benefit to the Old Town conservation area and would improve the appearance of the area and compensate for the loss of the extensions.
- 8.7 Conditions should be imposed in order to ensure a contract exists for the construction of the replacement building and/or the landscaping of the site prior to the commencement of demolition.

9 CONCLUSION

- 9.1 The redevelopment proposal to build a new lane to link Meeting House Lane and Brighton Place with a combination of uses including Retail, Commercial, Office and Residential with a high quality redevelopment are acceptable, it is considered that the proposals would produce substantial benefit to the Old Town Conservation Area and would improve the appearance of the area and compensate for the loss of the extensions.

10 EQUALITIES

- 10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent. **Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted. **Reason:** To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

11.2 Informatives:

PLANNING COMMITTEE LIST- 11 DECEMBER 2013

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

Plan Type	Reference	Version	Date Received
Site Plan	1239 P 200	-	06/03/2013
Block Plan	1239 P 201	-	06/03/2013
Existing Ground Floor Plan	1239 P 203	-	06/03/2013
Existing First Floor Plan	1239 P 204	-	06/03/2013
Existing Second Floor Plan	1239 P 205	-	06/03/2013
Demolition Ground Floor Plan	1239 P 253	A	18/10/2013
Demolition First Floor Plan	1239 P 254	A	18/10/2013
Demolition Second Floor Plan	1239 P 255	A	18/10/2013
Demolition Elevation 1	1239 P 270	-	06/03/2013
Demolition Elevation 2	1239 P 271	-	06/03/2013
Demolition Elevation 3	1239 P 272	A	18/10/2013
Demolition Elevation 4	1239 P 273	A	18/10/2013

2. This decision to grant Conservation Area Consent has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local 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 redevelopment proposal to build a new lane to link Meeting House Lane and Brighton Place with a combination of uses including Retail, Commercial, Office and Residential with a high quality redevelopment are acceptable, it is considered that the proposals would produce substantial benefit to the Old Town Conservation Area and would improve the appearance of the area and compensate for the loss of the extensions.

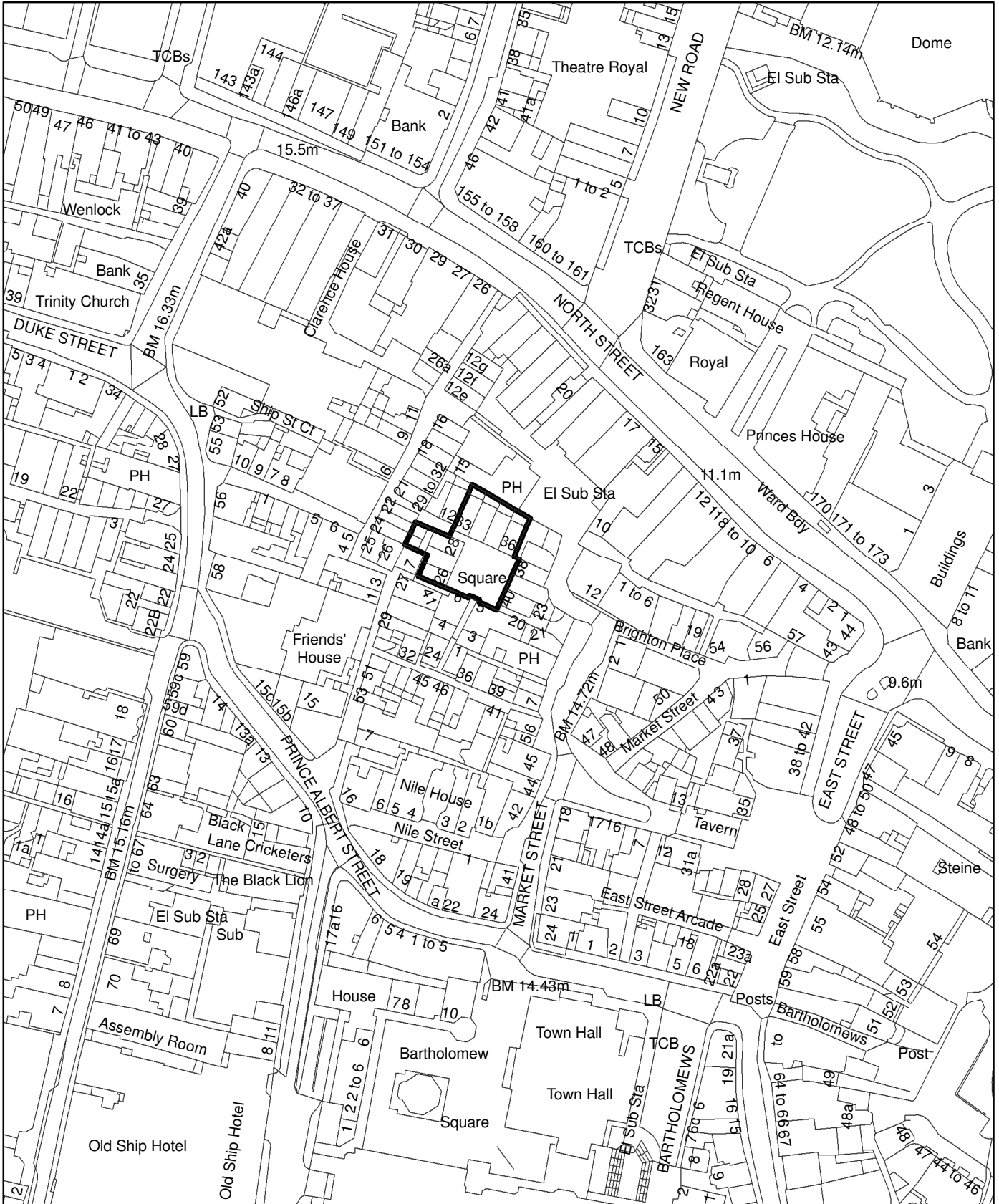
ITEM F

**7-10, 13-16, 26-28 and 33-36 Brighton
Square, Brighton**

**BH2013/00712
Full planning**

11 DECEMBER 2013

BH2013/00712 7-10, 13-16, 26-28 & 33-36
Brighton Square, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/00712	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7-10 13-16 26-28 and 33-36 Brighton Square Brighton		
<u>Proposal:</u>	Removal of existing roof structures to 7no. two storey maisonettes within Brighton Square and creation of additional floors to each dwelling to create 7no three storey town houses. Formation of new entrance stair and lift and escape stair access connecting basement to first floor level. Remodelling works to residential façade, installation of new shop fronts to existing retail A1 and A3 units at ground floor level and remodelling and renovation works to square.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	12 March 2013
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	07 May 2013
<u>Listed Building Grade:</u>	Adj to Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue Brighton		
<u>Applicant:</u>	Centurion Group, Centurion House, 11 Prince Albert Street Brighton		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 Brighton Square is a mid 1960's mixed use development located within the Old Town area of Brighton. The development comprises of approximately 20 shops and 36 residential units. The development is a variation of 2 and 3 storey buildings, with a subterranean car park and servicing area.
- 2.2 Architecturally the Square is of its period, with projecting upper bays, faces in cladding, hanging tile and shiplap boarding. The redevelopment was well received when built, earning a Civic Trust award.
- 2.3 The site falls within the Old Town Conservation Area. None of the buildings on the site are Listed. However the site adjoins a listed building – The Druids Head (9 Brighton Place) and several other buildings to the south in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development are also Listed.
- 2.4 The development despite being angular integrates and permeates well with the original historic small fishing port of Old Town which is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west.

3 RELEVANT HISTORY

This application has been submitted to run concurrently with 5 other applications.

BH2013/00710: Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description) - Under consideration.

BH2013/00711: Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops - Under consideration.

BH2013/00715: Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works – Under consideration.

BH2013/00716: Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square – Under consideration.

BH2013/03589: Alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway – Under consideration.

4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of existing roof structures above the existing 7no. two storey maisonettes within Brighton Square and the creation of an additional floor to each to create 7no.three storey town houses.
- 4.2 In addition the proposal seeks the formation of new entrance stair and lift and escape stair access connecting the basement to first floor level. The application also includes remodelling works to the residential façade, installation of new shop fronts to existing retail A1 and A3 units at ground floor level and remodelling and renovation works to the square.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

One (1) letters of representation have been received from **(7 Brighton Place)** Supporting the application for the following reasons:

- No objections, the redevelopments can only be beneficial to the city and Lanes area.
- The proposals would make better use of wasted unsightly space

5.2 **One (1)** letters of representation have been received from (**23 Meeting House Lane**) objecting the application for the following reasons:

- The proposal would result in a loss of light to the shop at 23 Meeting House Lane.

5.3 **Conservation Advisory Group:**

After discussion, and a show of hands, the majority of the group objected to the proposed recladding of the façades and recommended the existing façade should be retained.

5.4 **Regency Society:**

- Welcome the proposals to increase the amount of residential space in Brighton Square by adding an additional floor to some of the properties.
- The new structures have been set back from the main facades thus avoiding the impression of excessive massing when viewed within the Square
- The Society are less supportive of the proposals to re-model the square. The buildings are within a Conservation Area and represent a good and successful examples of mid twentieth century small scale development. The existing cladding is sympathetic to the wide variety of periods and styles represented in the neighbouring Lanes.
- The development received a Civic Trust award shortly after completion, for this reason the Regency Society consider that the original appearance should be preserved rather than replaced. The Society urges the Planning committee to refuse the application unless this element of the proposal is removed.

Internal:

Heritage: Comment

5.5 This proposal is part of a wider development including 7-10 13-16 26-28 and 33-36 Brighton Square Brighton and 13 - 22 North Street and the service yards behind, 12D Meeting House Lane and 11-14 Brighton Place Brighton. The Masterplan which ties them together is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. It is considered important that the two Brighton Square applications should proceed concurrently so that the design and appearance of Brighton Square would remain consistent on the three main sides.

5.6 The Brighton Square applications would jointly offer substantial heritage and wider public benefits to the enhancement of the Old Town Conservation Area, in terms of the appearance of the public realm, the economic vitality of the area, the permeability of pedestrian routes and the quality of architecture. The proposals would preserve the setting of all the listed buildings in the vicinity. These enhancements and benefits would outweigh any less-than-substantial harm arising from the alterations to Brighton Square as an undesignated heritage asset (potential addition to the Local List).

Statement of Significance

- 5.7 The site falls within the Old Town Conservation Area. None of the buildings on the site are listed. Several buildings to the south in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development in Meeting House Lane are Listed. The site also falls within an Archaeological Notification Area (ANA)
- 5.8 The Old Town's character is set out in the document Conservation in the Old Town (1979). Whilst this needs updating, it remains a valid material consideration. The original historic small fishing port of Old Town is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west. The main street blocks are exactly rectangular and at the northern end, the grid is warped eastwards and North Street is angled slightly south-eastwards. Prince Albert Street is a 19th century planned intervention which cuts across this diagonally.
- 5.9 The area is characterised by a diversity of building sizes, heights, periods and styles. The area is predominantly 2 – 4 storeys in height and close-grained with some much larger buildings inserted from mid 19th century to the present such as the Town Hall, The Hippodrome and the Bartholomew Square development.
- 5.10 Most buildings appear to date from the 18th and 19th centuries although some earlier buildings or parts of buildings may be masked by later remodelling. The area immediately to the south of the site, known as The Lanes, is characterised by a network of narrow twittens and smaller scale buildings.
- 5.11 The Brighton & Hove Pevsner guide says of Brighton Square: –
“This is of 1966 by Fitzroy Robinson & Partners, sensitive infill, shops and flats of load-bearing brick placed over a reinforced concrete basement car park, the entrance to which is discretely tucked away. Architecturally of its time, with projecting upper bays clad and tile hanging and shiplap boarding, successfully in keeping to the style and variety of The Lanes. It was well received when built, earning a Civic Trust award, and is still a model for urban renewal. In the centre of the square a fountain and Dolphin sculpture by James Osborne.”
- 5.12 The portal building on Brighton Place has been altered and shop units extended into its arched openings. The buildings around the Square have had their timber lapboarding replaced with artificial composite boarding and fibre cement fascia boarding and the original timber windows have been replaced in white powder coated aluminium albeit all in the same style. Most of the shop fronts and their fascias and many of their pilasters have been altered in an unsympathetic way and the ground floor facades have lost their architectural unity. The fountain and dolphin sculpture are later insertions.
- 5.13 Attitudes towards 1960s architecture vary greatly and generate much controversy. Whilst Brighton Square may be considered to be much better than many of the more brutal town centre redevelopments of the 1960s, it has clear faults and in places appears dated. The car park entrance and the service entrance are particularly unattractive in views eastwards along Brighton Place. In urban design terms its current layout and street furniture do not enhance the

area. It has though been nominated for Local Listing in the current review and must therefore be considered as an undesignated heritage asset.

- 5.14 The Proposal and Potential Impacts: This application is part of a wider development including 7-10 13-16 26-28 and 33-36 Brighton Square Brighton and 13 - 22 North Street and the service yards behind, 12D Meeting House Lane and 11-14 Brighton Place Brighton. The Masterplan is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. Whilst the three schemes need to be considered together, it is also important to consider their impacts in the event that one or the other failed to go ahead and it is essential that they work in urban design and architectural terms as stand alone schemes. It is considered important that the two Brighton Square applications should proceed concurrently so that the design and appearance of Brighton Square would remain consistent on the three main sides.
- 5.15 Photomontages from key viewpoints have been provided in order to assess the visual impact of the proposed additional storey to Brighton Square on the buildings around Brighton Square and in views from further away, including New Road. These confirm that the additional height to Brighton Square would not make it harmfully visible in any key sensitive views. The desirability for an additional storey on the single storey shop unit at 7 Brighton Square has been identified and it is understood that a separate application will be made for this. This application must therefore be considered in its current form. The remodelled, higher Brighton Square development would be very clearly visible above the single storey shop unit and, with its contemporary design approach, would present a clear contrast with the small-scale traditional buildings of The Lanes. However, this would be a brief, glimpsed view and the contrast in scale and design would not in itself be harmful to the appearance of the Conservation Area or the setting of the Listed Buildings.
- 5.16 In terms of the design of remodelled elevations and additional floors, the elevations have evolved very positively to address the initial concerns raised. The proportions - including relationship of solid to void and glazing subdivisions - are appropriate to the surrounding context. The elevation drawings have been fully annotated to describe the materials and these materials are all considered to be appropriate (subject to samples secured by condition).
- 5.17 Whilst the proposal would involve the extension and major remodelling of an undesignated heritage asset it is considered that the remodelling and recladding of the facades on the north and east sides of the Square in a more contemporary style is acceptable. The additional storey would not be visually overbearing as seen from within the Square given the degree of set back and the lightweight glazed design.
- 5.18 The landscaping proposals for the Square itself would be a considerable improvement over the current layout, although further details of the design, samples of materials, lighting details and the tree species are required. This can be dealt with under a condition. The indicative materials shown in the perspective

photomontage of red clay pavers and bound gravel would be acceptable. The existing dolphin sculpture would be satisfactorily relocated to the new entrance from Brighton Place as part of the hotel application.

Sustainability: Comment

- 5.19 Sustainability standards as set out in SU2, SU16, and SPD08 have been addressed by the proposals.
- 5.20 Under SPD08 medium scale residential development involving existing buildings, SPD08 standards expect a BREEAM Domestic Refurb standard; this has been achieved with a predicted 'very good' score. This reflects best practice in refurbishment and is strongly welcomed.
- 5.21 The refurbishment will improve many aspects of the existing housing. The positive measures proposed include: reducing predicted carbon emissions from new extended dwellings against estimated current emissions; improved fabric performance; installation of renewables for each dwelling supplying solar hot water for each unit (3-4m² evacuated tubes per dwelling); upgraded high efficiency gas boilers for each dwelling; application of passive measures: sliding timber louvers and overhanging roof eaves providing solar shading; use of sustainable materials and sustainable waste management plan (targeting 80% diversion of waste to landfill); water use minimisation (target 95 litres/person /day, below the national average of 150L); and use of Considerate Constructors scheme.
- 5.22 The refurbishment of the ground floor retail will entail replacement of shopfronts, which trigger small scale sustainability standards under SPD08 to improve energy and water performance. The refurbishment should also address SU2 standards. The Sustainability Statement indicates that the retail refurbishment will result in improvements to thermal performance, whilst site wide sustainability issues will be covered within by the BREEAM assessments and certification for the residential units. The proposed planting of 4 semi mature silver birch will contribute to minimising urban heat island effect, as well as improving biodiversity. Whilst this information is minimal, since there is not significant work being undertaken on this element of the development proposals sufficiently addresses policy given the application of BREEAM assessment and certification on the site.
- 5.23 Approval is recommended with use of conditions to secure the 'very good' standard under BREEAM Domestic Refurbishment as a *minimum* for the seven residential units.

Sustainable Transport: Comment

- 5.24 General parking: The proposals are intended to be car free. This is satisfactory as general parking standards are maxima and the application site is easily accessible by sustainable modes. Residents should be prevented from buying parking permits by a TRO amendment to be funded by the applicants as part of the S106 agreement.

- 5.25 Disabled parking: SPG4 suggests minimum requirements of 3 disabled parking spaces should be provided. These spaces are not proposed. It is accepted that this area is unusually constrained and it is difficult to identify potential sites for bays. However there is no reason why policy TR18 should not be complied with. Policy TR18 includes alternative measures when bays cannot be provided and among these are contributions to the local shopmobility scheme and especially adapted public transport infrastructure. Shopmobility is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes. It is therefore proposed to require (1) A £9,000 contribution towards this local shopmobility scheme(2) A £1,000 contribution to fund a raised kerb in East Street north of the taxi rank to facilitate access to taxis by wheelchair users, as part of the S106 agreement in lieu of disabled parking provision. The proportion attributable to the Brighton Square Town Houses is a total of £1,034
- 5.26 Cycle parking: SPG4 suggests at least 7 for Brighton Square 29 for Brighton Square. The numbers proposed are clearly substantially higher than required but the exact layout is not clear and details should be required by condition.
- 5.27 Deliveries: Construction will be difficult in this constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access should be required as part of any consent. The applicants have identified loading facilities and estimated demand for the development once built on the basis of a survey of deliveries required by existing local businesses. They propose a service and delivery plan including a monitoring process. There is generally some spare capacity in the existing loading bays in North Street, and if problems arise in practice there are potential measures such as TRO revisions which could be implemented to address them. The plan and process should be confirmed by condition and this aspect of the application is acceptable on this basis.
- 5.28 Sustainable modes and contributions: The proposed development will attract additional trips onto the network. The number of trips is not estimated in the Transport Statement, but it is straightforward to estimate the number of trips likely to be generated by the residential and office uses and these estimates together with the standard contributions formula suggest that a contribution of £10,400 for these uses alone would be appropriate.
- 5.29 Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £16,000 for the development as a whole would be appropriate. This should be spent on (1) dropped kerbs and other small measures to facilitate walking and cycling within The Lanes at an estimated cost of £12,500 (2) Provision of a real time bus information facility in the hotel foyer at an estimated cost of £3,500. The proportion attributable to the Brighton Square Town Houses is a total of £3,478.
- 5.30 Travel Plan- The applicants have submitted outlines of a travel plan which are generally satisfactory of the likely content of travel plans for each of the three applications and the detailed submissions should be required by condition. The detailed submissions should include provision for (1) Approval by the Council of

the content of the proposed travel leaflets (2) The continuation of annual monitoring surveys for at least 5 years or until modal targets agreed by the Council have been met (whichever is earlier).

- 5.31 Legal status of the new lane- The existing lanes are adopted highways and in principal it would be desirable for consistency, and to guarantee public access, for the new Hannington's Lane to obtain this status. However, this would commit the Council as Highway Authority to funding maintenance which is undesirable given budgetary constraints. Also, the applicants have not offered the routes for adoption and there is no planning policy by which this can be required. Policies QD2 and TR8 do however support permeability of developments and for this reason it is considered that the applicants should be required by condition to enter into a walkways agreement which would guarantee limited public access rights. This should apply to the new Hannington's Lane and the link between it and the north east corner of Brighton Square. The walkways agreement would be made under section 35 of the 1980 Highways Act and would define the times when the walkway would be available for public use, the times and/or other circumstances in which the owner could close the walkways, and the maintenance and cleaning arrangements. Construction and drainage details of the new lane should be required for approval by condition to ensure compliance with policy QD27.

6 MATERIAL CONSIDERATIONS

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

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Pollution land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU16	Production of renewable
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 frontage
QD7	Crime prevention through environmental design
QD9	Boarding up of flats, shops and business premises
QD10	Shopfronts
QD11	Blinds
QD14	Extension and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

SR4	Regional shopping centre
HE3	Development affecting the setting of listed buildings
HE6	Development within or affecting the setting of conservation areas.
HE8	Demolition within conservation areas
HE12	Scheduled ancient monuments and other important archaeological features

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD01	Brighton Centre: Area Planning and Urban Design Framework
SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in favour of sustainable development
CP4	Retail provision
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP19	Housing mix

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to design and the impact of the development upon the character and appearance of the conservation area, the amenity of adjacent occupiers, the living standards of the residential accommodation to be redeveloped, access, sustainability and transport.

Masterplan and links to proposed developments at Hannington Lane (BH2013/00710) and Hotel (BH2013/00715)

- 8.2 Design and Impact on the character and appearance on the Conservation Area:
There are a number of applications which have been submitted at the same time which relate to this area. With the encouragement of the Local Planning Authority the applicants have worked together to develop a Masterplan. This has been a useful piece of work and has been submitted to inform continuity in consideration to each of the applications.
- 8.3 This current planning application and application BH2013/00715 have specific design dependencies and whilst they must be assessed on their merits, are considered to work well together. They complement each other and complete

the design approach to Brighton Square. For that reason, the timing of implementation is secured by an obligation in the proposed S106 agreement.

- 8.4 The proposal seeks to extend the height of the buildings on the north and western side of the Square by removing the existing roof structures and creating an additional storey to each of the 7 maisonettes, refurbish the façade of the Square including new shop fronts to the ground floor commercial units and renovate the open space within the square.
- 8.5 As well as the façade changes, the proposal includes a new entrance stair, lift and escape stair access to connect the basement and first floor.
- 8.6 The existing buildings in Brighton Square are not of sufficient architectural or historic merit or importance to justify the retention of their original design. The buildings have been substantially altered and there is insufficient justification to secure their restoration.
- 8.7 Subject to various design changes, the principle of the scheme which is in essence to increase the height of the Square by an additional storey; is considered to be acceptable. The design of the scheme has evolved over the course of the application and changes have been made in response to issues arising from the complexity of the proposal and related applications, the dense and complex urban and historic nature of the surroundings.
- 8.8 The new storey comprises a set back, modern zinc facing flat roofed with a largely glazed front elevation and rendered flanks. The depth, height of the additional storey when positioned against the double height reordered fenestration of the lower floors elevation facing the square has a comfortable and appropriate massing in relation to the host. The proposal also includes frameless glazed balustrades facing the square, which given the simplicity and material would not unduly affect the massing of the development within the Square.
- 8.9 One of the main considerations in terms of design was to ensure that the additional height to the Brighton Square buildings would not make them be intrusive in key sensitive views. Additional views including those from New Road and Meeting House Lane were requested in order to assess this and confirm that the additional height would not make the buildings visible in any key views. Having analysed these views it is considered that the proposed additional storey would not be harmful to sensitive vistas.
- 8.10 An additional consideration with design was the single storey shop unit at 7 Brighton Square, where there was considered to be an opportunity to add an additional storey to improve the townscape at this key junction in The Lanes. The applicant has discussed this, but if it comes forward it would likely form a separate application. The application must therefore be considered in its current form.
- 8.11 The remodelled, higher Brighton Square development would be very clearly visible above the single storey shop unit and, with its contemporary design approach, would present a clear contrast with the small-scale traditional

buildings of The Lanes. However, this would be a brief, glimpsed and isolated view and the contrast in scale and design would not in itself be harmful to the appearance of the Conservation Area or the setting of the Listed Buildings.

- 8.12 The remodelling and re-cladding of the facades to a more contemporary style on the north and west sides of the square are acceptable in principle. Previously concern was raised with some of the materials and the precise usage has been more clearly explained and annotated on the drawings, but the quality of the materials and detailing would be key to securing a high quality development that assimilates with the neighbouring development and provide the quality of contemporary contrast required in such a style of development. Conditions are recommended to secure samples to ensure appropriate materials are used.
- 8.13 The façade would comprise painted render, timber louvre within projecting bay elements, reconfigured fenestration and reintroduction to consistent shop fronts. Whilst the south side retail units would not be renovated and this would compromise the unity of the development, there remains sufficient and significant benefit from the works to recommend permission.
- 8.14 It is important for the purposes of quality and consistency of the façade and finished square to ensure that odour and ventilation equipment does not impact on the final appearance of the development. Mechanical extraction, flues should not protrude from the front façade, nor exposed plant or equipment on the roof tops and use of only concealed air inlets and outlets. The detailing of these can be secured by planning conditions.

Landscaping:

- 8.15 The proposal would represent a substantial improvement upon the present open space within the present layout of the Square. There were concerns with regard to the impact of the lighting conditions within the Square and possible loss of amenity and usability and attractiveness of the space
- 8.16 The use of the Square is currently compromised by the physical barriers and lack of permeability to the north. At present the square is accessible from Brighton Place to the south via steps and a spiral ramp, to the west between narrow entrances in Meeting House Lane and a covered walkway to the south. The Square is arranged around a fountain which dominates the space, around which is seating serving various commercial units in the square and circulation cordoned off via metal barriers.
- 8.17 The proposal would renovate the square, have soft landscaping and remove the metal barriers and fountain. The fountain would be relocated within the Brighton Square development. In addition when considered along side the proposals for Hannington Lane (BH2013/00710), and Hotel (BH2013/00715) there would be an additional access to the north side of the square, which would improve movement and permeability around the area.
- 8.18 The species chosen for the Square, other soft landscaping and hard surfaces including details of materials are important considerations in producing a high quality finish that compliment the existing historic environment and the public

spaces. A detail scheme of landscaping and materials is recommended to be secured by planning conditions.

- 8.19 The usability and lighting condition of the square are considered later in this report.

Impact on Amenity:

- 8.20 The main concerns in this case are the impact of the new uses and physical development upon the amenities of adjacent and nearby occupier's. Issues to be considered are with regards to light, daylight, noise, privacy and outlook.
- 8.21 The surrounding area is centrally located within a historical and high density location. As such weight to matters relating to noise, light and amenity should be considered within the context and expectation of the surrounding and that of closely knit townscape and its sensitive historical environment.
- 8.22 Daylight/sunlight: Given the high density, historic location of the proposed development, an additional storey of accommodation in this location would result in some concern with regards to light and daylight.
- 8.23 The existing historic street pattern and development would not meet the current present best practice or guidance. The BRE report – *Site Layout Planning for Daylight and Sunlight - A guide for Good Practice* has been used to establish the potential impacts in this case. The BRE's advice is not mandatory and does advise that in historic city centre such as The Lanes a high degree of obstruction may be unavoidable if developments are to match the height and proportions of existing development.
- 8.24 As originally submitted, concerns were raised with regards to the impact of new buildings and their impact upon properties in Meeting House Lane, the Public Open Space (Brighton Square) and the daylight provision within the expanded residential development. The applicant has commissioned a daylight and sunlight analysis of these potential impacts, which has since been analysed by the BRE.
- 8.25 The analysis from the BRE showed that the loss of daylight to 23-24 Meeting House Lane and 29-32 Brighton Square would be within the BRE guidelines. The daylight provision to the new or refurbished dwellings at 26-28 and 33-36 Brighton Square would additionally be adequate.
- 8.26 The loss of sunlight to the open space in Brighton Square would meet the BRE guidelines. In addition, the Square would retain an open south aspect with no further development planned above the restaurant.
- 8.27 The analysis also showed that there would be a loss of light at 22 Meeting House Lane, although this building is commercial.
- 8.28 In addition to the lighting and daylight impacts identified, the proposal has included a raft of measures across the masterplan to compensate and mitigate for the impacts identified. A redevelopment which secures these would be

acceptable given the existing complex urban fabric of the immediate environment, and would present a reasonable level of impact given the expectations and range of uses.

- 8.29 The increased height proposed as part of this application could have a detrimental impact on the occupiers of 37 Brighton Square in the event the hotel development did not proceed. Implementation of the two schemes would overcome this concern and suitable phasing in the S106 would ensure this did not happen.

Living accommodation:

- 8.30 The application site currently has 7 residential maisonettes, these are located within upper floors of the north and west side of Brighton Square. The proposal would create an additional storey of accommodation above the existing residential units to create townhouses.

- 8.31 Each of the new townhouses would be laid out over three floors with the entrances on the first floor upper deck, unchanged from the present situation. The townhouses are accessed via steps at the north west and east side of the square. Each residential property would have access to private amenity space in the form of a roof terrace facing onto the square at third floor level. Each of the residential properties have a shared living space lounge on the third floor, an entry level kitchen/dining space and a bedroom. With the remainder of the three bedrooms located on the middle floor.

- 8.32 The proposed accommodation would provide a high standard of living for the occupiers and given the complex urban fabric of the area, the amenity space is welcomed. The floor space of each unit is approximately 104 sq m and capable of family occupation.

- 8.33 The layout of the new flats would provide good circulation, wide stairs and opportunities to provide adaptable housing. The units would each have a good standard of outlook and amenity space especially given the complex layout of the surrounding development. Subject to adequate sound attenuation and ventilation measures covered earlier in this report, the new residential properties would provide an adequate standard of living accommodation.

Sustainable Transport:

- 8.34 Subject to planning conditions and a section 106 agreement securing a financial contribution towards shopmobility, improving sustainable modes of transport and changes to the Transport Regulation Order, it is considered that the redevelopment of the Square would be acceptable in transport terms.

- 8.35 The proposals are intended to be car free. Such an approach is acceptable as the adopted parking standards are maximum and the site is centrally located and accessible by sustainable modes. The Transport team consider that residents should be prevented from buying parking permits by a TRO amendment and can be funded by the applicants as part of the S106 agreement. The cost relating to the amendment of TRO attributable to the Brighton Square development is £600.

- 8.36 The adopted parking standards suggest a minimum requirement of 4 spaces. These spaces are not proposed and it is accepted that in this location it is unusually constrained and difficult to identify potential sites for bays. However, policy TR18 can be complied with by considering alternative measures and among these is contribution to the local shopmobility scheme and adapted public transport infrastructure.
- 8.37 Shopmobility is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes. It is therefore proposed to require a contribution towards this local shopmobility scheme and a contribution to fund a raised kerb in East Street north of the taxi rank to facilitate access to taxis by wheelchair users. The proportion relating to the Brighton Square redevelopment is calculated at a total of £1,034.
- 8.38 The adopted cycle parking standard suggests 16 spaces would be required for Brighton Square. The application proposes 29 spaces for Brighton Square. The numbers proposed are in excess of the minimum requirement but the exact layout is not clear and details can be required by condition.
- 8.39 Construction could be difficult in such a constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access is recommended.
- 8.40 The applicants have identified loading facilities and estimated demand for the development once built on the basis of a survey of deliveries required by existing local businesses. They propose a service and delivery plan including a monitoring process.

Sustainable modes and contributions:

- 8.41 The proposed development would attract additional trips onto the network. The number of trips is not estimated in the Transport Statement but it has been estimated by the Transport Planning Team.
- 8.42 Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £20,000 for the development as a whole would be appropriate. This would be spent on dropped kerbs and other small measures to facilitate walking and cycling within The Lanes at an estimated cost of £16,500 and the provision of a real time bus information facility in the hotel foyer at an estimated cost of £3,500. The level contribution towards sustainable modes relating to the Brighton Square townhouses development is £3,478
- 8.43 On the basis of securing appropriate s106 contributions and conditions to ensure parking and management of the development it is considered that the proposal would be acceptable in transport terms.

Sustainability:

- 8.44 A Sustainability Statement, BREEAM Domestic Refurbishment Pre-Assessment report and a BHCC Sustainability Checklist have been submitted with this application.

Residential refurbishment and extension:

- 8.45 The existing shops would be remodelled and refurbished. The dwellings have a concrete frame and the new floor will be built with timber frame construction.
- 8.46 The sustainability standards proposed for the site are for the residential units to achieve BREEAM Domestic Refurbishment 'very good'.
- 8.47 The scheme would improve the sustainability standard of the existing dwellings and despite increasing the internal floor area, carbon emissions are predicted to be lower than current emissions by 1.3 tonnes/year per unit due to improved energy performance. Improvements include significantly enhancing the performance of the building fabric; high efficiency gas heating systems; improved insulation throughout; and onsite renewables (solar water heating): 3-4m² evacuated tubes per dwelling.
- 8.48 Energy modelling for the residential units sited in the sustainability indicates significant improvement in energy performance resulting in reduced emissions from each unit. This would almost halve predicted regulated emissions in the new dwellings compared to the existing.
- 8.49 Water use would be minimised to a target of 95 litres/person /day (below the national average of 150L) through improved water fittings. A comprehensive site waste management plan would be developed, and the ICE protocol followed for demolition waste. Targets for diverting waste to landfill are 80% demolition waste, and 70% construction waste. Considerate Constructors scheme would be adopted.
- 8.50 The scheme includes passive design with cross ventilation possible; solar shading: timber louvers on the glazed 2nd floor south and east façades; and overhanging eaves over top floor windows.
- 8.51 The BREEAM materials category would secure use of sustainable materials and the timber would be sustainably sourced

Retail refurbishment:

- 8.52 SPD08 required the non residential units to improve energy and water efficiency, and meet policy SU2. Given site restrictions there is limited significant improvements that can be made. The use of the BREEAM assessment for the dwellings would mean that site wide sustainability issues that also effects the retail units would be covered. The thermal elements of the retail units would be improved to meet Building Regulations which will deliver improved energy performance. In several of the replacement building elements proposed U values improve on Building Regulations (walls; non display windows; doors and exposed roof) with the exception of display glazing an element which is subject to exclusions and exemptions because of its very high price, though its low thermal performance should be made up elsewhere.

8.53 Proposed planting of 4 semi mature silver birch would also contribute to minimising urban heat island effect, and improving biodiversity.

Other Considerations:

8.54 The redevelopment of the Square would not affect the present use and composition of uses within the Square.

8.55 The additional storey of accommodation is solely for residential use; as such the proposal would increase the amount of residential floor space but would not affect the number of units. Furthermore, the new residential units would be an improvement upon the existing maisonettes, provide amenity space, a refurbishment of existing facilities and would be more suitable to family occupiers.

8.56 The redevelopment by virtue of its nature would be unlikely to have any significant impact upon the Archaeological interest of the site

9 CONCLUSION

9.1 The proposal when considered as part of a comprehensive redevelopment master plan with Hannington Lane or with the redevelopment of the east side of the Square for a hotel would result in significant improvements to the appearance of the area and to the surrounding historic environment. The

9.2 Suitable phasing, detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, delivery and compliance with adopted planning policy.

10 EQUALITIES

10.1 The development would provide additional and improved access to the square, commercial units and upper and basement floors of the square.

10.2 The access to the residential units would remain at first floor, but the access to and around the units would be improved and are subject to Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Heads of terms

11.1 Section 106 agreement to secure:-

- A contribution of £5,112 towards improving sustainable highway infrastructure in the area, shopmobility in-lieu disabled parking, Traffic Regulation order changes;
- Walkways Agreement
- A Construction Environmental Management Plan;
- A phasing agreement that the Town houses must be implemented in conjunction with the Hotel and Associated development (BH2013/00715)

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1239 P 400	-	06/03/2013
Block Plan	1239 P 401	-	06/03/2013
Existing Basement Plan	1239 P 402	-	06/03/2013
Existing Ground Floor Plan	1239 P 403	-	06/03/2013
Existing First Floor Plan	1239 P 404	-	06/03/2013
Existing Second Floor Plan	1239 P 405	-	06/03/2013
Existing Third Floor Plan	1239 P 406	-	06/03/2013
Existing Roof Plan	1239 P 407	-	06/03/2013
Proposed Basement Plan	1239 P 411	A	14/06/2013
Proposed Ground Floor Plan	1239 P 412	A	14/06/2013
Proposed First Floor Plan	1239 P 413	B	06/09/2013
Proposed Second Floor Plan	1239 P 414	B	06/09/2013
Proposed Third Floor Plan	1239 P 415	A	14/06/2013
Proposed Roof Plan	1239 P 416	A	14/06/2013
Existing & Proposed Elevations 1	1239 P 420	A	14/06/2013
Existing & Proposed Elevations 2	1239 P 421	A	14/06/2013
Existing & Proposed Elevations 3	1239 P 422	A	14/06/2013
Existing & Proposed Elevations 4	1239 P 423	B	06/09/2013
Existing & Proposed Elevations 5	1239 P 424	A	14/06/2013
Existing & Proposed Elevations 6	1239 P 425	A	14/06/2013
Proposed Section 1	1239 P 440	A	14/06/2013
Sustainability Statement	-	-	06/03/2013
BREEAM Domestic Refurbishment	-	-	06/03/2013
Sustainability checklist	-	-	06/03/2013
Mechanical and electrical services overview	-	-	06/03/2013
Noise assessment	-	-	06/03/2013
Street Lighting	-	-	06/03/2013
Design and access statement	-	-	06/03/2013
Phase 1 Contamination report	-	-	06/03/2013
Drainage and flood risk strategy	-	-	06/03/2013
Transport Statement	-	-	06/03/2013
Daylight Report	-	-	06/09/2013

- 3) 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. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved

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plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

- 4) Within 3 months of commencement of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan for the uses upon the site (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 be submitted to the Local Planning Authority to update on progress towards meeting targets:
 - (vi) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

11.3 Pre-Commencement Conditions:

- 5) 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.
- 6) Unless otherwise agreed in writing by the Local Planning Authority, 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 'very good' 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.

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- 7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale elevations and sections of all architectural features, including the parapets, bays, windows, doors, louvres, balconies, balustrades and shop fronts to all buildings. The development shall thereafter be conducted in strict accordance with the approved details 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
- 8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:5 scale detailed elevations and sections of all rainwater goods. The development shall thereafter be conducted in strict accordance with the approved details and shall be retained as such. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 9) 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) Prior to the commencement of the development hereby approved a Delivery & Service Management Plan for the construction project, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan. **Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 of the Brighton & Hove Local Plan.
- 11) 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 details of any to be retained, together with measures for their protection in the course of development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 12) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority,

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details include the location, number, design, luminance level and method of fixings. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority. **Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan

- 13) No development shall take place until a written scheme for the all rainwater goods has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 14) No development shall take place until a written scheme for the new street nameplates has been submitted to and approved by the Local Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 15) 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. The ventilation scheme shall ensure that the internal noise conditions achieved by the glazing will not be compromised and will comply with BS8233:1999 good standard. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 16) Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation. **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

11.4 Pre-Occupation Conditions

- 17) Unless otherwise agreed in writing by the Local Planning Authority, 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 'very good' 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

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- 18) 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 polices S10, QD27 and TR7 of the Brighton & Hove Local Plan.
- 19) 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that details of the BREEAM Domestic Refurbishment assessment and a list of approved assessors can be obtained from the BRE website (www.breeam.org/page.jsp?id=228). Details 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).
3. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposal when considered as part of a comprehensive redevelopment master plan with Hannington Lane or with the redevelopment of the east side of the square for a hotel would provide significant improvements to the appearance of the area and to the surrounding historic environment.

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Suitable phasing, detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, delivery and compliance with adopted planning policy.

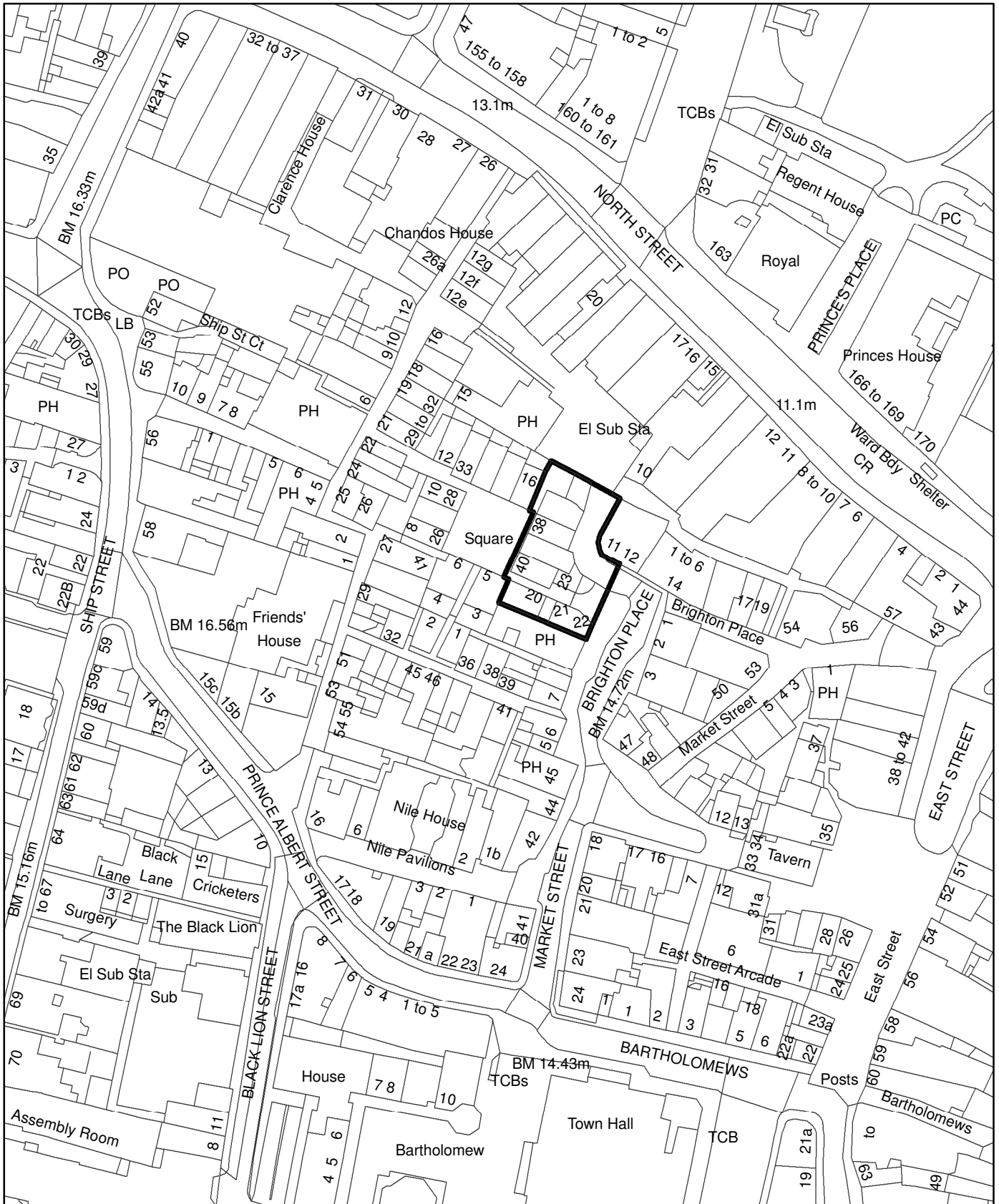
ITEM G

**17-19, 21-23 and 37-40 Brighton Square,
Brighton**

**BH2013/00715
Full planning**

11 DECEMBER 2013

BH2013/00715 17-19. 21-23 & 37-40 Brighton Square, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/00715	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17-19 21-23 and 37-40 Brighton Square, Brighton.		
<u>Proposal:</u>	Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	06 March 2013
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	05 June 2013
<u>Listed Building Grade:</u>	Adj to Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Centurion Group, Centurion House, 11 Prince Albert Street, Brighton		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 Brighton Square is a mid 1960's mixed use development located within the Old Town area of Brighton. The development comprises of approximately 20 shops and 36 residential units. The development is a variation of 2 and 3 storey buildings, with a subterranean basement car park and servicing area.
- 2.2 Architecturally the Square is of its period, with projecting upper bays, faces in cladding, hanging tile and shiplap boarding. The redevelopment was well received when built, earning a Civic Trust award.
- 2.3 The site falls within the Old Town Conservation Area. None of the buildings on the site are Listed. However the site adjoins a listed building – The Druids Head (9 Brighton Place) and several other buildings to the south in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development are also Listed.
- 2.4 The development despite being angular integrates and permeates well with the original historic small fishing port of Old Town which is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west.

3 RELEVANT HISTORY

This application has been submitted to run concurrently with 5 other applications.

BH2013/00710: Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description) - Under consideration.

BH2013/00711: Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops - Under consideration.

BH2013/00716: Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square – Under consideration.

BH2013/03589: Alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway – Under consideration.

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of a 26 bedroom hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3 floors above as well as conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access.
- 4.2 In addition the proposal seeks the erection of a new 4 storey building on the site of 22 Brighton Square to provide a retail unit at ground floor level with 3 flats above and the reconfiguration works to the lane connecting Brighton Place to Brighton Square and other associated works.
- 4.3 The development proposal would require the demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from the occupiers of (17 Atlingworth Street, Cavalaire Hotel, 7 Charlotte Street, 10,11,12a New Steine, 5 New Steine, 7 Upper Rock Gardens) objecting to the application for the following reasons:
 - The City is overprovided with bed spaces for the number of staying visitors to the city and is not sanctioned by the emerging City Plan

Neighbours: Two (2) letter of representation have been received from the occupier of 7 Brighton Place supporting the application for the following reasons:

- The proposed plan is very good and can only be beneficial to the area and Brighton as a whole.
- This project along with the others being considered as a wider redevelopment are fully supported.

Regency Society:

- 5.2 The society opposes the demolition of the building which forms the portal to Brighton Square from Brighton Place. It is a good example of 1960's design.
- 5.3 The concrete arches are a pleasing reference to Basil Spence buildings at Sussex University which date from the same period. The building sits well with its neighbour to the south and the much older Druids Head.
- 5.4 There is no objection to the use of pastiche as a basis for the design of the new buildings to be constructed nearby, however it is not considered good conservation practice to use pastiche to replace a well designed building that has served its purpose well for fifty years. Had The Lanes been built as a uniform style then perhaps this approach could be made to replace occasional modern additions. There are buildings of a wide range of periods and styles throughout the area and this is part of its charm and it illustrates how well building of differing styles can be compatible, when attention is paid to scale, townscape and layout of streets and spaces.

Brighton Society:

- 5.5 The amended design of the entrance to the Hotel is far too brutal and would result in a building that would dominate Brighton Place. The area surrounding Old Town comprises of small traditional buildings grouped around an intimate Square.
- 5.6 The proposed building is stark and overpowering and is not sympathetic to the existing buildings in the Square. The Druids Head is a good example of brick vernacular of the Old Town and the entrance would dominate it and destroy the delicate Old Town Conservation Area.

Sussex Police:

- 5.7 There are some concerns with regards to the amenity of surrounding residents due to the proposed all year round opening hours of 07:30 to 01:30. It is asked that any consent should be conditioned that alcohol is ancillary to food which is prepared upon the premises and served by waiting staff.
- 5.8 Where four or more flats are served by a common entrance, the entrance doors must be incorporate an access control system, with electronic release and entry phone linked to the flats.
- 5.9 The proposed Hotel should concentrate on controlling its perimeter with doors and any ground floor or easily accessible windows conforming to LPS 1175 SR2, with glazing to a minimum thickness of 6.8mm.

- 5.10 The reception should be situated in such a way to provide direct observation of lifts, stairways and the main entrance. CCTV maybe a consideration in vulnerable areas.
- 5.11 To enable safe vehicular access and egress from the underground car park, signage or traffic light maybe required. Staggered cushions to prevent tailgating and pedestrian signage to use the steps should be utilised. Pedestrians should not have to exit from the garage doors. The lighting within the car park should including minimal permanently lit lamps to be complemented with additional lights activated by motion sensors.

East Sussex County Archaeologist:

- 5.12 Although the application is situated within an archaeological Notification Area defining the village of Brightonhelmstone and the post-medieval town of Brighton it is likely that the major development of the site in 1966 has destroyed all archaeological remains relating to the occupation.
- 5.13 However the site is also located on top of important Quaternary deposits known as Brighton Raised Beach which outcrop at Black Rock by Brighton Marina. These deposits formed at the end of the Ice Age have been found to contain artefacts and remains relating to homind activity.
- 5.14 Although the current complex includes below ground car parks, it is unclear if the new proposed development would require any excavation deeper than the current impact depth and so if it would encounter further deposits.
- 5.15 In light of this and the NPPF additional information was requested. The applicant subsequently submitted a geoarchaeological / Palaeolithic heritage statement
- 5.16 This statement outlines the current understanding of Pleistocene deposits in the Brighton area, including the important Brighton Raised Beach and based on the current modelling of these Pleistocene sediments assesses the potential for impact on them from the proposed development.
- 5.17 The heritage statement summarises areas of potential impact at a depth relevant to these deposits as:
The available information suggests that the existing basement will be remodelled at its existing level rather than deepened – most of the basement will receive no additional impact. However, the north-eastern corner will be extended beyond the existing ramp to form a new space for restaurant kitchens and plant and this may involve further excavation down to the existing basement level (i.e. to a depth of 1.2-1.6m). It is also possible that the slope of the existing access ramp may be reconfigured within its existing footprint, although this is unlikely to involve more than minimal new excavation of the upper levels.
- 5.18 The report concludes based on the existing information that there is a potential that archaeological deposits will be disturbed or exposed.

- 5.19 As discussed in previous correspondence it is unlikely significant post Pleistocene remains (at shallow depth) have survived on this site due to the impact of the construction of the current buildings.
- 5.20 In the light of the potential that any groundworks which extend below made ground are highly likely to impact on either Holocene colluvium or Pleistocene sedimentation (Head or Raised Beach) the area affected by the proposals should be the subject of a **programme of archaeological works**. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF;

141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

- 5.21 Accordingly it is requested that planning conditions to secure implementation of a programme of archaeological work in accordance with a written scheme of investigation is secured and the development not being brought into use until the site investigation and analysis has been completed.

Brighton & Hove Archaeology:

- 5.22 The development lies in the centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or Reformation periods.

English Heritage:

- 5.23 Following the consideration of new information English heritage do not wish to offer any comments on this occasion.

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

East Sussex Fire & Rescue Service:

- 5.25 No objection.

- 5.26 The Fire Authority will comment on means of escape and access for fire fighting purposes at Building Regulations application stage.

- 5.27 When considering active fire safety measures all types of premises including residential and domestic buildings it is recommended that sprinkler systems are installed. Information regarding these are available by referencing BS 9251 & BS EN 12845.

Conservation Advisory Group:

- 5.28 After discussion, and a show of hands, the majority of the group objected to the proposal to demolish the portal building fronting onto Brighton Place.

Environment Agency:

- 5.29 Having screened the planning application with regard to the development type and its location, the Environment Agency have no comment.

County Ecologist:

- 5.30 There are no sites designated for their nature conservation interest that are likely to be impacted by the development.

- 5.31 The site comprises existing buildings and hardstandings within an urban setting and there is minimal biodiversity interest.

- 5.32 The proposed development involves the demolition of buildings, there is a chance that bats or nesting birds may be present. However, from the information available, the risk is low. If any sign of protected species is discovered during demolition, works should stop and advice sought from a suitable qualified and experienced ecologist.

Internal:

Heritage: Comment

- 5.33 This proposal is part of a wider development including 7-10 13-16 26-28 and 33-36 Brighton Square Brighton and 13 - 22 North Street and the service yards behind, 12D Meeting House Lane and 11-14 Brighton Place Brighton. The Masterplan which ties them together is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. It is considered important that the two Brighton Square applications should proceed concurrently so that the design and appearance of Brighton Square would remain consistent on the three main sides.

- 5.34 The Brighton Square applications would jointly offer substantial heritage and wider public benefits to the enhancement of the Old Town Conservation Area, in terms of the appearance of the public realm, the economic vitality of the area, the permeability of pedestrian routes and the quality of architecture. The proposals would preserve the setting of all the listed buildings in the vicinity. These enhancements and benefits would far outweigh any less-than-substantial harm arising from the alterations to Brighton Square as an undesignated heritage asset.

- 5.35 Statement of Significance: The site falls within the Old Town Conservation Area. None of the buildings on the site are listed. However the site adjoins a listed building – The Druids Head PH, 9 Brighton Place. Several other buildings to the south in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development in Meeting House Lane are also listed. The site falls within an Archaeological Notification Area (ANA)

- 5.36 The Old Town's character is set out in the document Conservation in the Old Town (1979). Whilst this needs updating, it remains a valid material

consideration. The original historic small fishing port of Old Town is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west. The main street blocks are exactly rectangular and at the northern end, the grid is warped eastwards and North Street is angled slightly south-eastwards. Prince Albert Street is a 19th century planned intervention which cuts across this diagonally.

- 5.37 The area is characterised by a diversity of building sizes, heights, periods and styles. The area is predominantly 2 – 4 storeys in height and close-grained with some much larger buildings inserted from mid 19th century to the present such as the Town Hall, The Hippodrome and the Bartholomew Square development.. Most buildings appear to date from the 18th and 19th centuries although some earlier buildings or parts of buildings may be masked by later remodelling. The area immediately to the south of the site, known as The Lanes, is characterised by a network of narrow twittens and smaller scale buildings.
- 5.38 The Brighton & Hove Pevsner guide says of Brighton Square: –
“This is of 1966 by Fitzroy Robinson & Partners, sensitive infill, shops and flats of load-bearing brick placed over a reinforced concrete basement car park, the entrance to which is discretely tucked away. Architecturally of its time, with projecting upper bays clad and tile hanging and shiplap boarding, successfully in keeping to the style and variety of The Lanes. It was well received when built, earning a Civic Trust award, and is still a model for urban renewal. In the centre of the square a fountain and Dolphin sculpture by James Osborne.”
- 5.39 The portal building on Brighton Place has been altered and shop units extended into its arched openings. The buildings around the Square have had their timber lapboarding replaced with artificial composite boarding and fibre cement fascia boarding and the original timber windows have been replaced in white powder coated aluminium albeit all in the same style. Most of the shopfronts and their fascias and many of their pilasters have been altered in an unsympathetic way and the ground floor facades have lost their architectural unity. The fountain and dolphin sculpture are later insertions.
- 5.40 Attitudes towards 1960s architecture vary greatly and generate much controversy. Whilst Brighton Square may be considered to be much better than many of the more brutal town centre redevelopments of the 1960s, it has clear faults and in places appears dated. The car park entrance and the service entrance are particularly unattractive in views eastwards along Brighton Place. In urban design terms its current layout and street furniture do not enhance the area. It has been nominated for local listing in the current review and must therefore be considered as an undesignated heritage asset.
- 5.41 The Proposal and Potential Impacts: This application is part of a wider development including 7-10 13-16 26-28 and 33-36 Brighton Square Brighton and 13 - 22 North Street and the service yards behind, 12D Meeting House Lane and 11-14 Brighton Place Brighton. The Masterplan is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. Whilst the three schemes need to be considered

together, it is also important to consider their impacts in the event that one or the other failed to go ahead and it is essential that they work in urban design and architectural terms as stand alone schemes. It is considered important that the two Brighton Square applications should proceed concurrently so that the design and appearance of Brighton Square would remain consistent on the three main sides.

- 5.42 Photomontages from key viewpoints have been provided in order to assess the visual impact of the proposed additional storey to Brighton Square on the buildings around Brighton Square and in views from further away, including New Road. These confirm that the additional height to the modern, remodelled hotel building would not make it harmfully visible in any key sensitive views.
- 5.43 In terms of the design of the hotel, the elevations have evolved very positively to address the initial concerns raised. The proportions - including the relationship of solid to void and glazing subdivisions - are appropriate to the surrounding context. The curved corner entrance has been refined and overall this is considered to be a fitting contemporary addition to Brighton Place and a clear marker for this entrance to The Lanes. The elevation drawings have now been fully annotated to describe the materials and these materials are all considered to be appropriate (subject to samples secured by condition).
- 5.44 Whilst the proposal would involve the extension and major remodelling of an undesignated heritage asset it is considered that reconstruction of the south side of the Square under this application and the remodelling and recladding of the facades on the north and east sides of the Square (application BH2013/00712) are acceptable. The additional storey would not be visually overbearing as seen from within the Square given the degree of set back and the lightweight glazed design.
- 5.45 The main issue of principle with this application was the height and scale of the new retail and residential building adjacent to the listed Druid's Head Public House. The Masterplan has satisfactorily demonstrated that this building would replicate the form, height and scale of the mid 19th century Hanningtons dormitory building which stood on the site until its demolition in 1963, though with a commercial ground floor frontage on two sides.
- 5.46 Whilst English Heritage have expressed some concern about its relationship with the Druids Head, it is considered that the replication of the historic townscape, based on evidence, is an appropriate approach and that the new building sits comfortably in the street scene in the key views from the south-east. It also helps to recreate the organic character of the development of the Old Town. The north elevation has been amended to have more traditional balconies and the shop front has been revised to reflect traditional designs in the area.
- 5.47 The variety of historic period designs interspersed with a contemporary design on Brighton Place reflects the varied character of the area. All styles of architecture are valid, provided that they are sympathetic to the character of the area and are not anachronistic or pre-date the area's development. The crucial issue is the quality of the design, detailing and materials. The proposed palette of materials

and the traditional detailing as shown on the elevations are based on historic examples in the area and are appropriate to Old Town but will need to be carefully controlled by conditions.

- 5.48 If this scheme were to proceed in the absence of the Hannington Lane scheme there would be a potential issue of the junction of the new development, where it incorporates access to the existing underground car park, with the existing vacant and unfinished retail unit at 11 Brighton Place. This could be addressed by condition.

Access Consultant: Comment

- 5.49 In light of Equalities Act it would be good to know what considerations have been given to toilet facilities within the retail units.

- 5.50 The gradients of the new lane appears satisfactory and so do entrances to the shop units themselves, it is noted that stepped access from Brighton Place is retained/rebuilt but that the old ramp would be removed. However, access is available from three other existing lanes and also from the new proposed lane to the north. So the stairs should not be a serious issue so long as adequate signage of alternative routes is provided.

Planning Policy: Comment

- 5.51 The applicant was requested to provide further information relating to the provision of hotel accommodation regarding how the proposed development fits into the current hotel market i.e. does it fill a gap in the current provision of hotels in the city. It was also noted that the applicant had not demonstrated how the proposed scheme met the criteria for new hotel accommodation set out in Policy SR14 of the Local Plan.

- 5.52 In the additional information provided the applicant has addressed in turn the criteria listed under Policy SR14. The proposed scheme meets criteria 1, 3, 4 and 5, however there would be the loss of a small amount of office accommodation which is contrary to criteria 2. However, this level of loss is considered satisfactory given the overall economic development benefits of the development.

- 5.53 Adopted Local Plan Policy QD6 states that the provision of new public art will be sought in major development schemes. The type of public art and level of contribution vary depending on the nature of the development proposal, the characteristics of the site and its surroundings.

- 5.54 Type of contribution: The local planning authority's preferred approach is for applicants to engage as early as possible with the Arts & Cultural Projects team as experience suggests that this can be more cost-effective to applicants and achieve more efficient results.

- 5.55 With three (3) additional residential properties being constructed it is requested that any resident use a similar arrangement to dispose of waste and recycling. Residents could use the provision for a private contractor set out in the application. However, as a waste disposal Authority, the City Council is legal

obliged to collect household waste and therefore would require a waste management plan to ensure that the proposals for private collections are adhered to and allow for additional waste and recycling provisions in the future if the Council are required to take over collection in the future. A planning condition to secure and implement this plan is recommended.

Environmental Health: Comment

- 5.56 It is understood that this planning application only forms part of the overall development for this area and relates to development to the East of Brighton Square.
- 5.57 Construction Environmental Management Plan (CEMP): The proposal is a significant development and site activities could generate large amounts of noise, dust and vibration. A robust CEMP should be provided, clearly identifying how these issues will be managed so that the impact on neighbouring residents and businesses will be controlled as reasonably as possible. The CEMP should include reference to BS5228 and a commitment to an application for a Section 61 agreement for noisy working hours. Reference to calculations to determine whether the proposal is considered to be significant under BS5228 should be provided. A plan of how utilities providers would be managed to prevent continuous disruption to residents and businesses in this area should be supplied.
- 5.58 Potentially Contaminated Land: A Phase I contamination assessment report has been undertaken by Ashdown Site Investigation Ltd., (LW24044/ds February 2013). Their conclusions recommend an intrusive site investigation to quantify associated risks.
- 5.59 Therefore, it is recommended that the Council's full phased contaminated land condition is applied to this development (Part 1a has been completed).
- 5.60 Noise affecting the one bedroom apartments next to the Druids Head: A noise assessment has been undertaken by 7th Wave Acoustics, dated 5th March 2013. According to the plans for this application, there will be some residential flats next to the Druids Head Pub.
- 5.61 A long term (7 day) noise assessment was undertaken outside of Donatello's Restaurant and at 40 Brighton Square. These assessments have relevance to the proposed flats and highlight that some maximum noise levels in this area at night are very high. It is not possible to tell what has caused the maximum levels of noise, but from the general location, it is likely to be due to people passing by, (shouting and laughing etc) to and from local restaurants and pubs. Some of the maxima may possibly be caused by music noise from various premises, taxis pulling up and doors getting slammed. Seagulls may even be the cause of some loud noises recorded.
- 5.62 The results of the assessments present the range of maximum noise levels recorded over each night. The highest maxima reached each night over the week have then been averaged and this average of the highest maxima has been used to determine glazing requirements for the flats.

5.63 From the noise assessments, the consultant has determined that the recommended glazing specification for the apartments next to the Druids Head should be 45dB. Such glazing would result in internal *average highest* maximum levels over a week to be 45dB and within BS8233 requirements. This is because BS8233 requires that an internal maximum of 45 dB should not normally be exceeded. Additionally, the World Health Organisation recommends that such internal maxima should not be exceeded more than 10 to 15 times a night. This appears to be the case as can be seen from the noise assessment at Donatello's, results of which are presented in Table 4 and Figure A6. These results show that the derived *average highest* maximum was exceeded at night time, approximately 5 times over the week.

5.64 Ventilation: In order to achieve satisfactory internal noise levels, the windows must be closed. Therefore, the consultant has also recommended that alternative means of ventilation are provided. This must ensure that the internal noise level achieved by the glazing is not compromised. A condition has been recommended below.

Specifications for the Party Wall between the one bedroom apartments and the Druids Head Public House and the apartments and the retail unit on the ground floor.

i. Between retail unit and residential

The consultant has recommended that the separating floor between the retail unit and residential property above, achieves an airborne sound insulation performance 5dB above Approved Document E. This has been conditioned below.

ii. Between the Druids Head Public House and Residential

It is pointed out in the noise assessment that the pub resides on the ground floor and the proposed flats next door will begin at first floor level. The pub is licensed to be open as below (with Live Music, Recorded Music and other entertainment licensed to finish an hour before the final times listed):

Monday - Thursday: 09.00 - 02.00
Friday - Saturday: 09.00 - 03.30
Sunday: 09.00 - 02.30

5.65 The council's database has been studied to see if there are any current noise complaints about the pub. The last noise complaints were in 2002 and those relating to music in 2000.

5.66 Therefore to summarise, as recommended by the consultant, sound insulation for the party wall should be increased above Approved Document E (ADE). This is because moving residential premises next to a public house with a licence that allows recorded and live music until 2.30am carries with it an element of risk.

5.67 Consultants have recommended that the airborne sound insulation is at least 8dB greater than ADE. This has been conditioned below and due to the risk

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associated with bringing residential accommodation next to a pub with long licensing hours, it is recommended that this condition includes a requirement for pre-completion testing.

- 5.68 Hotel: The report indicates that the Hotel is likely to adopt their own acoustic criteria. However, a glazing specification to achieve approximately 40 dB to 45 dB sound reduction has been recommended.

Noise from Plant

- 5.69 Noises from Plant: The noise modelling assessment for plant shows that the noise levels due to plant at the nearest noise sensitive receptors will be greater than 5dB below background levels.

- 5.70 Due to the fact that plant details and plant position can change, it is still strongly recommended that a condition for plant noise is included and this has been suggested below.

- 5.71 Noise from deliveries and retail use: To prevent neighbours (both existing and future) being unreasonably disturbed it is suggested that deliveries and waste collections to retail units and restaurants should not occur before 7am or after 7pm on Mondays to Saturdays and not at all on Sundays or Bank Holidays. A condition has been recommended below.

- 5.72 The applicants should note that if complaints about noise from deliveries or waste collection activities are received, then the Council has a duty to investigate these complaints under the Environmental Protection Act 1990.

- 5.73 Lighting: Lighting details are yet to be specified. A condition has been recommended.

- 5.74 Odour abatement: Information about odour abatement for the kitchen at the hotel should be provided. This would be to prevent future complaints about Statutory Odour Nuisance. A condition has been recommended.

- 5.75 Licensing: The Licensing department must be consulted if any of the retail outlets will sell alcohol. This is because this development lies within the cumulative impact zone, which means that there is a presumption for refusal of any new licence application.

- 5.76 City Clean: City Clean should be consulted about future waste collection / disposal due to the size of the proposal and that it includes residential and retail components.

- 5.77 Food: The food team should be consulted regarding any plans for commercial kitchens.

Sustainability: Comment

- 5.78 As a major development on a brownfield site, the SPD08 standards expected for this development are: residential flats: Code for Sustainable Homes Level(CSH)

4; Hotel: BREEAM 'excellent' with 60% in energy and water sections; Retail: BREEAM Retail 'excellent' with 60% in energy and water sections.

- 5.79 There are many positive aspects to this scheme; the proposed energy performance of the scheme has been well designed to work within the confines of an extremely tight site involving considerable demolition works within an important Conservation Area. The proposed standards in the application are: Residential CSH4; Hotel: BREEAM 'very good'; Retail 'B' rated energy performance certificate. Whilst the residential standards meet local policy, the Hotel falls below and an alternative assessment method is proposed for the Retail. The applicant has asked that consideration be made of the site constraints and conservation conflicts.
- 5.80 Some of the key sustainable design features include: Code level 4 for the housing units; a communal heating solution for the dwellings and retail below based on gas micro CHP; PV and solar hot water for the residential units; a combination of air source heat pumps (ASHPs) and PV to supply heat and energy to the retail and hotel above; potential use of rainwater harvesting for the hotel; green sedum roof on an area of the hotel roof; a Site Waste Management Plan will be implemented including use of ICE Demolition Protocol; proposed buildings are to be built off the concrete slab over the existing car park thereby utilising the existing foundations; lightweight timber frame (SIPS construction) & all timber sustainably sourced with FSC or PEFC accreditation; incorporation of passive design approach as far as possible given site constraints; Lifetime Homes standards; and use of Considerate Constructors scheme.
- 5.81 It is recommended that the applicant be advised to amend conflicts in the submitted documents between the Sustainability Checklist and other documents. i.e, by amending the sustainability checklist and resubmitting this showing: CSH level 4, Technologies page: 4-5kWp PV to be installed on Hotel roof, 2kWp on roofs of dwellings; and 3-4m² Solar hot water systems (evacuated tubes) for residential units.
- 5.82 If these comments are applied in terms of providing flexibility over standards, conditioning the BREEAM standard (to 'very good') and the EPC 'B' rating for the retail units, then the applicant should be encouraged to re-examine the potential for a higher score within the BREEAM energy section to meet the councils SPD08 recommended minimum of 60% in this section. The estimated BREEAM water section indicates that over 60% will be achieved.
- 5.83 The application is recommended for approval subject to conditions upon securing level 4 of CfSH for the residential, BREEAM 'very good' level including 60% in energy & water for the Hotel; Retail units to achieve 'B' rating with a CO₂ index equivalent to the minimum mandatory requirement within BREEAM ENE1 to score BREEAM 'excellent'; and a Feasibility study to be carried out for rainwater harvesting and greywater recycling for the Hotel.

Sustainable Transport: Comment

- 5.84 General parking: The proposals are intended to be car free. This is satisfactory as general parking standards are maxima and the application site is easily

accessible by sustainable modes. Residents should be prevented from buying parking permits by a TRO amendment to be funded by the applicants as part of the S106 agreement.

- 5.85 SPG4 suggests minimum requirements of 1 disabled parking space for the hotel. This space is not proposed. It is accepted that this area is unusually constrained and it is difficult to identify potential sites for bays. However there is no reason why policy TR18 should not be complied with. Policy TR18 includes alternative measures when bays cannot be provided and among these are contributions to the local shopmobility scheme and especially adapted public transport infrastructure. Shopmobility is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes. It is therefore proposed to require (1) A £9,000 contribution towards this local shopmobility scheme (2) A £1,000 contribution to fund a raised kerb in East Street north of the taxi rank to facilitate access to taxis by wheelchair users, as part of the S106 agreement in lieu of disabled parking provision. The proportion attributable to the Brighton Square Town Houses is a total of £345.
- 5.86 SPG4 suggests at least 4 spaces for the hotel. The application proposes 1 + visitor provision for the hotel, 29 for Brighton Square and 70 for Hannington's Lane. The numbers proposed are clearly substantially higher than required but the exact layout is not clear and details should be required by condition.
- 5.87 Deliveries: Construction will be difficult in this constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access should be required as part of any consent. The applicants have identified loading facilities and estimated demand for the development once built on the basis of a survey of deliveries required by existing local businesses. The scheme proposes a service and delivery plan including a monitoring process. There is generally some spare capacity in the existing loading bays in North Street, and if problems arise in practice there are potential measures such as TRO revisions which could be implemented to address them. The plan and process should be confirmed by condition and this aspect of the application is acceptable on this basis.
- 5.88 Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £16,000 for the development as a whole would be appropriate. This should be spent on (1) dropped kerbs and other small measures to facilitate walking and cycling within The Lanes at an estimated cost of £12,500 (2) Provision of a real time bus information facility in the hotel foyer at an estimated cost of £3,500. There is no contribution attributable to the Hotel and associated development.
- 5.89 The applicants have submitted outlines which are generally satisfactory of the likely content of travel plans for each of the three applications and the detailed submissions should be required by condition. The detailed submissions should include provision for (1) Approval by the Council of the content of the proposed travel leaflets (2) The continuation of annual monitoring surveys for at least 5

years or until modal targets agreed by the Council have been met (whichever is earlier).

- 5.90 Impact on local pedestrian movements: The application as originally submitted gave rise to potential concerns arising from the new pedestrian access onto North Street. However this has been removed from the revised application and these problems no longer arise.
- 5.91 Legal status of the new lane: The existing lanes are adopted highways and in principal it would be desirable for consistency, and to guarantee public access, for the new Hannington's Lane to obtain this status. However, this would commit the Council as Highway Authority to funding maintenance which is undesirable given budgetary constraints. Also, the applicants have not offered the routes for adoption and there is no planning policy by which this can be required. Policies QD2 and TR8 do however support permeability of developments and for this reason it is considered that the applicants should be required by condition to enter into a walkways agreement which would guarantee limited public access rights. This should apply to the new Hannington's Lane and the link between it and the north east corner of Brighton Square. The walkways agreement would be made under section 35 of the 1980 Highways Act and would define the times when the walkway would be available for public use, the times and/or other circumstances in which the owner could close the walkways, and the maintenance and cleaning arrangements. Construction and drainage details of the new lane should be required for approval by condition to ensure compliance with policy QD27.

Economic Development:

- 5.92 The Economic Development team have no adverse comments to make in respect of the application as it forms part of a number of individual applications that when combined together bring forward a wider comprehensive redevelopment of the Brighton Square area.
- 5.93 Currently there are 5 small individual A1 retail units on site totalling 146m². The application proposes to replace these 5 units with 1 larger unit totalling 44m² and 2 new A3 units totalling 390m². In economic development terms there are no concerns about this reduction in A1 space as this is more than compensated for with the increase in A3 space thus enhancing employment opportunities within the proposal.
- 5.94 Additional employment opportunities will be created with the provision of the boutique hotel which is welcomed by the economic development team.
- 5.95 The applicant states that currently there are 20 jobs and the proposal will provide employment for 45 jobs however there is no information provided to support (or detail) this additional employment generation. The Senior Economic Development Officer would welcome further information from the applicant on the nature of the jobs that will be created with the proposal.
- 5.96 Based on the Employment Densities Guide 2nd Edition 2010, the proposal would have the ability to provide the following;

A1 retail - 1 job per 19m² = 2. jobs
A3 restaurant – 1 job per 18m² = 22 jobs
General Hotel – 1 job per 2 beds = 13 jobs
4/5* Hotel – 1 job per 1.25 beds = 20 jobs

- 5.97 The above figures when added together (using the 4/5* Hotel employment figure) compares with the applicants figure on the application form.
- 5.98 The application form states that 119m² of B1 office accommodation will be lost with the proposal however the supporting information submitted with the application does not give any further information as to the loss of the office accommodation. The Senior Economic Development Officer would welcome further information with regards to this loss of office accommodation within the proposal
- 5.99 If approved, a contribution through a S106 agreement for the payment of £12,460 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction phase has been requested by the economic Development team and has been added to the heads of terms for the S106 agreement.

6 MATERIAL CONSIDERATIONS

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

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Pollution land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU16	Production of renewable
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 frontage
QD7	Crime prevention through environmental design
QD9	Boarding up of flats, shops and business premises
QD10	Shopfronts
QD11	Blinds
QD14	Extension and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR4	Regional shopping centre

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SR14	New Hotel and Guesthouse Accommodation
HE3	Development affecting the setting of listed buildings
HE6	Development within or affecting the setting of conservation areas.
HE8	Demolition within conservation areas
HE12	Scheduled ancient monuments and other important archaeological features

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD07	Advertisements
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in favour of sustainable development
CP2	Sustainable economic development
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP19	Housing mix

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to design and the impact of the development upon the character and appearance of the Conservation Area, the setting of the adjacent Listed Building, the amenity of adjacent occupiers, the creation of new visitor accommodation, the living standards of the residential accommodation to be created, access, sustainability and transport.

Principle of uses

- 8.2 There are no objections to the range and type of uses incorporated within the development.
- 8.3 The creation of a new hotel is considered an appropriate town centre use. Policy SR14 of the Brighton & Hove Local Plan permits new hotel accommodation within the identified core area providing a number of criterion are met. Additional information was submitted during the course of the application to demonstrate compliance with policy SR14. The National Planning

Policy Framework outlines that development including town centres use within such locations, do not require further justification for new floorspace. Policy CP6 of the emerging City Plan broadly supports new Hotel facilities within this location and directs new accommodation within the locality, provided that there is sufficient justification of the need for new facilities.

- 8.4 The applicant has provided additional information which outlines the acceptability of the use in relation to the town centre location and sustainable nature of the development. In addition, the statement outlines the broad demand for the type of hotel facilities being provided, compliance with the Council's Tourism strategy.
- 8.5 The supporting information accompanying the application states that the Hotel would serve the seafront conference industry and provide high quality accommodation.
- 8.6 The proposed ground floor A3 unit that is incorporated into the Hotel would provide a sufficient balance of uses which supports the retail and tourist offer of the Lanes and Regional shopping centre. However, close attention is required to ensure that public safety and amenity considerations are fully considered. These amenity considerations are covered later in this report.

Masterplan and links to proposed developments at Hannington Lane (BH2013/00710) and Town Houses (BH2013/00712).

- 8.7 The application is one of a suite of redevelopment proposals currently being considered within sites adjacent. As well as considering the context of the application within a masterplan for redevelopment, it is also important to consider the acceptability of the proposal as a standalone in the event that other proposals do not progress.
- 8.8 Whilst it is considered that there are demonstrable benefits of delivering all the redevelopment proposals, specifically in this case the link to the lane to the north and the continuity and termination of the development in respect to current buildings surrounding the site, there is a design rationale for considering the hotel and townhouses in isolation.
- 8.9 The hotel would be witnessed in connection with the remainder of the Square and increased storey height of the north and west side of the square/townhouses. The Hannington Lane scheme (BH2013/00710) is within separate ownership and whilst not preferable; the non-delivery of the new lane would not necessarily prevent or cause significant amenity impacts to prevent the redevelopment of the Square.
- 8.10 It is considered extremely important for this application and the town houses application to both proceed, so that the scale and design of Brighton Square would remain consistent on the three sides. The Hotel development could proceed acceptably without the Hannington Lane scheme going ahead. As such, it is considered that the appropriate phasing should be secured by legal agreement.

Design:

- 8.11 The proposal seeks to replace the buildings on the east side of Brighton Square with a four storey redevelopment, which includes replacing the buildings fronting Brighton Place, entrance to the Square and the part of the building adjacent to the Druids Head Public House.
- 8.12 The Square: The elevations of the hotel facing into the Square would match that of the adjacent west and north elevation being considered under BH2013/00712. The elevation serving the east side of the Square comprises a set back, modern zinc facing to as ply flat roofed with a largely glazed front elevation and rendered flanks.
- 8.13 The depth, height of the additional storey when ordered against the double height reordered fenestration of the lower floors elevation facing the square has a comfortable and appropriate massing in relation to the host. The proposal also includes frameless glazed balustrades facing the Square, which given the simplicity and material would not unduly affect the massing of the development within the Square.
- 8.14 One of the main considerations in terms of design was to ensure that the additional height would not make it unduly visible in key sensitive views. Additional views including those from New Road and Meeting House Lane were requested in order to assess this and confirm that the additional height would not be harmful or unduly prominent. Having analysed these views it is considered that the proposed additional storey would not be harmful to sensitive vistas.
- 8.15 Concerns have been raised regarding future odour control equipment for the A3 units but no measures appear to have been designed in to accommodate such equipment so this concern remains. It is however considered that this could be controlled by condition.
- 8.16 Tall building adjacent to Druid' Head: The proposal would create a four storey building adjacent to the Druids Head Public House with access steps running beside and into the Square. The building has a vertical emphasis and been designed to broadly recreate an historical building that once stood upon the same site prior to the redevelopment of Brighton Square in the 1960's.
- 8.17 The building comprises a render finished pitched roof building with narrow proportions when viewed from Brighton Place. Concerns with regards to this building and its impact on the setting of the adjacent Listed building were raised by English Heritage and the Council's Heritage Team, with more detailed justification of the historicist approach needed.
- 8.18 Information in the form of a detailed supporting information document including maps, urban design analysis and photography has been prepared by the applicant and submitted during the course of the application. This information shows clear photography of a building of similar siting, height, massing and approximate consummate to the proposal. It is on the basis of the detailed analysis that both English Heritage and the Council's Heritage team consider the height and scale of the new retail and residential building adjacent to the listed

Druid's Head Public House to have been satisfactorily addressed by historic evidence of the pre-existing Victorian building.

- 8.19 The new building has also been amended to re-examine the shop front, detailing and issues relating to amenity. The building has set in balconies, traditional timber shop front, vertical double hung timber sash windows and a slate roof which are considered appropriate and unlikely to have a detrimental impact on the historic setting of the area.
- 8.20 There is a concern raised in respect of the resulting step change between the height of the new element adjacent to the Druid's Head and the existing Thai restaurant to the west. The scheme does not propose works to the southern side of Brighton Square and the height differences between the two elements has the potential to appear stark. However, give the limited visitors of this element and how this element will be viewed in the context of the wider development the proposal is considered acceptable.
- 8.21 Hotel and entrance building: The proposed hotel building has a variety of historic period designs, interspersed with a contemporary design facing Brighton Place. This approach reflects the varied design of Brighton Place and the chosen styles of architecture are considered appropriate provided that the design, detailing and materials are of very high quality.
- 8.22 The Hotel has a double height glazed façade that to read successfully with the historic context of the Lanes will need to be executed to a very high standard. The curve of the corner section has been amended to provide a tighter radius and with the adjacent mathematical tile coach house style entrance building provide the necessary solidity.
- 8.23 Planning conditions are recommended to secure large scale elevations and sections of all architectural features, including the parapets, bays, windows, doors, louvres, balconies, balustrades and shop fronts to all buildings, the raised chimney stack to the retail/residential building and the car park entrance doors. The detailing of the hotel glazing is a key matter to ensure a high quality development.
- 8.24 Landscaping: The landscaping within this portion of the project is largely limited to hard landscaping and hard surfacing. The continuity of the paving, surfaces and quality of materials are extremely important in ensuring a high quality and appropriate finish to the development.
- 8.25 Details of the new steps and the revised paving layout to Brighton Place will be also very important and will need to be controlled by condition, as will the revised curb line to Brighton Place, which should recreate the existing curved end. A detail scheme of landscaping and materials is recommended to be secured by planning conditions.

Impact on Amenity:

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- 8.26 The main concerns in this case are the impact of the new uses and physical development upon the amenities of adjacent and nearby occupier's .Issues to be considered are with regards to light, daylight, noise, privacy and outlook.
- 8.27 The surrounding area is centrally located within a historical and high density location. As such weight to matters relating to noise, light and amenity should be considered within the context and expectation of the surrounding and that of closely knit townscape and its sensitive historical environment.
- 8.28 Daylight/sunlight: Given the high density, historic location of the proposed development, an additional storey of accommodation in this location would provide some concern with regards to light and daylight and the resulting impact on neighbouring amenity.
- 8.29 The existing historic street pattern and development would not meet the current present best practice or guidance. The BRE report – *Site Layout Planning for Daylight and Sunlight - A guide for Good Practice* has been used to establish the potential impacts in this case. The BRE advice is not mandatory and does advise that in historic city centre such as The Lanes a high degree of obstruction may be unavoidable if developments are to match the height and proportions of existing development.
- 8.30 As originally submitted, concerns were raised with regards to the impact of new buildings and their impact upon properties in Meeting House Lane, the Public Open Space (Brighton Square) and the daylight provision within the expanded residential development. The applicant has commissioned a daylight and sunlight analysis of these potential impacts, which has since been analysed by the BRE.
- 8.31 The analysis from the BRE showed that the loss of daylight to 23-24 Meeting House Lane and 29-32 Brighton Square would be within the BRE guidelines. The daylight provision to the new or refurbished dwellings at 26-28 and 33-36 Brighton Square would additionally be adequate.
- 8.32 The loss of sunlight to the open space in Brighton Square would meet the BRE guidelines. In addition, the Square would retain an open south aspect with no further development planned above the restaurant.
- 8.33 The analysis also showed that there would be a loss of light at 22 Meeting House Lane, although this building is commercial.
- 8.34 In addition to the lighting and daylight impacts identified, the proposal has included a raft of measures across the masterplan to compensate and mitigate for the impacts identified. A redevelopment which secures these would be acceptable given the existing complex urban fabric of the immediate environment, and would present a reasonable level of impact given the expectations and range of uses.

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- 8.35 Subject to conditions upon Contaminated Land; Noise; Lighting; Odour; Sound Insulation and Deliveries and Waste Collections the proposal would have an acceptable level of impact upon the amenities of nearby occupiers.
- 8.36 Contaminated Land: A Phase I contamination assessment report has been undertaken by Ashdown Site Investigation Ltd., (LW24044/ds February 2013). Their conclusions recommend an intrusive site investigation to quantify associated risks. Therefore, it is recommended that the Council's full phased contaminated land condition is applied to this development (Part 1a has been completed).
- 8.37 Noise: A noise assessment has been undertaken by 7th Wave Acoustics, dated 5th March 2013. According to the plans for this application, there will be some residential flats next to the Druids Head Pub and the future occupiers could be affected by surrounding uses. The noise assessment included the results of a long term (7 day) noise assessment which was undertaken outside of Donatello's Restaurant and at 40 Brighton Square.
- 8.38 The assessments have relevance to the proposed flats and highlight that some maximum noise levels in this area at night are very high. It is not possible to tell what has caused the maximum levels of noise, but from the general location, it is likely to be due to people passing by travelling to and from local restaurants and licensed premises. The results of the assessments present the range of maximum noise levels recorded over each night. The highest maxima reached each night over the week have then been averaged and this average of the highest maxima has been used to determine glazing requirements for the flats.
- 8.39 Subject to appropriate glazing it is considered that noise disturbance to occupiers within the new residential properties could be mitigated.
- 8.40 Noise from Plant: The noise modelling assessment for plant shows that the noise levels due to plant at the nearest noise sensitive receptors will be greater than 5dB below background levels. Due to the fact that plant details and plant position can change, it is recommended that a condition is imposed regarding plant noise.
- 8.41 Noise from deliveries and retail use: To prevent neighbours (both existing and future) being unreasonably disturbed it is suggested that deliveries and waste collections to retail units and restaurants should not occur before 7am or after 7pm on Mondays to Saturdays and not at all on Sundays or Bank Holidays. A condition has been recommended below.
- 8.42 Ventilation: In order to achieve satisfactory internal noise levels, Environmental Health have advised their the windows must be closed. Therefore, the noise assessment report has recommended that alternative means of ventilation are provided. It should be ensured that the internal noise level achieved by the glazing is not compromised, a condition has been recommended.
- 8.43 It is pointed out in the noise assessment that the pub resides on the ground floor and the proposed flats next door will begin at first floor level. The pub is licensed to with Live Music, Recorded Music and other entertainment license to finish an

hour before the time stipulated earlier in this report. The council's database has been interrogated with regards to noise complaints about the pub. The last noise complaints were in 2002. As recommended by the consultant, sound insulation for the party wall should be increased, this is because moving residential premises next to a public house with a licence that allows recorded and live music until 2.30am carries with it an element of risk.

- 8.44 The consultants have recommended that the airborne sound insulation is at least 8dB greater. This should be conditioned and due to the risk associated with bringing residential accommodation next to a pub with long licensing hours, it is recommended that this condition includes a requirement for pre-completion testing.
- 8.45 Lighting: Lighting details are yet to be specified and a planning condition to secure appropriate scheme of lighting has been recommended.
- 8.46 Odour abatement: Information about odour abatement for the kitchen at the hotel should be provided. Such measures could prevent future complaints about Statutory Odour Nuisance. A condition has been recommended.

Living accommodation

- 8.47 The proposal would create 3 residential units (2 studio units and a 1 bed unit), all located upon the upper floors of the new building to be sited adjacent to the Druids Head Public House.
- 8.48 Each of the new flats would be laid out over a single floor with the entrance via the replacement access route into Brighton Square. Each flat would have access to an internalised balcony, which given the space and heritage constraints of the locality is a reasonable policy resolution.
- 8.49 The proposed accommodation would provide a standard of living for the occupiers that accords with policy QD27 of the Brighton & Hove Local Plan and given the complex urban fabric of the area, the amenity space is welcomed.
- 8.50 The layout of the new flats would provide good circulation, wide access stairs and provide opportunities to be adaptable. The units would each have a good standard of outlook and amenity space especially given the complex layout of the surrounding development. Subject to adequate sound attenuation and ventilation measures covered earlier in this report, the new residential properties would provide an adequate standard of living accommodation.

Sustainable Transport:

- 8.51 Subject to appropriate control of access, servicing, cycle parking and securing a financial contribution towards shopmobility, it is considered that the proposal would be acceptable in transport terms.
- 8.52 The proposals are intended to be car free. Such an approach is acceptable as the adopted parking standards are maximum and the site is centrally located and accessible by sustainable modes. The Transport team consider that residents

should be prevented from buying parking permits by a TRO amendment which can be funded by the applicants as part of the S106 agreement.

- 8.53 The adopted parking standards suggest a minimum requirement of 4 disabled spaces. These spaces are not proposed and it is accepted that in this location is unusually constrained and difficult to identify potential sites for bays. However, policy TR18 can be complied with by considering alternative measures and among these is contribution to the local shopmobility scheme and adapted public transport infrastructure.
- 8.54 Shopmobility is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes. It is therefore proposed to require a contribution towards this local shopmobility scheme and a contribution to fund a raised kerb in East Street north of the taxi rank to facilitate access to taxis by wheelchair users. The proportion relating to the hotel development is calculated at a total of £435.
- 8.55 The adopted cycle parking standard suggests 4 spaces for The Hotel. The numbers proposed are in excess of the minimum requirement but the exact layout is not clear and details should be required by condition.
- 8.56 Construction could be difficult in such a constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access should be required as part of any consent.
- 8.57 The applicants have identified loading facilities and estimated demand for the development once built on the basis of a survey of deliveries required by existing local businesses. They propose a service and delivery plan including a monitoring process.
- 8.58 Sustainable modes and contributions: The proposed development would attract additional trips onto the network. The number of trips is not estimated in the Transport Statement but it has been estimated by the Transport Planning Team.
- 8.59 Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £20,000 for the development as a whole would be appropriate. This would be spent on dropped kerbs and other small measures to facilitate walking and cycling within The Lanes at an estimated cost of £16,500 and the provision of a real time bus information facility in the hotel foyer at an estimated cost of £3,500.
- 8.60 On the basis of securing appropriate s106 contributions and conditions to ensure parking and management of the development it is considered that the proposal would be acceptable in transport terms.

Sustainability:

- 8.61 The proposals address all aspects of sustainability policy set out in SU2, SU16 and SPD08. Some aspects of the scheme propose reduced standards against SPD08 and these have been justified in terms of site constraints, technical and financial feasibility, and additional benefits provided to the city. The proposals are

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considered to be a positive response to sustainability policy given a constrained site with technical and practical challenges.

- 8.62 As a major development on a brownfield site, the standards expected for this development are: residential flats: Code for Sustainable Homes Level(CSH) 4; Hotel: BREEAM 'excellent' with 60% in energy and water sections; Retail: BREEAM Retail 'excellent' with 60% in energy and water sections.
- 8.63 The proposed standards in the application are: Residential CSH4; Hotel: BREEAM 'very good'; Retail 'B' rated energy performance certificate.
- 8.64 Sustainability standards for the residential element have been met, and a reduced standard has been justified on the retail and hotel.
- 8.65 Some of the key sustainable design features include: Code level 4 for the housing units; a communal heating solution for the dwellings and retail below based on gas micro CHP; PV and solar hot water for the residential units; a combination of air source heat pumps (ASHPs) and PV to supply heat and energy to the retail and hotel above; Retail 'B' rated energy performance certificate; potential use of rainwater harvesting for the hotel; green sedum roof on an area of the hotel roof; a Site Waste Management Plan will be implemented including use of ICE Demolition Protocol; proposed buildings are to be built off the concrete slab over the existing car park thereby utilising the existing foundations; lightweight timber frame (SIPS construction) & all timber sustainably sourced with FSC or PEFC accreditation; incorporation of passive design approach as far as possible given site constraints; Lifetime Homes standards; and use of Considerate Constructors scheme.
- 8.66 The issue of BREEAM standards has been raised in relation to smaller retail units which could fall below meaningful threshold for a full BREEAM assessment, and the alternative approach of submitting an Energy Performance Certificate (EPC) rating to meet the authority's aspiration for best practice energy performance was posed. A performance of a 'B' standard or better was discussed as this would correspond with the minimum mandatory score within ENE1 within the Energy section of a BREEAM assessment required to achieve an overall BREEAM 'excellent'.
- 8.67 The application has proposed a 'B' EPC standard for both the retail elements of this application: the 44m² of retail below the residential, and the 390m² below the Hotel split into 2 units. Whilst the proposals incorporate proposed alternative assessments for the retail elements, The standard for the hotel is below the expected standard for BREEAM recommended in SPD08.
- 8.68 The retail units are: 44m² below the dwellings, and 2 x A3 units within a 390m² area. Therefore the principle that the energy performance should achieve an equivalent to BREEAM 'excellent' is a reasonable alternative approach provided a condition is carefully worded to reflect a particular energy performance standard that is equivalent within the BREEAM ENE1 energy category, and this could include both confirmation from a BREEAM assessor prior to commencement and

evidence such as an EPC certificate and BREEAM assessor confirmation prior to occupation.

- 8.69 The BREEAM standard for the Hotel, the BREEAM assessment summary indicates that the Energy Section is predicted to score 35% (local policy in SPD08 expects 60%). This is considerably below the council's recommended standard. Whilst the LPA could provide flexibility on the overall BREEAM score, the energy performance Energy performance and carbon emissions are a crucial consideration and a corporate priority for the council, and therefore it is recommended that the target of 60% in the energy section should be maintained.

Employment

- 8.70 Currently there are 5 small individual A1 retail units on site totalling 146m². The application proposes to replace these 5 units with 1 larger unit totalling 44m² and 2 new A3 units totalling 390m². The Economic Development team have commented on the application and have advised that there are no concerns about this reduction in A1 space as this is more than compensated for with the increase in A3 space thus enhancing employment opportunities within the proposal.

- 8.71 Additional employment opportunities will be created with the provision of the hotel which is welcomed. The applicant states that currently there are 20 jobs currently and the proposal would provide employment for 45 jobs. Whilst there is no evidence provided to support this additional employment generation, it can be seen from the nature of the proposal that the development would create an uplift in employment opportunities. .

- 8.72 The application form states that 119m² of B1 office accommodation will be lost as a result the proposal. Whilst the supporting information submitted with the application does not give any further information as to the loss of the office accommodation when the cross benefits of the new floorspace, uses upon the site and environmental improvements are considered to adequately compensate for the minimal reduction in office space.

- 8.73 If approved, a contribution through a S106 agreement for the payment of £12,460 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction phase has been requested by the Economic Development team and has been added to the heads of terms for the S106 agreement.

Other issues:

- 8.74 Archaeology: The submitted archaeology report concludes that based on the existing information there is a potential that archaeological deposits will be disturbed or exposed. However, it is unlikely significant that post Pleistocene remains (at shallow depth) have survived on this site due to the impact of the construction of the current buildings.

- 8.75 In the light of the County archaeologist comments with that the potential that any groundworks which extend below made ground are highly likely to impact on

either Holocene colluvium or Pleistocene sedimentation (Head or Raised Beach) the area affected by the proposals, the development should be the subject of a programme of archaeological works to enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.

- 8.76 Accordingly it is recommended that planning conditions to secure implementation of a programme of archaeological work in accordance with a written scheme of investigation is secured and the development not being brought into use until the site investigation and analysis has been completed.
- 8.77 Waste collection: Due to current accessibility, City Clean do not presently run a kerb side collection in this area. Residents currently use communal bins for household rubbish and recycling points adjacent to Brighton Town Hall.
- 8.78 With additional residential properties being constructed it is requested that any resident use a similar arrangement to dispose of waste and recycling. Residents could use the provision for a private contractor set out in the application. However, as a waste disposal Authority, the City Council is legally obliged to collect household waste and therefore would require a waste management plan to ensure that the proposals for private collections are adhered to and allow for additional waste and recycling provisions in the future if the Council are required to take over collection in the future. A planning condition to secure and implement this plan is recommended.

9 CONCLUSION

- 9.1 The proposal when considered as part of a comprehensive redevelopment master plan with Hannington Lane or with the redevelopment of the west and north side of the Square would provide significant improvements to the appearance of the area and to the surrounding historic environment.
- 9.2 The suitable phasing, detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, delivery and compliance with adopted planning policy.

10 EQUALITIES

- 10.1 The development would assist in providing an additional and improved access to the square, commercial units and upper and basement floors of the square.
- 10.2 The ramped access to the square would be lost, but sufficient access exists to allow access by wheelchair users. Access to the residential units would be via stairs and are subject to Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Heads of terms

Section 106 agreement to secure:-

- A contribution of £435 towards, shopmobility in-lieu disabled parking,;

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- A contribution of £12,500 towards Public Art
- A contribution of £12,460 towards the Local Employment Scheme (LES);
- An employment strategy to secure at least 20% local labour during construction of the project;
- A Walkways Agreement
- A Construction Environmental Management Plan;
- A phasing agreement that the Hotel and associated development must be implemented in conjunction with the remainder of the Square (BH2013/00712)

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1239 P 300	-	06/03/2013
Block Plan	1239 P 301	-	06/03/2013
Existing Basement Plan	1239 P 302	-	06/03/2013
Existing Ground Floor Plan	1239 P 303	-	06/03/2013
Existing First Floor Plan	1239 P 304	-	06/03/2013
Existing Second Floor Plan	1239 P 305	-	06/03/2013
Existing Third Floor Plan	1239 P 306	-	06/03/2013
Existing Roof Plan	1239 P 307	-	06/03/2013
Proposed Basement Plan	1239 P 311	A	14/06/2013
Proposed Ground Floor Plan	1239 P 312	A	14/06/2013
Proposed First Floor Plan	1239 P 313	B	06/09/2013
Proposed Second Floor Plan	1239 P 314	B	06/09/2013
Proposed Third Floor Plan	1239 P 315	B	06/09/2013
Proposed Roof Plan	1239 P 316	A	14/06/2013
Existing & Proposed Elevations 1	1239 P 320	A	14/06/2013
Existing & Proposed Elevations 2	1239 P 321	B	06/09/2013
Existing & Proposed Elevations 3	1239 P 322	B	06/09/2013
Existing & Proposed Elevations 4	1239 P 323	A	14/06/2013
Existing & Proposed Elevations 5	1239 P 324	A	14/06/2013
Existing & Proposed Elevations 6	1239 P 325	A	14/06/2013
Proposed Section 1	1239 P 340	A	14/06/2013
Sustainability Statement	-	-	06/03/2013
BREEAM Domestic Refurbishment	-	-	06/03/2013
Sustainability checklist	-	-	06/03/2013
Mechanical and electrical services overview	-	-	06/03/2013
Noise assessment	-	-	06/03/2013
Street Lighting	-	-	06/03/2013
Design and access statement	-	-	06/03/2013
Phase 1 Contamination report	-	-	06/03/2013

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Drainage and flood risk strategy	-	-	06/03/2013
Transport Statement	-	-	06/03/2013
Daylight Report	-	-	06/09/2013

- 3) 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. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 4) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) Deliveries and waste collections shall not occur except between the hours of 7am and 7pm on Mondays to Saturdays and not at anytime on Sundays, Bank or Public Holidays. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) The Party Walls/Floors between the retail units and the residential units shall be designed to achieve an airborne sound insulation value of 5dB greater than that specified in Approved Document E of the Building Regulations, for floors of purpose built dwelling-houses and flats. **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) All railings within the development shall be painted black. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 8) Within 3 months of commencement of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan for the uses upon the site (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.

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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 be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (vi) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

- 10) 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.

11.3 Pre-Commencement Conditions:

- 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 HE6 of the Brighton & Hove Local Plan.
- 12) No development shall take place upon site until detail of all external odour control equipment for the A3 units has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and shall thereafter be retained. **Reason:** To ensure a satisfactory appearance to the development, to preserve the setting of listed buildings and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 13) Prior to the commencement of any flint facing elevations or flint construction, a sample flint panel shall be constructed on site and approved in writing. The flintwork hereby approved shall be conducted in accordance with the approved panel and thereafter retained. **Reason:** To ensure a satisfactory appearance to the development, to preserve the setting of listed buildings and to comply with policy HE6 of the Brighton & Hove Local Plan.

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- 14) 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) Prior to the commencement of the development hereby approved a Delivery & Service Management Plan for the construction project, 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 and servicing 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 polices SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
- 16) 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
- 17) Unless otherwise agreed in writing by the Local Planning Authority, no hotel development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in water section and a minimum of 6 credits scored within the BREEAM Energy Section ENE1 (equivalent to the mandatory minimum standard for excellent in energy) for the hotel development has been submitted to, and approved in writing by, the Local Planning Authority. The evidence that these levels have been achieved should be provided by a licenced BREEAM assessor. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 18) Prior to the commencement of development upon the site a Feasibility study outlining the potential for rainwater harvesting and greywater recycling for the Hotel shall be submitted to and approved by the Local

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Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be thereafter retained. **Reason:** To ensure that the development is sustainable and makes efficient use of water and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design

- 19) 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
- 20) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale elevations and sections of all architectural features, including the parapets, bays, windows, doors, louvres, balconies, balustrades and shop fronts to all buildings, the raised chimney stack to the retail/residential building and the car park entrance doors. The development shall thereafter be conducted in strict accordance with the approved details 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.
- 21) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:1 scale joinery section details of the new shop front and windows to the retail/residential building and of the segmental bay windows over the car park entrance. The development shall thereafter be conducted in strict accordance with the approved details 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.
- 22) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority, details include the location, number, design, luminance level and method of fixings. 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
- 23) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:5 scale detailed elevations and sections of all rainwater goods. The development shall thereafter be conducted in strict accordance with the approved details and shall be retained as such. **Reason:** To ensure a satisfactory appearance to

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the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 24) No development shall take place until a written scheme for the new street nameplates has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 25) No development shall commence until a scheme for the glazing of the proposed apartments next to the Druids Head Public House has been submitted to and approved in writing by the Local Planning Authority. The glazing specification for these apartments shall provide an airborne sound reduction of 45dB and shall ensure that the internal noise conditions comply with BS8233:1999 good standard. **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.
- 26) No development shall commence until a scheme for the party wall of the proposed apartments and the Druids Head Public House has been submitted to and approved in writing by the Local Planning Authority. The party wall between the apartments and the Druids Head Public House shall provide an airborne sound insulation 8dB greater than that specified in Approved Document E of the Building Regulations. Measures shall be implemented in strict accordance with the approved details and pre-completion testing of the party wall prior to the occupation of the development shall be undertaken to ensure the measures are in accordance with the submitted details. **Reason:** To safeguard the amenities of occupiers and those of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
- 27) 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. The ventilation scheme shall ensure that the internal noise conditions achieved by the glazing will not be compromised and will comply with BS8233:1999 good standard. **Reason:** To safeguard the amenities of occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
- 28) 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 L_{A90} 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 shall be no significant low frequency tones present. **Reason:** To safeguard the amenities of occupiers and those of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
- 29) No development shall commence until a scheme for the fitting of odour control equipment for the restaurant at the Hotel has been submitted to and approved in writing by the Local Planning Authority. The measures shall be

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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 occupiers and those of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan

- 30) Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation. **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
- 31) No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. **Reason:** *To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and to comply with policy HE12 of the Brighton & Hove Local Plan.*
- 32) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; (Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing);
- and unless otherwise agreed in writing by the local planning authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;
- and, unless otherwise agreed in writing by the local planning authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include 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 a competent person approved under the provisions of

condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c 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) 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 condition (i) c.”

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

11.4 Pre-Occupation Conditions:

- 33) 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.
- 34) Unless otherwise agreed in writing by 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 ‘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.
- 35) Unless otherwise agreed in writing by the Local Planning Authority, the Hotel shall not be occupied until evidence that the fit out of the hotel development has achieved a BREEAM ‘very good’ (60% in the Water Section and a minimum of 6 credits within the BREEAM energy Section ENE1) standard overall or details that a green lease agreement with the operator to meet equivalent standard has secured. The development shall be conducted in accordance with the approved details and thereafter retained **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) The ground floor A3 units shall achieve 'B' rating with a CO2 index equivalent to the minimum mandatory requirement within BREEAM ENE1 to score BREEAM 'excellent'. Evidence to demonstrate this being achieved shall be submitted to approved by the Local Planning Authority prior to occupation of the units. **Reason:** To ensure that the development is sustainable and makes efficient use of energy and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 37) 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
- 38) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 31 *to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.* **Reason:** *To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework*

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. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).

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3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
4. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposal when considered as part of a comprehensive redevelopment master plan with Hannington Lane or with the redevelopment of the west and north side of the Square would provide significant improvements to the appearance of the area and to the surrounding historic environment. The suitable phasing, detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, delivery and compliance with adopted planning policy.

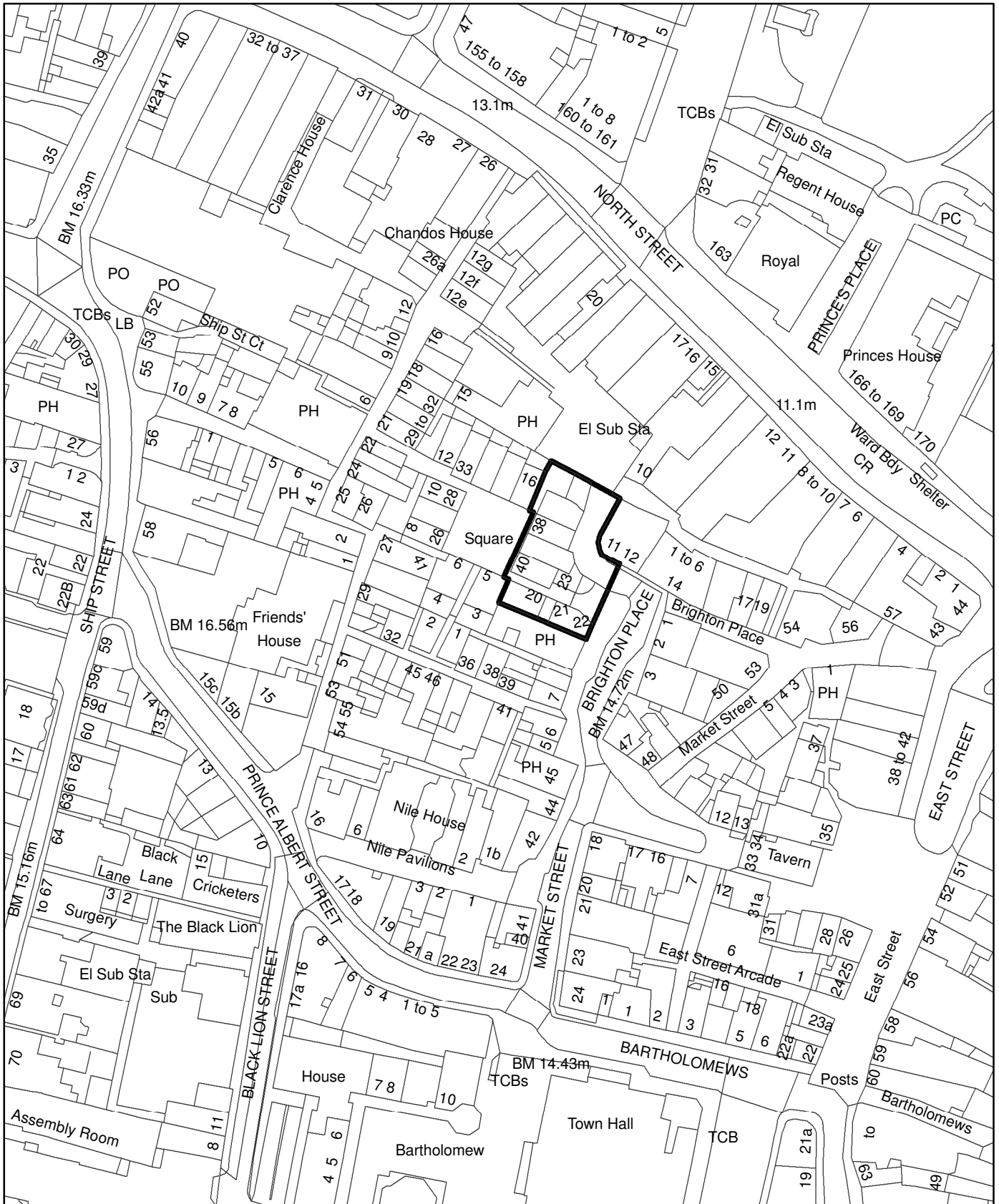
ITEM H

**17-19, 21-23 and 37-40 Brighton Square,
Brighton**

**BH2013/00716
Conservation area consent**

11 DECEMBER 2013

BH2013/00716 17-19. 21-23 & 37-40 Brighton Square, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

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<u>No:</u>	BH2013/00716	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	17-19 21-23 and 37-40 Brighton Square, Brighton.		
<u>Proposal:</u>	Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	06 March 2013
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	01 May 2013
<u>Listed Building Grade:</u>	Adj to Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue Brighton		
<u>Applicant:</u>	Centurion Group, Centurion House, 11 Prince Albert Street Brighton		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 Brighton Square is a mid 1960's mixed use development located within the Old Town area of Brighton. The development comprises of approximately 20 shops and 36 residential units. The development is a variation of 2 and 3 storey buildings, with a subterranean car park and servicing area.
- 2.2 Architecturally the square of its period, with projecting upper bays, faces in cladding, hanging tile and shiplap boarding. The redevelopment was well received when built, earning a Civic Trust award.
- 2.3 The site falls within the Old Town Conservation Area. None of the buildings on the site are Listed. However the site adjoins a Listed Building – The Druids Head (9 Brighton Place) and several other buildings to the south in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development are also Listed.
- 2.4 The development despite being angular integrates and permeates well with the original historic small fishing port of Old Town which is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west.

3 RELEVANT HISTORY

This application has been submitted to run concurrently with 5 other applications.

BH2013/00710: Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane,

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reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description) - Under consideration.

BH2013/00711: Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops - Under consideration.

BH2013/00715: Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works – Under consideration.

BH2013/03589: Alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway – Under consideration.

4 THE APPLICATION

- 4.1 Conservation Area Consent is sought for the demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square.

5 PUBLICITY & CONSULTATIONS

External:

Neighbours:

- 5.1 None received

CAG:

- 5.2 After discussion, and a show of hands, the majority of the group objected to the proposal to demolish the portal building fronting onto Brighton Place.

English Heritage:

- 5.3 Following the consideration of new information English heritage do not wish to offer any comments on this occasion.
- 5.4 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Internal:

Heritage

- 5.5 This proposal is part of a wider development including 7-10 13-16 26-28 and 33-36 Brighton Square Brighton and 13 - 22 North Street and the service yards behind, 12D Meeting House Lane and 11-14 Brighton Place Brighton. The Masterplan which ties them together is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and

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the design rationale and development for the three inter-linked but independent applications. It is considered important that the two Brighton Square applications should proceed concurrently so that the design and appearance of Brighton Square would remain consistent on the three main sides.

- 5.6 The Brighton Square applications would jointly offer substantial heritage and wider public benefits to the enhancement of the Old Town Conservation Area, in terms of the appearance of the public realm, the economic vitality of the area, the permeability of pedestrian routes and the quality of architecture. The proposals would preserve the setting of all the listed buildings in the vicinity. These enhancements and benefits would far outweigh any less-than-substantial harm arising from the alterations to Brighton Square as an undesignated heritage asset (potential addition to the Local List).
- 5.7 Statement of Significance: The site falls within the Old Town Conservation Area. None of the buildings on the site are Listed. However the site adjoins a listed building – The Druids Head Public House, 9 Brighton Place. Several other buildings to the south in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development in Meeting House Lane are also listed. The site falls within an Archaeological Notification Area (ANA)
- 5.8 The Old Town's character is set out in the document Conservation in the Old Town (1979). Whilst this needs updating, it remains a valid material consideration. The original historic small fishing port of Old Town is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west. The main street blocks are exactly rectangular and at the northern end, the grid is warped eastwards and North Street is angled slightly south-eastwards. Prince Albert Street is a 19th century planned intervention which cuts across this diagonally.
- 5.9 The area is characterised by a diversity of building sizes, heights, periods and styles. The area is predominantly 2 – 4 storeys in height and close-grained with some much larger buildings inserted from mid 19th century to the present such as the Town Hall, The Hippodrome and the Bartholomew Square development.
- 5.10 Most buildings appear to date from the 18th and 19th centuries although some earlier buildings or parts of buildings may be masked by later remodelling. The area immediately to the south of the site, known as The Lanes, is characterised by a network of narrow twittens and smaller scale buildings.
- 5.11 The Brighton & Hove Pevsner guide says of Brighton Square: –
“This is of 1966 by Fitzroy Robinson & Partners, sensitive infill, shops and flats of load-bearing brick placed over a reinforced concrete basement car park, the entrance to which is discretely tucked away. Architecturally of its time, with projecting upper bays clad in tile hanging and shiplap boarding, successfully in keeping to the style and variety of The Lanes. It was well received when built, earning a Civic Trust award, and is still a model for urban renewal. In the centre of the square a fountain and Dolphin sculpture by James Osborne.”

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- 5.12 The portal building on Brighton Place has been altered and shop units extended into its arched openings. The buildings around the Square have had their timber lapboarding replaced with artificial composite boarding and fibre cement fascia boarding and the original timber windows have been replaced in white powder coated aluminium albeit all in the same style. Most of the shopfronts and their fascias and many of their pilasters have been altered in an unsympathetic way and the ground floor facades have lost their architectural unity. The fountain and dolphin sculpture are later insertions.
- 5.13 Attitudes towards 1960s architecture vary greatly and generate much controversy. Whilst Brighton Square may be considered to be much better than many of the more brutal town centre redevelopments of the 1960s, it has clear faults and in places appears dated. The car park entrance and the service entrance are particularly unattractive in views eastwards along Brighton Place. In urban design terms its current layout and street furniture do not enhance the area. It has been nominated for local listing in the current review and must therefore be considered as an undesignated heritage asset.
- 5.14 The Proposal and Potential Impacts: This application is part of a wider development including 7-10 13-16 26-28 and 33-36 Brighton Square Brighton and 13 - 22 North Street and the service yards behind, 12D Meeting House Lane and 11-14 Brighton Place Brighton. The Masterplan is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. Whilst the three schemes need to be considered together, it is also important to consider their impacts in the event that one or the other failed to go ahead and it is essential that they work in urban design and architectural terms as stand alone schemes. It is considered important that the two Brighton Square applications should proceed concurrently so that the design and appearance of Brighton Square would remain consistent on the three main sides.
- 5.15 Photomontages from key viewpoints have been provided in order to assess the visual impact of the proposed additional storey to Brighton Square on the buildings around Brighton Square and in views from further away, including New Road. These confirm that the additional height to the modern, remodelled hotel building would not make it harmfully visible in any key sensitive views.
- 5.16 In terms of the design of the hotel, the elevations have evolved very positively to address the initial concerns raised. The proportions - including relationship of solid to void and glazing subdivisions - are appropriate to the surrounding context. The curved corner entrance has been refined and overall this is considered to be a fitting contemporary addition to Brighton Place and a clear marker for this entrance to The Lanes. The elevation drawings have now been fully annotated to describe the materials and these materials are all considered to be appropriate (subject to samples by condition).
- 5.17 Whilst the proposal would involve the extension and major remodelling of an undesignated heritage asset it is considered that reconstruction of the south side of the Square under this application and the remodelling and recladding of the

facades on the north and east sides of the Square (application BH2013/00712) are acceptable. The additional storey would not be visually overbearing as seen from within the Square given the degree of set back and the lightweight glazed design.

- 5.18 The main issue of principle with this application was the height and scale of the new retail and residential building adjacent to the listed Druid's Head Public House. The Masterplan has satisfactorily demonstrated that this building would replicate the form, height and scale of the mid 19th century Hanningtons dormitory building which stood on the site until its demolition in 1963, though with a commercial ground floor frontage on two sides. Whilst English Heritage have expressed some concern about its relationship with the Druids Head, it is considered that the replication of the historic townscape, based on evidence, is an appropriate approach and that the new building sits comfortably in the street scene in the key views from the south-east. It also helps to recreate the organic character of the development of the Old Town. The north elevation has been amended to have more traditional balconies and the shop front has been revised to reflect traditional designs in the area.
- 5.19 The variety of historic period designs interspersed with a contemporary design on Brighton Place reflects the varied character of the area. All styles of architecture are valid, provided that they are sympathetic to the character of the area and are not anachronistic or pre-date the area's development. The crucial issue is the quality of the design, detailing and materials. The proposed palette of materials and the traditional detailing as shown on the elevations are based on historic examples in the area and are appropriate to Old Town but will need to be carefully controlled by conditions.
- 5.20 If this scheme were to proceed in the absence of the Hannington Lane scheme there would be a potential issue of the junction of the new development, where it incorporates access to the existing underground car park, with the existing vacant and unfinished retail unit at 11 Brighton Place. This could be addressed by condition.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan

HE8 Demolition in Conservation Areas

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issue for consideration is whether the loss of the existing building on the site would adversely affect the character and appearance of the Old Town Conservation Area.
- 8.2 Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:
 - a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
 - b) viable alternative uses cannot be found; and
 - c) the redevelopment both preserves the areas character and would produce substantial benefits that would outweigh the building’s loss.

Brighton Square

- 8.3 The portal building has been altered and shop units extended into its arched openings. The buildings around the square have had their timber lapboarding replaced with artificial composite boarding and fibre cement fascia boarding and the original timber windows have been replaced in white powder coated aluminium albeit all in the same style. Lapboarding is not a significant characteristic of the Old Town and is rare, so such and extensive use of it is incongruous.

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- 8.4 Most of the shopfronts and their fascias many of their pilasters have been altered in an unsympathetic way and the ground floor facades have lost their architectural unity. The fountain and dolphin sculpture are later alterations. The portal building on Brighton place has been substantially altered by the construction of timber fronted shop units reducing the width of the entranceway and the steps radically remodelled.
- 8.5 The scalloped tiles used for the tile hanging is also not a characteristic of the Old Town and the brown tiles around the square are also incongruous. The car park entrance and the service entrance are particularly ugly in views eastwards along Brighton Place. The layout of Brighton Square is too rigidly rectilinear for the historic irregular grid pattern. The square itself is not an appropriate form of open space for the character of Old Town. In urban design terms its current layout and street furniture is sub-optimal. Its uniform architectural design is at odds with the varied architecture of the area.

Demolition

- 8.6 On the basis that the redevelopment proposals to rebuild the west, north and east side of the square with a combination of uses including Hotel, Retail, Commercial and Residential with a consistent replacement façade and new buildings facing onto Brighton Place are acceptable, it is considered that the proposals would produce substantial benefit to the Old Town conservation area and would compensate for the loss of the original façade and form of Brighton Square.
- 8.7 Conditions should be imposed in order to ensure a contract exists for the construction of the replacement building and/or the landscaping of the site prior to the commencement of demolition.

9 CONCLUSION

- 9.1 The redevelopment proposals to rebuild the west, north and east side of the square with a combination of uses including Hotel, Retail, Commercial and Residential with a consistent replacement façade and new buildings facing Brighton Place would produce substantial benefit to the Old Town conservation area and would compensate for the loss of the original façade and form of Brighton Square.

10 EQUALITIES

- 10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent. **Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted. **Reason:** To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

Informatives:

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

Plan Type	Reference	Version	Date Received
Site Plan	1239 P 300	-	06/03/2013
Block Plan	1239 P 301	-	06/03/2013
Existing Basement	1239 P 302	-	06/03/2013
Existing Ground Floor Plan	1239 P 303	-	06/03/2013
Existing First Floor Plan	1239 P 304	-	06/03/2013
Existing Second Floor Plan	1239 P 305	-	06/03/2013
Demolition Basement Plan	1239 P 352	-	06/03/2013
Demolition Ground Floor Plan	1239 P 353	-	06/03/2013
Demolition First Floor Plan	1239 P 354	-	06/03/2013
Demolition Second Floor Plan	1239 P 355	-	06/03/2013
Demolition Elevation 1	1239 P 370	-	06/03/2013
Demolition Elevation 2	1239 P 371	-	06/03/2013
Demolition Elevation 3	1239 P 372	-	06/03/2013
Demolition Elevation 4	1239 P 373	-	06/03/2013
Demolition Elevation 5	1239 P 374	-	06/03/2013

2. This decision to grant Conservation Area Consent has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local 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 redevelopment proposals to rebuild the west, north and east side of the square with a combination of uses including Hotel, Retail, Commercial and Residential with a consistent replacement façade and new buildings facing Brighton Place would produce substantial benefit to the Old Town Conservation Area and would compensate for the loss of the original façade and form of Brighton Square.

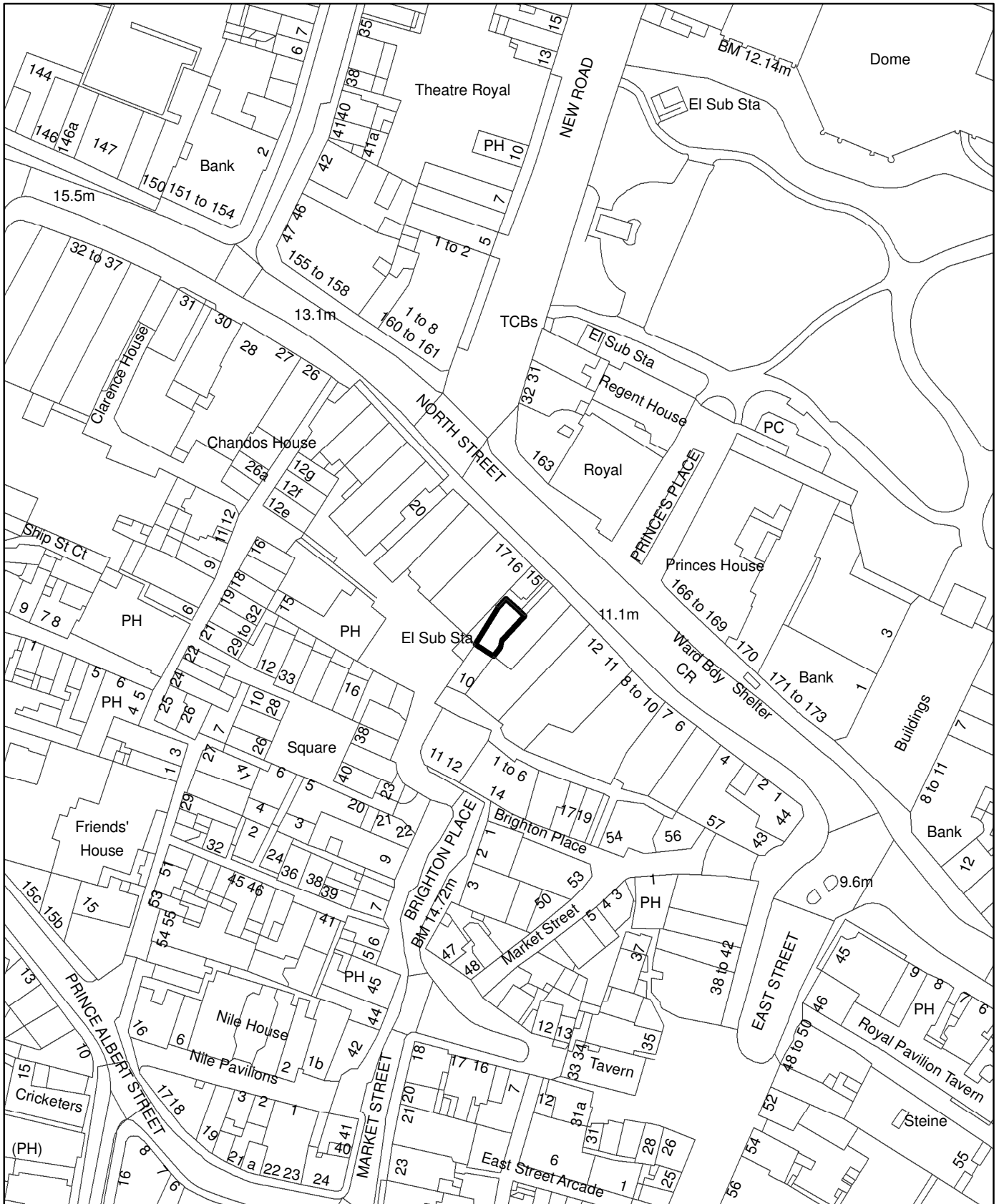
ITEM I

**Puget's Cottage, Rear of 15 North Street,
Brighton**

**BH2013/03589
Listed building consent**

11 DECEMBER 2013

BH2013/03589 Puget's Cottage, Rear of 15 North Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/03589	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Puget's Cottage Rear of 14 North Street Brighton		
<u>Proposal:</u>	Alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway.		
<u>Officer:</u>	Steven Lewis	<u>Valid Date:</u>	18 October 2013
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	13 December 2013
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue Brighton		
<u>Applicant:</u>	West Register (Property Investments) Ltd, Mr Gary Lewis, 280 Bishopsgate London		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a Grade II Listed Building located behind North Street in The Old Town conservation area in Brighton. The building was recently listed in September 2013.
- 2.2 The building is a former cottage building dating partially from the late 17th century which was extended and adapted in the 18th century. The building is a rare example of an Old Town building which pre-dates the development of Brighton as a seaside resort.
- 2.3 The building is located at the rear of North Street and is largely concealed from public view due to the surrounding commercial development. According to the list description of the building there has been little change to the outline of the building upon historical maps since the late 19th century and by the 1930s the building has been subsumed in the outline of 14 North Street and at some stage it became incorporated within the former Hannington Department store.

3 RELEVANT HISTORY

This application has been submitted to run concurrently with 5 other applications.

BH2013/00710: Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground

floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description) - Under consideration.

BH2013/00711: Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops - Under consideration.

BH2013/00715: Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works – Under consideration.

BH2013/00716: Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square – Under consideration.

4 THE APPLICATION

- 4.1 Listed Building Consent is sought for the alteration incorporating reinstatement of south facing gable wall and blocking up of first floor doorway.
- 4.2 The proposal would see the demolition of adjoining structures including the adjacent electricity substation and a two storey modern ancillary building. In turn there works would require the blocking up of the ground floor opening in the south wall, reinstatement of the gable, blocking up of a non-original doorway at first floor level.
- 4.3 The blocking up and reinstatement would be conducted in sand and cement render with a painted finish and a masonry background to match the existing cottage.

5 PUBLICITY AND CONSULTATIONS

**External
Neighbours:**

- 5.1 None

Internal:

Heritage: Comment
Statement of Significance

- 5.2 Puget's Cottage is a Grade II listed Building within the Old Town Conservation Area. It is one of the oldest surviving buildings in the Old Town; the north-west part is late C17 or early C18, heightened in the later C18 when it was also doubled in size by being extended to the south-west. the ground and first floor of the north-east side and the two lower floors of the northern half of the south-west side and the lower part of the northern half of the south-west side are constructed of large cobbles, incorporating some pieces of ironstone, and brick quoin, including some reused C16 bricks, set in lime mortar. The upper parts of these walls and the remaining sides of the building are in brick laid in English garden wall bond. The mansard roof is tiled with end brick stacks, the southern one rendered.
- 5.3 Puget's Cottage is Listed for the following principal reasons:
- Architectural interest: contains a significant proportion of late C17 or early C18 fabric heightened and extended in the later C18 and with some later C18 or early C19 sash windows. The two phases of the building show the transition of the ancient town into the fashionable seaside resort;
 - Interior features: late C17 or early C18 good quality first floor cornices and joinery;
 - Plan form: readable externally and to some extent internally;
 - Historic interest and rarity: a very rare survival of an old town building which pre-dates the mid C18 and later development of Brighton as a seaside resort. The curved external wall of the property is a rare survival of the local strip field system, which was superseded by later grid development;
 - Group Value: group value with 15 North Street and the paved yard.

The Proposal and Potential Impacts

- 5.4 The proposal is linked to the wider application for the creation of a new lane of residential and retail development to the rear of North Street, linking Meeting House Lane with Brighton Place. As part of those proposals a single storey sub-station and a two storey ancillary building adjoining Puget's Cottage would be removed, together with a high boundary wall. Following this an existing opening in the southern gable elevation of Puget's Cottage at first floor level would be infilled and the ground floor of this gable end would be reconstructed on the original line. A new lower boundary wall, in flint, would be constructed adjoining the gable end. These works are welcomed.
- 5.5 A new access to the first floor of Puget's Cottage would be formed by creating a door opening in the eastern elevation through into the rear of 14 North Street, to connect it to the stairwell of that property. This opening would be through brickwork, not flint. It would have no external impact on the building and internally the rear room has lost its historic features. There would therefore be no harm arising from this alteration.

Mitigations and Conditions

- 5.6 A condition should be added requiring the submission of a 1:20 scale elevation of the proposed new door at first floor level.

- 5.7 A further condition should state that all new rendering should be no stronger than 1:1:6 (lime:cement:sand).

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

HE1 Listed Buildings

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

Supplementary Planning Documents:

SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building.
- 8.2 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
 - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.3 The proposal is linked to the wider application for the creation of a new lane of residential and retail development to the rear of North Street, linking Meeting House Lane with Brighton Place.
- 8.4 As part of the proposals a single storey sub-station and a two storey ancillary building adjoining Puget's Cottage would be removed, as well as a high boundary wall. As a result an existing opening in the southern gable elevation of Puget's Cottage at first floor level would be infilled and the ground floor of this gable end would be reconstructed on the original line.
- 8.5 A new lower boundary wall, in flint, would be constructed adjoining the gable end. These works are welcomed and would remove much of the unsympathetic construction around the building and would better reveal the building.
- 8.6 A new access to the first floor of Puget's Cottage would be formed by creating a door opening in the eastern elevation through into the rear of 14 North Street, to connect it to the stairwell of that property. This opening would be through brickwork and not flint. This would have no external impact on the building and internally the rear room has already lost its historic features. There would therefore be no harm arising from this alteration.
- 8.7 Subject to appropriate detailing of the new door and use of an appropriate render mix, which can be secured by condition; the proposal would appropriately finished and the works overall would secure improvements to the appearance, character and setting of the building.

9 CONCLUSION

- 9.1 The alterations would allow the remainder of the Hannington's Lane development to proceed whilst improving the current setting of the building. Subject to appropriate detailing of the new door and use of an appropriate

render mix, it is considered that the proposal would enhance the character of the listed building.

10 EQUALITIES

10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent. **Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) All new rendering upon the building should be no stronger than 1:1:6 (lime:cement:sand). **Reason:** In the interests of the special architectural character of the listed building and to accord with policy HE1 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 3) Prior to the commencement of development on site details of the proposed new door at first floor level shall at 1:20 scale shall be submitted to and approved in writing by the Local Planning Authority. The new doors shall be implemented in strict accordance with the approved details and thereafter retained. **Reason:** In the interests of the special architectural character of the listed building and to accord with policy HE1 of the Brighton & Hove Local Plan.

11.3 Informatives:

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

Plan Type	Reference	Version	Date Received
Site Location and Block Plan	13100-P-100	-	18/10/2013
Existing & Proposed Ground Floor Plans	13100-P-101	-	18/10/2013
Existing & Proposed First Floor Plans	13100-P-102	A	14/11/2013
Existing & Proposed Second Floor Plans	13100-P-103	-	18/10/2013
Existing & Proposed Elevations	13100-P-104	-	18/10/2013
Design & Access Statement	-	-	18/10/2013
Heritage Statement	-	-	18/10/2013

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

PLANNING COMMITTEE LIST- 11 DECEMBER 2013

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-
The alterations would allow the remainder of the Hannington's Lane development to proceed whilst improving the current setting of the building. Subject to appropriate detailing of the new door and use of an appropriate render mix it is considered that the proposal would enhance the character of the listed building.

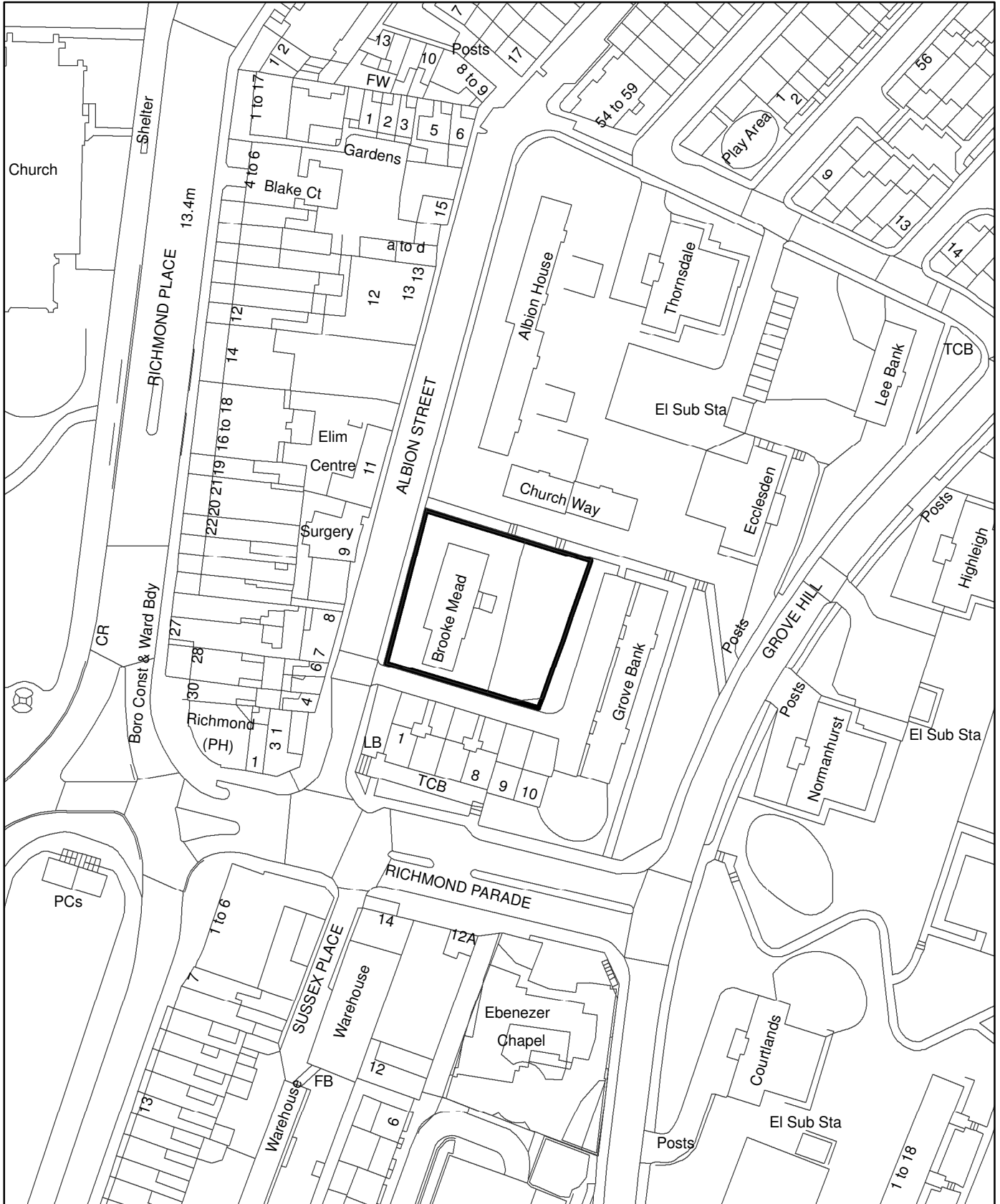
ITEM J

Brooke Mead, Albion Street, Brighton

**BH2013/02152
Council Development**

11 DECEMBER 2013

BH2013/02152 Brooke Mead, Albion Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02152	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Brooke Mead Albion Street Brighton		
<u>Proposal:</u>	Demolition of existing buildings and erection of a part 6no storey and part 5no storey building providing 45 Extra Care residential units, with associated communal spaces, landscaping works, cycle and scooter parking and community facilities.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	04 July 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 October 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lambert Smith Hampton, United Kingdom House, 180 Oxford Street London W1D 1NN		
<u>Applicant:</u>	Brighton & Hove City Council, Mrs Judi Wilson, Housing Strategy Directorate of Place, 4th Floor Bartholomew House, Bartholomew Square, Brighton BN1 1JP		

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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site forms a parcel of land to the east side of Albion Street, Brighton comprising a vacant two storey residential block of 9 flats (Brooke Mead) and associated open space. The site has been vacant for 9 years and sits on land that rises to the east with a number of trees to the rear/east of the building.
- 2.2 Brooke Mead sits within the Albion Hill estate, a purpose built mix of three and four storey flat developments and taller 12 storey blocks set on rising land east of the Valley Gardens Conservation Area and Grade II* listed St Peters Church. A three storey block of twelve flats sits to the north of the site (Church Way) with a similar four storey block of twelve flats on higher ground to the east of the site (Grove Bank). A further three storey block of flats with retail and restaurant uses at ground floor level sits to the south of the site, with a mix of older two/three/four storey commercial and residential buildings to the west along Albion Street. The larger 12 storey blocks of flats sit on higher ground level to the east and northeast of the site.
- 2.3 The amenity space to the eastern half of the site is designated as public open space in the proposals map for the submission City Plan Part One. An Archaeologically Sensitive Area partially extends to the northern part of the site,

whilst the Valley Gardens Conservation Area is set to the west along with Grade II* St Peters Church. The site sits within a Controlled Parking Zone (zone C).

3 RELEVANT HISTORY

3.1 None relevant

4 THE APPLICATION

4.1 Planning permission is sought for the redevelopment of the site to accommodate a part five, part six storey building comprising 45 residential extra care units, associated staffing accommodation, and a 125sqm community centre. The extra care units would form a mix of 44 one-bedroom units and one two-bedroom unit, and would form 100% affordable rent housing. The application proposes areas of soft landscaping to the south and eastern sections of the site, along with enhancements to the landscaping of the wider area to the north and south of the site. No on-site parking is proposed for the development.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Eight (8)** letters of representation has been received from **2 (x2), 6 (x2) & 12 (x2) Grove Bank; and 16 Ecclesden (x2)**, objecting to the proposed development on the following grounds:

- The site is in a low rise quarter surrounded by low rise buildings which will be dwarfed by the structure and will be out of place
- The proposal is totally out of proportion to the surrounding buildings
- The high rises nearby were designed with green space around them. The proposed block would be in very close proximity to the adjacent low rises without the green space surrounding it. It will look mammoth in scale and out of keeping with the environment
- The Church Way properties will be overwhelmed by the size and scale of the building
- Overshadowing, loss of daylight and sunlight, and loss of privacy to adjacent living room and bedroom windows
- Overlooking of balconies
- The existing impact of the balconies on Grove Bank should not be excluded in the assessment of impact as argued by the applicants
- During consultation residents were informed the building would be five storeys, not six
- The building would destroy an area of greenery which complements the protected green space along Valley Gardens. The space supports wildlife and provides respite for residents in an urban setting
- The proposal will remove all the healthy old trees and replace them with a narrow strip of lawn and some small trees
- There is already high crime/drug selling and use around the existing buildings and the further loss of natural light will increase crime levels further.

- Noise and dirt/dust pollution from construction works
- 5.2 Councillors **Bowden** and **Powell** support the proposed development. Comments attached.
- 5.3 **Environment Agency:** No objection
- 5.4 **Archaeological Society:** No objection
- 5.5 **County Archaeologist:** No objection
The site is located within an Archaeological Notification Area. No objection is raised subject to a programme of archaeological works to record any archaeological deposits or features disturbed during construction works.
- 5.6 **Housing:** Support
The proposal will assist in delivering high quality affordable housing for local people in housing need. The scheme will provide a quality extra care housing scheme for older people and those living with dementia. The development will be owned by the City Council through the HRA account and be managed by a Care Provider.
- 5.7 Five of the units will be built to fully wheelchair accessible standards which is in line with the affordable housing brief. There are currently 331 people waiting for wheelchair accessible housing. Many of these disabled people are living in unsuitable homes that prevent them from living independent and dignified lives.
- 5.8 The affordable housing brief reflects the very pressing need for affordable homes in the City. There are currently over 17,000 people on the joint housing register waiting for affordable rented housing and 794 people waiting for low cost home ownership. The scheme will provide 45 units of affordable rent housing which equates to 100% affordable housing. Through the choice based lettings process existing residents in the City would be offered accommodation in an extra care scheme that would maintain their independence and provide support as required. In turn this would free up other units for people requiring affordable housing in the City.
- 5.8 **Southern Water:** No objection
- 5.9 **Sussex Police:** No objection
- 5.10 **County Ecologist:** No objection

Internal:

- 5.11 **Planning Policy:** No objection.
The provision of a significant number of affordable housing units providing 'extra care' for elderly residents is welcome and meets a specific housing need in the city, as detailed in the Older Peoples Housing Strategy 2010. The proposal results in the loss approximately 500 sqm of natural/semi-natural open space to the rear of the site. This loss is partially mitigated by improvements to nearby open space, secured through the development proposal, and by the provision of

on-site amenity space and a green roof (to address biodiversity issues). In this instance, the need for affordable extra care housing units is considered to outweigh the loss of the open space provision.

- 5.12 All units within the redevelopment would be affordable housing, significantly exceeding the 40% requirement set out in policy CP20 of the City Plan and HO2 of the Local Plan. All units would have an 'affordable rented' tenure. The tenure mix and size of property is considered appropriate for affordable housing, particularly given the 'extra care' nature of the development.
- 5.13 **Environmental Health:** Objection.
Defra noise mapping indicates high levels of road traffic noise on Albion Street. Technical noise data is required to show that new residents will not be affected.
- 5.14 The proposed site appears to have been used for zinc and tin plate works between 1902 and 1938. Due to this it is reasonable to have a discovery condition for contaminated land, in case any material was deposited on the site of the proposed build.
- 5.15 **Air Quality:** No objection
- 5.16 **Economic Development:** No objection
No objection subject to the provision of an Employment and Training Strategy and a commitment to using 20% local employment.
- 5.17 **Heritage:** Objection
The redevelopment of the site is welcomed in principle. The footprint and layout of the building, the design approach to the elevations and the ground floor interest on Albion Street are all welcomed.
- 5.18 The building would be just over 19m above ground level at its highest point and therefore falls to be considered as a tall building. The site is not within or close to one of the tall building areas identified in SPGBH15 and City plan policy CP12, though it is acknowledged that there are existing tall tower blocks to the east of the site on the valley side.
- 5.19 The Valley Gardens Conservation Area Study and Enhancement Plan states that "it is essential to ensure that any new development immediately behind the frontage buildings does not intrude above the roofline of the frontage buildings when seen from within Valley Gardens" in order to "respect the historical primacy of the frontage buildings and to protect the sense of enclosure". It goes on to state that on such sites "buildings of more than 4 storeys in height should not normally be allowed unless it can be demonstrated that there would be no adverse impact on the appearance or character of that part of the conservation area or on views of important buildings". The Design and Access Statement has considered views from within Valley Gardens. Most notable is the view from St George's Place looking east over the roofline of the historic buildings of Richmond Place, which clearly demonstrates that the upper storey and a half of

the new building would be visible above the historic roofline as a continuous horizontal slab.

- 5.20 From Grand Parade the western wing of the building appears unduly prominent and, in its relationship with the eastern wing and the surrounding development, it does not fit comfortably into the topography of the site. The south end elevation presents itself to the street but is somewhat bland and does not have the feel of a street elevation. The building would be taller than any other building in Albion Street and would not respond positively to the scale and secondary character of this street.
- 5.21 The submitted Heritage Statement has not given consideration to the setting of the listed buildings. However there is arguably little impact on the setting of the listed buildings on Grand Parade and the submitted viewpoint from Richmond Parade demonstrates that the existing view of St Peter's Church tower would remain largely unaffected. It is therefore considered that the setting of the listed buildings would be preserved.
- 5.22 However, it is considered that the setting of the Valley Gardens conservation area would not be preserved and that views from within the conservation would be harmed and that in this respect the proposal is contrary to the Valley Gardens Conservation Area Study and Enhancement Plan. The site is not within a tall building area and would be out of scale within its immediate context and unduly prominent in the street scene, especially given the massing of the building and its roofline. It would be contrary to policies QD2, QD4 and HE6 of the Local Plan.

Update following amended plans

- 5.23 The supporting letter concludes that the proposal should not be regarded as a tall building. The council's Tall Buildings SPG defines a tall building as being 18m or taller and significantly taller than surrounding buildings. It advises that in order to establish whether a building is significantly taller the applicant should submit an assessment of the mean height of surrounding existing development within a 100m zone of the site. The SPG goes on to state that "the proposed development may be 'significantly taller' and yet not be the tallest building in the zone".
- 5.24 No such assessment has been submitted with this application and therefore it is not possible to say conclusively whether or not this proposal is a tall building for the purposes of the council's policy. The supporting letter focuses on the taller blocks to the east but there are many buildings lower than the proposal within the vicinity, notably the historic buildings to the west of the site and the prevailing low rise character of Albion Street itself. In the absence of such an assessment the proposal should therefore be regarded as a tall building and it is not considered that a tall building should be justified in this location outside an identified tall building area by reference to the existing (and inappropriate) tall building to the east.
- 5.25 The amended plans show a reduction in height of the north west corner of the building by three storeys. This reduction in height would relieve the block-like massing of the building and would improve its relationship with the buildings to the north of the site in Albion Street. It would also marginally reduce the visual

impact of the building in the views from within the Valley Gardens conservation area looking east over the roofline of the historic buildings of Richmond Place. However this is not considered to be sufficient to overcome the concerns raised in the original Heritage team comments. The setting of the Valley Gardens conservation area would not be preserved and views from within the conservation would be harmed. Despite the amendments the proposal would remain out of scale within its immediate context and be unduly prominent in the street scene.

5.26 Sustainability Officer: No objection

The application proposes that the 45 residential dwellings achieve CfSH level 4 which meets the overarching standards expected for major residential development. The non residential is proposed at 'Very Good' standard with 46% in the Energy section and 55% in the Water section.

5.27 There are many positive sustainability aspects to the scheme, and overall there is a good response to sustainability issues raised in Policy SU2 and SPD08.

5.28 The positive aspects include: Code level 4 for all dwellings; passive solar design maximising access to natural light in particular; energy efficient design with fabric performance values in excess of national standards for glazing, airtightness and all thermal elements; significant renewable installations including a solar hot water array (87m²), solar photovoltaics (15kW 85m²) and air source heat pumps; heat is provided via a communal system to the dwellings based on an efficient gas condensing boilers; a green roof, 4 tree, and 148m² of shared garden are proposed; rainwater butts are proposed for garden irrigation.

5.29 The non-residential element of the proposal has a floor area of less than 235sqm, and is therefore required to meet the standards for a 'small-scale development' as set out in SPD08.

5.29 Sustainable Transport: No objection.

Recommend approval subject to the applicant entering into a S106 agreement to contribute towards sustainable transport provision and the inclusion of the necessary conditions on any permission granted.

5.30 No on-site car parking is proposed. This is acceptable. The particular nature of residents here is such that they will not travel independently or frequently. It is not intended that residents will seek residents parking permits and this should be formally confirmed by an appropriate TRO amendment. Sustainable modes provision locally is good and Albion Street is within the CPZ and these factors will encourage visitors and staff to make journeys by sustainable modes. It is therefore considered that the number of trips generated will be small and any displaced parking problems will be negligible.

5.31 The applicants propose to facilitate the provision of a loading bay outside the site in Albion Street. This would be used for parking for organised trips for residents, cars and minibuses to pick up and set down residents, service vehicles to load and unload goods, and ambulances. This is appropriate and can be included in a consolidation order by the Council. The applicants have carried out parking beat surveys around the application site and these demonstrate that the loss of

existing parking required by the creation of the loading bay will not inconvenience local residents as spare capacity is available.

- 5.32 The applicants propose 4 Sheffield stands for cycle parking, which comfortably exceeds the minimum number required, and the layout submitted is appropriate. Mobility scooter parking is also proposed which is appropriate although not strictly required by the standards.
- 5.33 The applicants have not estimated the number of trip generations by using the TRICS database as is the usual practice because the database does not contain exact comparators for the proposed use. This is acceptable and as reported above the number of trip generations is expected to be small. As the applicants have demonstrated, provision for buses and bikes in the vicinity of the application site is good, but they have not specifically considered provision for pedestrians with mobility problems such as potential residents. Without a S106 transport contribution it is not clear that the proposal meets policy TR1. It is therefore considered that a contribution of £9,200 should be required specifically to address local shortcomings in this provision. This contribution is to be spent on the provision of dropped kerbs and tactile paving in the vicinity of the application site.
- 5.34 The applicants have submitted a framework travel plan which is acceptable. A detailed plan should be required for approval by condition prior to occupation.
- 5.35 Aspects of the acceptability of this proposal in transport terms rely heavily on the exact nature of the proposal. Any consent should therefore ensure that it will not be possible to substitute a different type of accommodation within the same use class which would have a significantly higher transport impact.
- 5.36 **Arboriculturalist:** No objection
- 5.37 **Access:** 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) 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
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing- ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO12	Sheltered and managed housing for older people
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes

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HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH15	Tall Buildings

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable development
CP1	Housing delivery
CP12	Heritage
CP14	Housing density
CP16	Open space

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, the design of the proposed building and its impacts on the surrounding area and setting of the Valley Gardens Conservation Area, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, and transport and sustainability issues.

Principle of Development:

- 8.2 Policy HO12 of the Brighton & Hove Local Plan states that planning permission will be granted for the provision of sheltered and managed housing for older people that is located close to local amenities, and incorporates 40 percent affordable housing for developments of 10 or more units as required under local plan policy HO2. Policy HO3 requires residential developments to incorporate a mix of dwelling types and sizes that reflects the City's housing needs. Exceptions will only apply when a scheme is designed to meet the needs of people with special needs. Policy HO4 supports higher densities of residential development where the proposal represents high standards of design and architecture, includes a mix of dwelling types and sizes reflecting local need, and is well serviced by sustainable transport modes. Policy CP14 of the submission City Plan Part One identifies a minimum density for new development of 50 dwellings per hectare to ensure that the full, efficient and sustainable use of land is made.
- 8.3 With regard the proposed community facility, policies HO19 and HO21 require new community facilities to be provided in new residential development to meet the realistic, assessed needs of residents, consistent with the scale and nature of the development.

- 8.4 The proposed redevelopment of the site with a building comprising 45 extra care units and a 125sqm community facility is considered to broadly comply with the above policies. The site is located in a sustainable central location in close proximity to bus and cycle routes and within easy walking distance of nearby shops and the city centre, in broad compliance with policy HO12, whilst the community facilities are primarily for the enjoyment of residents of the scheme as well as the wider community, thereby according with policies HO19 and HO21.
- 8.5 In terms of housing need and mix, the application identifies that population growth over the next 20 years is likely to be strongest in those 60 and over, with a 30% increase in people aged 85 and over. Specifically, it is estimated that by 2030 more than 2,000 persons over 85 will have some form of dementia (this represents a 27% increase on existing), of which 26% will be on low incomes. Further, there will be over 11,000 persons over 75 living alone. This demographic change is set out in the Council's Housing Strategy and Older Persons Housing Strategy.
- 8.6 The provision of extra care housing enables older people to remain living independently in a supported environment rather than move into care homes. The application identifies that the provision of extra care housing has the sequential benefits of freeing up family housing, makes more efficient and higher density use of land, and allows some occupants to retain their housing equity.
- 8.7 The Council's Housing team support the proposed development accordingly, identifying that the proposal will provide a quality extra care housing scheme for older people and those living with dementia, whilst also serving to provide an alternative to residential care enabling older people to remain living independently. The development would comprise 100% affordable housing set out as 44 one-bedroom flats and one two-bedroom flat. All of the flats would be available for affordable rent and would be available at up to 80% of the market rate (including services), in compliance with the definition of affordable housing set out in the NPPF. Conditions are attached to secure 40% affordable housing on the site, the maximum the Planning Authority is entitled to secure under policy HO2.
- 8.8 In terms of density, the development represents approximately 320 units per hectare compared to a density of approximately 123 units per hectare for the existing 165 residential units set within the Albion Hill, Albion Street, Richmond Parade and Grove Hill quadrant (the density is calculated in accordance with the guidance set out in policy CP14 of the submission City Plan Part One). Although a high density development, it should be noted that this figure is skewed by the provision of one-bedroom units for single occupancy within the development rather than the more diverse housing mix in the wider area. Given the specific form of housing proposed, it is not considered that the density proposed exceeds the carrying capacity of the site or sets a precedent for similar density market housing elsewhere in the area.

- 8.9 On this basis the general principle, housing mix and density of development proposed, including the provision of a 125sqm community facility to serve residents of the development and the wider community, is considered appropriate having regard policies QD3, HO2, HO3, HO4, HO12, HO19 & HO21 of the Brighton & Hove Local Plan and policy CP14 of the Submission City Plan Part One.

Design and Appearance:

- 8.10 The site is currently occupied by a vacant two storey building comprising 9 sheltered housing units and associated amenity areas. The proposed building would occupy the majority of the 38sqm by 37sqm (1,406sqm) site, being set close to or on the northern, western and southern site boundaries. The application is supported by an urban design appraisal detailing the historic development patterns of the area dating from the original dense regimented series of terraces that characterised the area through to their replacement with the current more spacious and less regimented 1950s/1960s high rise estate. The footprint of the building sits close to the Albion Street footway in a similar manner to the former terraces and buildings opposite, and as such would define a new building line for any future development along the street. The existing streetscape is considered to represent a poor quality townscape therefore it is not considered appropriate to require any new development to fully respond to the set back frontages and more spacious settings of the Albion Hill estate.
- 8.11 In terms of scale, the building would be six storeys in height (18.7m) on the Albion Street frontage, and five storeys in height on the Grove Bank frontage owing to the changing land levels through the site. As a development over 18m in height, the proposal constitutes a 'tall building' as defined in SPGBH15 'Tall buildings'. The site falls outside of the specific nodes and corridors for tall buildings as set out in the SPG. As required by the SPG, the applicants have submitted a tall buildings assessment within the Planning Supporting Statement to complement a broader design analysis contained within the Design & Access Statement. The key test of the SPG is whether the proposed building is deemed 'significantly taller' than the mean height of surrounding development within a 100m radius. If deemed 'significantly taller' and not within an identified tall buildings node or corridor, such buildings will normally be judged contrary to policies QD1, QD2 & QD4 of the Local Plan.
- 8.12 In this instance the surrounding townscape comprises a mix of 3-4 storey buildings at between 9 and 12m in height, and three taller blocks of high rise flats at approximately 35m in height. Whilst the majority of the low rise developments in the area are of a broadly consistent scale, this scale is disrupted by the magnitude of the adjacent tower blocks. The proposed five-six storey building would have a maximum height of 18.7m above Albion Street, above the 18m threshold set out in SPGBH15, with the east/rear 15.2m above the car park level to Grove Bank. Sections through the site and surrounds detail that the proposed building would not directly correlate with the stepped rooflines through the site, but would be significantly taller on all sides than the immediate adjacent buildings. As such the proposed building would have a scale out of keeping with its immediate surrounds. However, given the scale of the high rise flats in close proximity to the north and east of the site, including their position

on higher ground, it is not considered that the development is 'significantly taller' than the surrounding development such that it would directly conflict with SPGBH15 guidance. Notwithstanding this judgement, the height of the building relative to those adjacent and the topography of the area is considered excessive and dominating in townscape terms, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

- 8.13 In terms of its general form and finish, the building would be 'C' shaped with a recessed top/sixth floor, a lower three storey north wing, and an open courtyard to the south side. It is considered that the building, notwithstanding the scale and massing issues identified, represents a well designed and articulated structure that would improve the design quality of the area. The main external elevations would be completed in buff brick to complement the brick finishes to surrounding buildings, both within the Albion Hill estate and along Richmond Place and Albion Street. In order to alleviate amenity harm to residents of Church Way, the upper three floors to the north side have been removed from the scheme, thereby shifting the mass of the building more to the central and southern parts of the site and reducing its bulk accordingly. The lower north side and ground floor to the building would be articulated in a darker brick to the upper floors, thereby bringing interest to the main Albion Street frontage and visually reducing the massing of the building. The community space is located on the southwest corner of the building fronting Albion Street, and will provide an active frontage visible through the Richmond Parade/Richmond Place junction.
- 8.14 The inner elevations to the building around the southern courtyard would comprise the access ways to each unit and be articulated with vertical louvres, coloured by floor to bring both visual interest to the building and to assist residents in identifying the floor on which they live. This corresponds with the overall design/layout approach for the development which has sought to meet HAPPI (Housing our Aging Population: Panel for Innovation) principles specifically directed towards its intended occupants.

Impact on Valley Gardens Conservation Area

- 8.15 In terms of its impact on the setting of the Valley Gardens Conservation Area, section drawings and verified views of the proposal show that the top floor of the building would be visible above the buildings along Richmond Place when viewed from the westernmost part of the Valley Gardens Conservation Area. The Valley Gardens Character Statement identifies the need to protect long views of key buildings and to ensure that new development immediately behind frontage buildings does not intrude above their roofline when viewed from within the conservation area. Heritage officers have objected to the development on the grounds that the height of the building would project above the roofline to Richmond Place and intrude on the setting of the Valley Gardens Conservation Area.
- 8.16 The top floor has been designed to have a recessive appearance, being formed of blue/black tiles to compliment the roofline to Richmond Place. Samples of all materials are recommended by condition to ensure a satisfactory appearance to the development. It is noted that the verified views show the top floor rising above the lowest rooflines to Richmond Place, and that this visibility would be

from the westernmost public viewpoints within the conservation area. From the more central parts of Valley Gardens, the building would be disguised behind the roofline to Richmond Place. The section drawings and verified views indicate that the margin of projection above the varied roofline to Richmond Place would be both slight and set against the backdrop of the tower blocks on Albion Hill. As such it is not considered that the development would have a looming presence that would break the skyline and significantly harm views into and out of the Valley Gardens Conservation Area such that the proposal would materially conflict with policy HE6 of the Brighton & Hove Local Plan.

- 8.17 Further verified views have been provided of the development when viewed through the Richmond Parade/Richmond Place junction within the Conservation Area. These views show the southern and western elevations to the building and clearly show its additional height and massing relative to the immediately adjacent buildings. The view through the junction from the conservation area is not considered significant given the existing range of building forms and finishes behind Richmond Place, therefore the proposed building would not have a harmful impact in this regard. These conclusions, however, do not over-ride the identified concerns over the height of the building relative to the adjacent buildings.
- 8.18 In terms of its impact on the setting of St Peters Church, elevated views of the church spire would remain either side of the building with the exception of a short section of Grove Bank adjacent to the Ebenezer Chapel development at the junction with Richmond Parade. It is not considered that the proposal would significantly harm long views of the conservation area or listed church.

Landscaping:

- 8.19 The site as existing has a number of mature and semi-mature trees within the gardens to the rear that provide a green setting for the site and surrounds. Lesser quality trees sit to the site frontage however they provide relief to the built up nature of the area. The proposal seeks to remove all trees from the site and shrink the garden space to a 7m deep section to the eastern boundary and a courtyard to the southern elevation. In order to compensate for the loss of all existing planting, new tree planting is proposed along the eastern boundary and within the southern courtyard, complemented by planters and a green roof to the northern second floor roof. The council's arboriculturalist has raised no objection to the loss of the existing trees, subject to the provision of a suitable landscaping plan and compensatory planting for the site.
- 8.20 In addition to these works, a landscape masterplan has been submitted detailing a strategy for the longer term improvement of the wider area. The masterplan includes new street trees, improved soft landscaping, seating areas, and outside play space within the Albion Street, Albion Hill, Grove Bank and Richmond Parade quadrant, all of which is under the ownership of the applicants. The application proposes new planting and soft landscaping immediately north of the site adjacent to the blocks of flats at Church Way and Albion House, along with a new multi-purpose play area. Further improvements are proposed as part of this submission fronting Richmond Parade, and these include expanded paved areas, improved and more discrete bin storage, and a

new cluster of trees. The remaining works detailed in the masterplan do not form part of this submission and are a longer term aspiration for the wider estate. The works that are included are considered to appropriately mitigate the loss of the existing vegetation and improve the quality of the surrounding public realm. The applicants have stated that they intend to consult local residents over the landscaping masterplan and that changes may be made as a result. Consequently a full landscaping plan is requested by condition to take into account this process whilst ensuring that the level of improvement is consistent with that currently proposed. Subject to this condition the proposal will accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.

Ecology/Nature Conservation:

- 8.21 A Habitat Survey has been submitted with the application. The survey concludes that the site is of little ecological value and the proposed development will not likely result in any impacts to designated or non-designated wildlife sites in the area. Bats were not found to be present in the existing building whilst the grassland to the rear was considered unlikely to contain reptiles due to its isolated position away from other habitats. The presence of mature trees on the site did though raise concern over the potential for nesting birds. The survey makes recommendations to improve the biodiversity of the site, including the installation of bat and bird boxes, a green roof, and native wildlife attracting planting in the landscape plans. The County Ecologist has raised no objection to the proposal, subject to the installation of biodiversity enhancement measures. These are secured by way of a landscaping condition and green roof condition, and in supporting informatives. Subject to the recommended conditions and informatives the proposal would accord with policies QD17 & QD18 of the Brighton & Hove Local Plan.

Open Space:

- 8.22 The site as existing comprises the vacant Brooke Mead building and ancillary garden space to the rear. The garden space has a number of mature and semi-mature trees and is part allocated as open space in the proposals map for the submission City Plan Part One. The site constitutes natural/semi-natural open space however its contribution is limited by virtue of being private space set in the midst of the block of flats on Church Way, Brooke Mead, Grove Bank and Richmond Parade. Policy officers have identified that there is an undersupply of natural/semi-natural and general open space within the ward. However, the size and position of the open space as such that it would not be capable of meeting the city's wider open space needs, whilst the Habitat Survey submitted with the application identifies that the majority of the site has little ecological value. As such it is not considered that the open space is of sufficiently high quality such that its retention in situ would outweigh the wider benefits of the scheme.
- 8.23 The proposal would result in the loss of the majority of this space, including all existing trees. New tree planting would be provided in narrow gardens on the eastern boundary of the site, to be accessible by residents of the development only. Further planting would be installed in the southern courtyard, whilst adjacent off-site landscaping improvements are included in the submission. These improvements include new tree planting to compensate for the loss of those on site and improve the general quality of the wider open space provision

in the area. On balance given the relatively low quality of the existing inaccessible open space it is considered that the replacement planting and off-site landscaping proposed will suitably mitigate the harm afforded by the loss of this green space. Accordingly it is not considered that the proposal will result in the loss of valuable open space contrary to the thrust of policy QD20 of the Brighton & Hove Local Plan and policy CP16 of the submission City Plan Part One.

- 8.24 The development would not provide the onsite outdoor recreational space as set out in policy HO6 therefore a contribution to improving local facilities is required to meet the needs of the development. Given the specific nature of the development, catering for older persons occupying units on a largely single occupancy basis, a contribution of £26,250 is considered appropriate.

Standard of Accommodation:

- 8.25 All residential units have secure independent access separate from the main ground floor community space. The entrance hall is serviced by a staff office and reception, with the staff bedsit directly adjacent. The proposed one-bedroom flats would each have internal floor area of between 52sqm, with the top floor flats having a smaller floor area of 49sqm but with larger balconies to compensate. All residential units would have access to either a private balcony or patio area as well as the ground floor communal facilities and garden areas. All rooms to each one-bedroom flat are of a suitable size and layout with good access to natural light and ventilation, and broadly meet the standards for affordable housing as set out in the council's Affordable Housing Brief.
- 8.26 The two-bedroom flat is located at ground floor level in the northwest corner of the site. The flat is of a good size at 75sqm however its main outlook is directly onto the Albion Street footway with its secondary outlook and rear patio both north facing and directly fronting the accessway to a rear communal bin store. Consequently it is not considered to represent an ideal standard of accommodation, with residents likely to be disturbed by passers by and persons accessing the bin store. However, given the positive overall benefits of the scheme the lack of optimal accommodation provided by the ground floor unit is not considered so harmful as to be unacceptable.
- 8.27 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. The policy requires that 10% wheelchair accessible housing is provided on affordable housing schemes. The Planning Statement submitted with the application states that 6 (13%) of the units are fully wheelchair accessible. These units comprise five one-bedroom flats at first floor level with direct level access to decked amenity space and the communal lawns to the east side of the site, and the two bedroom unit at ground floor level. The Design and Access Statement includes a Lifetime Homes Compliance checklist to confirm that all 16 standards have been incorporated into the design, to the satisfaction of the Access officer. The Statement also details that the development has been designed to meet HAPPI standards which is welcomed. A condition is recommended to ensure that the development is built out to Lifetime Homes standards as indicated.

Impact on Amenity:

- 8.28 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.
- 8.29 The site is set in close proximity to a number of residential properties within Church Way, Grove Bank, and the upper floors to Richmond Parade and Albion Street. The closest properties are those on Church Way at a separation of approximately 9.5m, with those on Grove Bank at approximately 17.5m and those on Albion Street at approximately 13m. Given the height of the proposed building relative to those adjacent, the main amenity impact will be through loss of light and outlook, as well as from direct overlooking.
- 8.30 The Design & Access statement details that the proposed building has evolved during the course of pre-application discussion and post-submission feedback to reduce its impact on the neighbouring properties. The main alteration has been the reduction in scale of the northern wing to the building, which has been reduced from 5-6 storeys to three storeys in height to better reflect the scale of Church Way and improve levels of daylight and outlook to the twelve flats within the block. The removal of this additional height has served to reduce the sense of enclosure and preserve a suitable outlook to Church Way, albeit retaining a close proximity of 9.5m between elevations. The replacement of a low density two storey building with a 5-6 storey development will inevitably lead to a greater presence, however in context the separation of the building from the other adjacent buildings by between 13 and 17.5m is considered sufficient to avoid an overwhelming and harmful sense of enclosure for existing residents.
- 8.31 To address the daylight impacts of the proposal, the applicants have undertaken a detailed daylight/sunlight assessment in accordance with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'. The assessment identifies 156 windows facing the site set within 36 residential flats and other non-residential units. The 156 windows include non-habitable rooms such as bathrooms, and non-domestic windows serving offices, stores etc. Of particular importance are the primary habitable windows facing the site that would potentially be affected by significantly reduced daylight, sunlight and outlook.
- 8.32 In total, the assessment calculates that none of the 36 residential flats would have one or more windows that fail the BRE tests, with six of these on Church Way to the north of the site. Within Church Way, eleven south facing windows to six flats within the western half of the block would fail the guidance, which assesses the degree of loss of daylight as a proportion of the existing. The BRE guidance sets a threshold of 20% loss of daylight before any loss is considered likely to be noticeable and/or potentially significant. In the case of the windows on Church Way, these are currently south facing with existing high levels of natural light. All but three of the eleven affected windows would lose between 20% and 30% of their existing light, with the remaining three ground floor

windows losing between 31% and 38% of their light. It is noted that the remaining light levels to all windows exceed 50% of the maximum available (ie that from an unobstructed south facing window) therefore, whilst statistically failing the BRE guidance test, it is not considered in practice that any loss of light would be so significant or harmful as to merit the refusal of permission. All windows would retain at least 50% of the maximum daylight available, whilst the sunlight assessment details that for at least half the year direct sunlight to all windows would be unaffected. As such the flats on Church Way, which are dual aspect north-south, would not become so gloomy and oppressed by low levels of natural light or sunlight such that it would compromise their standard of accommodation to a harmful degree.

- 8.33 The assessment details that the top floor residential windows to three flats on Albion Street would also fail the guidance, however as top floor flats they would retain a good outlook with some sky views. With regard the other flats on Grove Bank and Richmond Parade, the assessment calculates that none will fail the BRE tests. It is noted that a number of west facing flats on Grove Bank have balconies that already significantly reduce light to the windows directly below, however given the separation of the development (approximately 17.5m), it is not considered that their existing outlook would be so compromised as to warrant the refusal of permission.
- 8.34 In terms of overlooking, the intensification of built form and number of units on the site will inevitably lead to greater overlooking potential. All elevations to the building would contain principal windows and balconies that would face either the front or rear elevations of existing properties. The separation of the building from Albion Street, Richmond Parade and Grove Bank by between 13m and 17.5m across public highways, access roads and parking areas is not excessively close in a town centre location such as this therefore a refusal on overlooking grounds would not be merited.
- 8.35 To the north, Church Way is set in close proximity at a separation of 9.5m, with four flats on the first and second floor of the proposed building having windows directly facing Church Way. These windows serve bedrooms and kitchen/living rooms that have a dual aspect. On balance it is not considered that the presence of facing windows at such a close proximity is so unusual or harmful in a town centre location, particularly as the rooms they serve have a dual aspect. The balconies proposed to flats 1.11 and 2.11 are recessed into the northern elevation and offset from Church Way. As such any overlooking would be restricted to angled views. The plans include corner balconies to flats 2.06, 2.10, 3.09 & 4.09 that would afford elevated views into windows on Church Way and windows and gardens to Richmond Parade. A condition is attached to seek details of screening of these balconies, to be secured prior to occupation. This would ensure that any overlooking impact from use of the balconies is suitably mitigated given the distance between the sites.
- 8.36 It is noted that a flat green roof is proposed above the northern wing. A condition is attached to ensure that access to this roof is for maintenance purposes only, as any communal activity would result in significant overlooking of properties opposite and be unacceptable.

8.37 Subject to this condition the proposed development would not significantly impact on the amenities of adjacent occupiers beyond that common to high density town centre locations such as this, in accordance with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

8.38 Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development should provide covered and secured cycle parking facilities for residents. A Transport Assessment has been submitted with the application alongside a Framework Travel Plan.

8.39 The site as existing has no dedicated off-street parking. Parking in the area is predominantly on-street and supplemented by small compounds serving individual residential blocks, including Grove Bank to the east of the site. The Grove Bank parking compound is accessed from Albion Street via a driveway running along the southern boundary of the site. This accessway would be retained. The on-street parking is restricted for permit holders only (Controlled Parking Zone C) and pay-and-display users.

8.40 The site is located in a sustainable location close to public transport routes, local and regional shopping centres, and the seafront. The development has been designed to be car-free, with no onsite parking provided for residents. The nature of the development and its intended users (with varying levels of care need) is such that residents would be unlikely to travel frequently or own a car. The location of bus routes along Richmond Place and the presence of car club bays on Richmond Parade would allow more mobile residents to travel where necessary, therefore pressure on street parking is unlikely to be significant. Notwithstanding this, a condition is recommended to ensure that the development remains car-free in the long term with residents being ineligible for parking permits, in accordance with policy HO7.

8.41 The application proposes the replacement of two permit bays fronting the site on Albion Street with a loading/unloading bay for the development. This bay would be used for deliveries, would allow the pick up and drop off of residents, and the parking of ambulances. A parking survey has been carried out that demonstrates that the loss of two permit bays would not have a discernable impact on parking pressure in the area. A condition is recommended to secure the implementation of the loading bay prior to the occupation of the development.

8.42 Sufficient cycle parking is included in a dedicated storage area within the northern section of the building, alongside mobility scooter parking for residents.

8.43 In terms of trip generation, the applicants have not been able to use the TRICS database as is the usual practice because the database does not contain exact comparators for extra care units in central locations with no on-site parking provision. The Sustainable Transport Officer has not raised concern in this instance as the number of trips generated by the proposed use is expected to

be small, with the majority being by visitors to the site. The applicants have demonstrated that sustainable transport provision in the area is generally good in terms of public transport routes, cycle routes and car club bays, but have not specifically considered provision for pedestrians with mobility problems. In order to fully meet the requirements of policy TR1 it is considered that a contribution of £9,200 should be sought specifically to improve the provision of dropped kerbs and tactile paving in the vicinity of the application site, including its links to sustainable transport routes along the Richmond Place/Grand Parade corridor. This sum is reflective of the areas for dropped kerb and tactile paving improvements that have been identified in the vicinity of the site.

- 8.44 Subject to the recommended conditions and a contribution of £9,200 towards the provision of improved dropped kerbs and tactile paving in the vicinity of the application site, the development would accord with policies TR1, TR2, TR4, TR7, TR8, TR14 & HO7 of the Brighton & Hove Local Plan.

Sustainability:

- 8.45 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. For major new-build residential schemes SPD08 requires proposals to meet level 4 of the Code for Sustainable Homes and achieve zero net annual CO2 from energy use. The new-build non-residential element is required to demonstrate a reduction in energy and water use.
- 8.46 The application is supported by a Sustainability Checklist, an Energy Report, and an Energy Strategy Report. The Sustainability Checklist and Planning Statement detail that all residential units will achieve level 4 of the Code for Sustainable Homes. This is confirmed in a pre-assessment report included in the Energy Strategy Report. The specific measures incorporated into the proposal to achieve this standard include:
- passive solar design maximising access to natural light;
 - an energy efficient design with the fabric performance values in excess of national standards for glazing, airtightness and all thermal elements;
 - significant renewable installations including 21 solar panels and 53 photovoltaic panels, and air source heat pumps;
 - heat to the dwellings provided via a communal system based on efficient gas condensing boilers;
 - a green roof, 4 trees, and 148m² of shared garden;
 - rainwater butts for garden irrigation.
- 8.47 The non-residential element of the proposal has a floor area of less than 235sqm and is required to demonstrate a reduction in energy and water use only. The application proposes to meet BREEAM 'very good', achieving 46% in the Energy section and 55% in the Water section. This is sufficient to exceed the standard recommended in SPD08. The sustainability officer is satisfied with the measures proposed, which are secured by condition.
- 8.49 Refuse and recycling facilities appropriate to the scale of the development are proposed in a compound within the northern section of the building. For these

reasons, and subject to the recommended conditions, the proposed development is considered to reach the sustainability standards required by Policy SU2 and SPD08.

Other Considerations:

- 8.50 The northern part of the site is located within an Archaeological Notification Area. The County Archaeologist has raised no objection to the proposed development subject to a condition requiring a programme of archaeological works to be undertaken prior to development commencing. This is secured by condition in accordance with policy HE12 of the Brighton & Hove Local Plan.
- 8.51 The Environmental Health officer has identified that the site appears to have historically been used for zinc and tin plate works. A condition is attached to advise the applicants of their responsibilities in the event contaminated land is uncovered during development works.
- 8.52 The site is located close to Grand Parade which has heavy car use resulting in high noise levels and air pollution. The Environmental Health officer has raised concern that noise levels along Richmond Place and Grand Parade can reach over 75db during the day and up to 69db at night, with noise along Albion Street estimated at up to 59db at night. Albion Street is a largely residential street set back from Richmond Parade and buffered by two rows of 3-4 storey buildings. It has considerably fewer traffic flows than Richmond Place therefore a refusal on noise grounds cannot be sustained. In this instance it is considered appropriate to require a scheme by condition to ensure that occupants of the development are suitably protected from road traffic noise, particularly at night.
- 8.53 The site falls within a designated Air Quality Management Area. However, given the limited number of vehicle trips likely to be generated by the proposed use and the car free nature of the development, it is not considered that the development would appreciably contribute towards a harmful impact on existing air quality in the area. The Air Quality officer has raised no objection accordingly.
- 8.54 The Economic Development officer has raised no objection to the proposed development, subject to the provision of an Employment and Training Strategy and a commitment to using 20% local labour during construction. This is secured via the s106 agreement.

9 CONCLUSION

- 9.1 The principle of this development is acceptable and welcome, the benefits of the development in providing affordable housing for vulnerable older persons is given significant weight. The harm identified by the proposed height of this development is considered to have a moderate adverse impact in terms of visual amenity. The proposed building is considered to be well designed and would not otherwise impose on the setting of the adjacent Valley Gardens Conservation Area or Grade II* listed St Peters Church to a significant or harmful degree. As such its impact on the surrounding townscape and amenities of adjacent occupiers is not assessed as being significant. The

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development would offset the loss of the existing trees and open space by contributing to improvements to open space provision in the wider area and providing off-site landscaping improvements. The development would not have a significant highways impact on the surrounding area.

10 EQUALITIES

10.1 The development has been designed to meet Lifetime Homes Standards with 5 of the units being fully wheelchair accessible.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- An Employment and Training Strategy that includes a commitment to at least 20% local labour during construction of the project.
- Contribution of £9,200 towards improving sustainable highway infrastructure in the vicinity of the site.
- Contribution of £26,250 towards open space contribution in the area.

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site location plan	-	-	11/11/2013
Proposed block plans	1694/P/010	P10	08/11/2013
	1694/P/011	P12	25/11/2013
Existing plans	1694/P/050	P7	26/06/2013
Existing elevations	1694/P/060	P7	26/06/2013
	1694/P/061	P7	26/06/2013
	1694/P/062	P7	26/06/2013
	1694/P/063	P7	26/06/2013
Proposed floor plans	1694/P/100	P10	08/11/2013
	1694/P/101	P11	14/11/2013
	1694/P/102	P12	25/11/2013
	1694/P/103	P12	25/11/2013
	1694/P/104	P12	25/11/2013
	1694/P/105	P12	25/11/2013
	1694/P/106	P10	08/11/2013
	1694/P/110	P12	25/11/2013
Proposed elevations	1694/P/300	P10	08/11/2013
	1694/P/301	P10	08/11/2013
	1694/P/302	P12	25/11/2013

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	1694/P/303	P11	14/11/2013
Proposed sections	1694/P/200	P12	25/11/2013
	1694/P/201	P10	08/11/2013
Proposed context elevations	1694/P/020	P12	25/11/2013
	1694/P/030	P10	08/11/2013
Proposed detailed section elevations	1694/P/310	P7	26/06/2013
	1694/P/311	P7	26/06/2013
	1694/P/312	P7	26/06/2013
Proposed typical flat layout	1694/P/400	P4	26/06/2013
Off-site landscaping plan	1373-01	A	11/11/2013

- 3) Other than the dedicated walkways, balconies and roof terraces detailed on drawings nos 1694/P/103 rev P12 & 1694/P/105 rev P12 received on 25 November 2013, and drawing no 1694/P/106 rev P10 received on 8 November 2013, access to the flat roofs of the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs 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) 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) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) No development shall commence until a scheme for 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 and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

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- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development meets the housing needs of the city and to comply with policies HO2 & HO3 of the Brighton & Hove Local Plan.

- 7) Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 2005 or any amendment thereto, the community facilities as detailed on drawing no.1694/P/100 rev P10 received on 08 November 2013 shall be retained solely for such use at all times

Reason: To allow the Local Planning Authority to control any subsequent change of use of the premises in the interests of retaining the community facilities within the scheme, to accord with policy HO20 of the Brighton & Hove Local Plan.

- 8) Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 2005 or any amendment thereto, the residential units hereby permitted shall be retained as extra care units at all times and shall not be used for any other use.

Reason: The development is deemed acceptable on the basis of the mix and type of housing proposed and its limited highways impact therefore the Local Planning Authority would wish to retain control over any subsequent change of use of these premises to comply with policies TR1, HO2, HO3 and QD27 of the Brighton & Hove Local Plan.

- 9) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

11.3 Pre-Commencement Conditions

- 10) No development shall commence until details of screening to the balconies to flats 2.06, 2.10, 3.09 & 4.09 have been submitted to and approved in writing by the Local Planning Authority. The screens shall be erected prior

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to the first occupation of the development and shall thereafter be retained at all times.

Reason: In order to protect adjoining properties from overlooking and loss of privacy and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 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 commence until a scheme for the protection of residents from road traffic noise 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.
- 13) 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.
- 14) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.
- 15) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction

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works from noise and dust, plant and equipment and transport movements in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in accordance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

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

- 16) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping that has regard to annex 7 of SPD11 'Nature Conservation and Development'. The scheme shall include the areas of off-site landscaping detailed on drawing no. 1373-01 rev A received on 11 November 2013 and include details of all 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, and the provision of bird boxes.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 & QD17 of the Brighton & Hove Local Plan and SPD11 'Nature Conservation and Development'.

- 17) 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.

- 18) 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.

- 19) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been

submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation.

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

- 20) 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.

- 21) 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.

11.4 Pre-Occupation Conditions

- 22) 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.

- 23) The community facilities hereby permitted shall not be occupied until the sustainability measures detailed within the Energy Strategy Report received on 26 June 2013 relating to energy and water consumption 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 and water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

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- 24) 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.

- 25) The development hereby permitted shall not be occupied until the loading bay fronting Albion Street as detailed on drawing no. 1694/P/111 rev P10 received on 8 November 2013 has been fully implemented and made available for use. The loading bay shall be retained as such thereafter.

Reason: In order to ensure the safe operation of the development in accordance with policy TR7 of the Brighton & Hove Local Plan.

- 26) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. A minimum of six units shall be built to wheelchair standards to the satisfaction of the Local Planning Authority.

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.

- 27) Within 6 months of occupation of the development hereby approved, the applicant or developer shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (carers, staff, visitors, residents & suppliers).

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

11.5 Informatives:

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

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- (ii) for the following reasons:-
The benefits of the proposed development in providing 45 units of affordable rent extra care housing for vulnerable older persons attract significant weight and are considered to outweigh the immediate harm afforded by the height of the building. The proposed building is considered well designed and would not otherwise impose on the setting of the adjacent Valley Gardens Conservation Area or Grade II* listed St Peters Church to a significant or harmful degree. As such its impact on the surrounding townscape and amenities of adjacent occupiers is not assessed as being significant. The development would offset the loss of the existing trees and open space by contributing to improvements to open space provision in the wider area and providing off-site landscaping improvements. The development would not have a significant highways impact on the surrounding area.
3. The applicant is advised that the scheme required to be submitted by Condition 18 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
 4. The applicant is advised that the implementation of the loading bay secured under condition 25 requires an amendment to the Traffic Regulation Order. Such amendments are arranged via the Council's Parking Strategy team who can be contacted at lines.signs@brighton-hove.gov.uk or 01273 292181.
 5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
 6. 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.
 7. The applicant is advised that a formal connection to the public sewerage system and water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk

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8. The applicant is advised that the development plot is located in an Air Quality Management Area and solid fuel burning on a commercial scale (>45 Kw) is not likely to be approved.

From: Stephanie Powell
Sent: 11 November 2013 18:13
Subject: BH2013/02152

Dear Adrian,

The consultation with local residents into this proposal has been very thorough indeed. Much work has gone into modifying the plans over a number of months with local residents' comments in mind.

The proposed build in the Tarner area is ideal, being very centrally located. It will do much to help start the regeneration of the area, as well as to provide much-needed extra care housing in the city.

Therefore, please convey my wholehearted support of this application to the committee.

Regards,

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

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



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COUNCILLOR REPRESENTATION

From: Geoffrey Bowden
Sent: 12 November 2013 01:15
Subject: RE: BH2013/02152 - protect

I think that you may add the wholehearted support of all three ward councillors for this important development.

Best wishes and thanks to the whole team who has worked so hard on this scheme.

Geoffrey

Geoffrey Bowden
Green Party Councillor for Queen's Park
Chair Economic Development & Culture Committee
Email: geoffrey.bowden@brighton-hove.gcsx.gov.uk
Mobile: 07557 197601

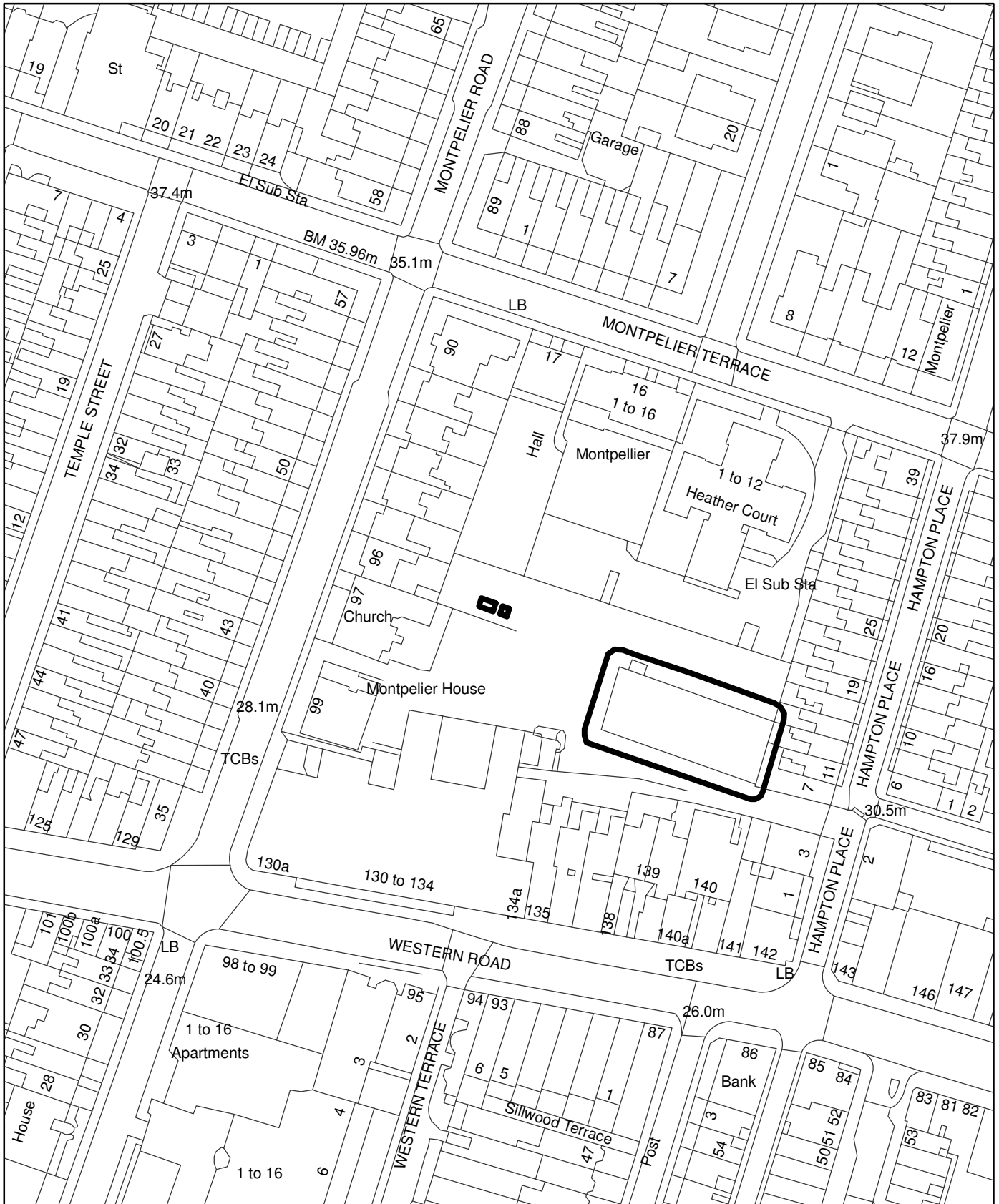
ITEM K

**Waitrose Ltd, 130-134a Western Road,
Brighton**

**BH2013/03146
Full planning**

11 DECEMBER 2013

BH2013/03146 Waitrose Ltd, 130-134a Western Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/03146	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Waitrose Ltd, 130-134a Western Road, Brighton.		
<u>Proposal:</u>	Removal of trolley bay and creation of 2no trolley shelters and creation of 2no cycle racks within rear car park.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	19/09/2013
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	14 November 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Bamber and Reddan Architects, Suncourt House, 18-26 Essex Road London		
<u>Applicant:</u>	Waitrose Ltd, Partnership House, Carlisle Place, London		

UPDATE

This application was deferred from Planning Committee on the 20 November to investigate a previous application and whether there is a Good Practice Statement that applies to the operational running of the site.

Application **BH2004/00265/FP** proposed a variation of condition 3 of planning permission BH1998/02056/FP to allow an increase in servicing times from between 07.00hrs and 21.30hrs Monday – Saturday, to between 07.00hrs and 22.30hrs Monday – Saturday and 10.00hrs and 16.00hrs on Sundays and Bank Holidays.

Condition 3 attached to the 2004 permission required the submission of a Statement of Good Practice which required the deliveries to be carried out in accordance with the agreed Good Practice Statement. The condition specifically required the statement to include measures to minimise noise and disruption arising from the delivery bay after 21.30hrs.

Condition 4 attached to the 2004 permission allowed the extended delivery times for 12 months. After the expiration of the temporary extended delivery hours, deliveries reverted back to the 1998 permission.

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 **Minded to GRANT** planning permission subject to no adverse comment from the environmental Health team and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a Supermarket premises (A1 Retail) located on the north side of Western Road in Brighton. The unit corners Western Road and Montpelier Road.

- 2.2 The building is a composite modern design; with a curved three storey section rounding the corner and two storey part extending eastwards down Western Road towards Central Brighton. The three storey section has a render and glazed modern interpretation of a classical design, with the two storey section modern with a canopy and projecting box windows which transforms further east back to classical to meet the period buildings of the adjacent form to eastwards.
- 2.3 More specifically the application relates to two areas located within the car park at the rear of the store. The areas affected would be 1 parking bay located on the upper level of the dual level car park and an area of land located in the north west corner of the car park, behind a flint wall beside a pair of trees and currently occupied by cycle racks and tarmac surface.

3 RELEVANT HISTORY

BH2013/02754 - Replacing existing signage currently installed on the building. New signage proposed to suit alterations to High Street elevation. Proposals intended to be as in keeping with existing signage as possible. – Under consideration

BH2013/03309 - Non Material Amendment to BH2013/02287 to retain existing concrete finish on façade – Approved 21/10/2013

BH2013/02259 - Replacement of 2no existing plant chiller units with 2no mechanical water cooled plant chiller units. – Approved 02/09/2013

BH2013/02287 - Alterations to shopfront, extension of existing canopy and associated works. – Approved 02/09/2013

BH2004/00265/FP - Variation of condition 3 of planning permission BH1998/02056/FP to allow an increase in servicing times from between 07.00hrs and 22.30hrs Monday-Friday, to between 07.00hrs and 21.00hrs Saturdays and 10.00 and 12.30 on Sundays and Bank Holidays (Re-submission of withdrawn application BH2003/02304/FP). – Approved 08/04/2004

BH2001/02916/FP - Replace existing aluminium windows with white uPVC units. – Approved 14/02/2002

3/93/0042/FP - Installation of automatic stand-by generator. – Approved 09/03/1993

80/1677 – Alterations to Western Road elevation and ground floor level – Approved 07/10/1980

79/2339 – Extension to food store – Approved 09/10/1980

4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of a trolley bay and the creation of 2 no. trolley shelters and creation of 2 no cycle racks within rear car park.
- 4.2 The additional cycle racks are to be located to the east of the current cycle parking in the north west corner of the car park, the new trolley shelters would be sited adjacent to the cycle storage in the north west part of the car park and another upon within a central parking bay of the upper level of the dual level car park.

- 4.3 The proposed cycle racks would comprise of an additional 2 no stainless steel hoops of approximately 1m wide and 0.6m high. The proposed trolley shelters would have a curvature roof, be faced with Perspex material over a steel frame measuring approximately 2m wide, 4.25m long and up to 2.4m high

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **94, 95 Montpelier Road, 15, Montpelier Hall, Montpelier Terrace, F7 31 Regency Square, 11 Victoria Street** objecting the application for the following reasons:

- The development would adversely impact upon the setting of listed buildings which surround the site
- The shelters would add to the visual clutter
- The trolley bays could be designed to reduce their visual impact
- The trolley shelters would interfere and harm views of the Conservation Area
- The trolley bay will be visible from views from windows of residential properties adjacent to the site
- The trolley bays should remain uncovered; there are other ways of ensuring that trolleys can be kept or made dry for customer use
- The use of structures such a trolleys bays could generate noise and attract rough sleepers
- Despite complaints to the store for a number of years, the operation of the car park presently produces noise and disturbance, from both the daily operation of the customers and the delivery regime of the store
- The structures could affect the roots of nearby historic trees.
- The site is adjacent to a public highway
- The area and access form the car park is a hot spot of crime and disorder and the proposal would exacerbate this
- If in the event of approval, a conditions should be considered to closing off and gating the car park, limit lighting, use of low intensity lighting and accessed door is fitted with a silent closing fitting should be imposed to improve the operation of the car park and reduce impact to neighbours.

- 5.2 **CAG: Comment**
No objection on Conservation Grounds

Internal

- 5.3 **Environmental Health:**
Comments awaited.

Heritage: Comment

- 5.4 This site is partly within and partly adjacent to the Montpelier and Clifton Hill Conservation Area. It is used as a supermarket car park which neither sustains nor enhances the significance of the Conservation Area, however this use has been established for many years.
- 5.5 Due to their clear fabric coverings it is not considered that the proposed shelters, or the racks will have any significant further impact on the Montpelier and Clifton Hill Conservation Area and there is no objection.

Arboriculture: Comment

- 5.6 Various trees within the car parking area of Waitrose are covered by Tree Preservation Order (No 2) 1967, however, they should remain unaffected by the proposed development.
- 5.7 There are no trees in the vicinity of the proposed new trolley park on the upper level.
- 5.8 The proposed ground level trolley park is between two fine Elms. They will both need to be pruned (light epicormic growth) to facilitate the development. The Arboricultural Section would have no objection to this.
- 5.9 The surface of the car park should remain as existing, this means any roots from the trees under the surface will remain safe and intact. If new surfacing is proposed, it should be the subject of an Arboricultural Method Statement.
- 5.10 Overall, the Arboricultural Section has no objection to the proposals in this application.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE3	Development affecting the setting of Listed Buildings
HE6	Development within of affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in favour of sustainable development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to impact upon views from properties are not material planning considerations. The main considerations in the determination of this application relate to the impact of the changes upon the amenities of adjacent residential occupiers, the design of the alterations and their impact upon the appearance of the site, the visual amenity of the area and that of the Conservation Area and setting of nearby listed building.

Design and visual impact:

Cycle parking

- 8.2 The additional cycle racks by reason of their number, siting, size, height, materials and their context would not have an unduly harmful impact upon the

impact character and appearance of the area, the Montpelier and Clifton Hill Conservation Areas or the setting of nearby Listed Buildings.

- 8.3 The development seeks to add an additional 2 cycle racks to the existing 4 racks. The designs of the racks are similar to and would be sited adjacent to the existing hoops. The racks are sited north of the flint wall within the north west part of the car park and largely concealed from view due to their height and siting.
- 8.4 The racks would be witnessed in the context of the existing and the current operation and appearance of the car park and would not have any significant further impact on the Montpelier and Clifton Hill Conservation Area or nearby Listed Buildings.

Trolley Shelters

- 8.5 One of the proposed trolley shelters would be sited adjacent to the cycle storage in the north west part of the car park and another upon within a central parking bay of the upper level of the dual level car park.
- 8.6 The shelters by reason of their materials, siting, and their context would not have an unduly harmful impact upon the impact character and appearance of the area, the Montpelier and Clifton Hill Conservation Areas or the setting of nearby Listed Buildings.
- 8.7 The site is partly within and partly adjacent to the Montpelier and Clifton Hill Conservation Area. The site is used as a supermarket car park, which neither sustains nor enhances the significance of the Conservation Area. However this use has been established for many years.
- 8.8 Due to their clear fabric coverings, it is not considered that the proposed shelters would have any significant further impact on the Montpelier and Clifton Hill Conservation Area.
- 8.9 Comments with regards to the colour of the shelters are noted, but it is not considered that the shelters or their colouring would have a significant impact given the siting and context of the car park.

Amenity:

- 8.10 The proposed cycle rack and trolley shelters by reason of their siting, intended use and the current operation of the retail store and car park would be unlikely to have an unduly harmful impact upon the amenities of adjacent residents.
- 8.11 The physical impact of the structures by reason of their size, scale and siting are sufficiently distanced from neighbouring buildings as to not have a significantly harmful impact upon light, daylight, privacy or outlook of the occupiers of nearby residential properties.
- 8.12 The new structures would not affect the time or access of the car park and would have minimal material impact upon its current operation.

8.13 The reports of noise and disturbance, light conditions, hours of opening and operation received from neighbouring residents are noted and have been forwarded to the Environmental Health team prior to consultation. The granting of planning permission in this case would not supersede the right of the Council to examine the site for potential investigation under other primary legislation, in this case the Environmental Protection Act 1990 (as amended). Notwithstanding, it is not expected that such new structures would further materially impact upon the amenity of neighbours. Subject to no adverse comment from the Environmental Health team there are no objections on amenity ground relating to noise and disturbance.

Arboriculture:

8.14 The Arboriculturalist advises that there are various trees within the car parking area of Waitrose that are covered by Tree Preservation Order (No 2) 1967, but that they should remain unaffected by the proposed development.

8.15 There are no trees in the vicinity of the proposed new trolley park on the upper level and therefore this aspect of the development is acceptable.

8.16 The proposed ground level trolley park is between two fine Elms. They will both need to be pruned (light epicormic growth) to facilitate the development. The Arboricultural Section would have no objection to this.

8.17 The surface of the car park should remain as existing meaning that any roots from the trees under the surface will remain safe and intact. If new surfacing is proposed, it should be the subject of an Arboricultural Method Statement and can be secured by planning condition.

Transport:

8.18 The development would result in the loss of a single car parking space and would create an additional 4 cycle parking spaces.

8.19 The development is considered to have a negligible impact upon parking provision in the context of the site and its use and would not materially affect the highway.

Other issues:

8.20 Comments with regards to requests for conditions being placed to modify the operation of the store are noted. However, requests are not considered relevant to the development to be permitted, necessary or reasonable in all other respects. The new shelter and cycle racks would be unlikely to materially impact upon the operation of the car park or store. Furthermore, the likely additional impact as identified earlier in this report is negligible. Therefore, it is not considered that closing off and gating the car park, the limit lighting, changing to low intensity lighting and fitting the access door is fitted with a silent closing fitting are not relevant to the trolley store or cycle racks. Therefore imposing these changes via planning conditions would not be considered reasonable or necessary in this instance.

8.22 There is no evidence to suggest that the new structures would exacerbate crime and disorder. The new shelters would provide limited cover to potential rough sleepers given the open lower level and sides. Furthermore, the structures would not materially affect the other aspects or use of the car in the regard of public safety.

9 CONCLUSION

9.1 The development by reason of its siting, design, materials and nature of its use would be unlikely to have an unduly harmful impact upon the amenity of adjacent residential occupiers. The additional visual impact is not considered to cause material harm to the character and appearance of the site, Conservation Area or affect the setting of nearby listed buildings.

10 EQUALITIES

10.1 The proposal would not affect access into and around the store.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

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

Plan Type	Reference	Version	Date Received
Site Location Map	13-024-AZ-(P)-003	-	19/09/2013
Site Block Plan	13-024-AZ-(P)-004	-	13/09/2013
Proposed Trolley Store	13-024-AG-(P)-100	-	13/09/2013
Proposed Car Park Layout	13-024-AZ-(P)-001	-	13/09/2013
Existing Car Park Layout	13-024-YZ-(P)-001	-	13/09/2013
Covered Trolley Point	NTP-2000	A	13/09/2013

11.2 Pre-Commencement Conditions:

- 3) Prior to the commencement of development on site an arboricultural method statement setting out any necessary tree works to facilitate the development including pruning works and/or root projection shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved method statement. **Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

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 development by reason of its siting, design, materials and nature of its use would be unlikely to have an unduly harmful impact upon the amenity of adjacent residential occupiers. The additional visual impact is not considered to cause material harm to the character and appearance of the site, Conservation Area or affect the setting of nearby listed buildings.

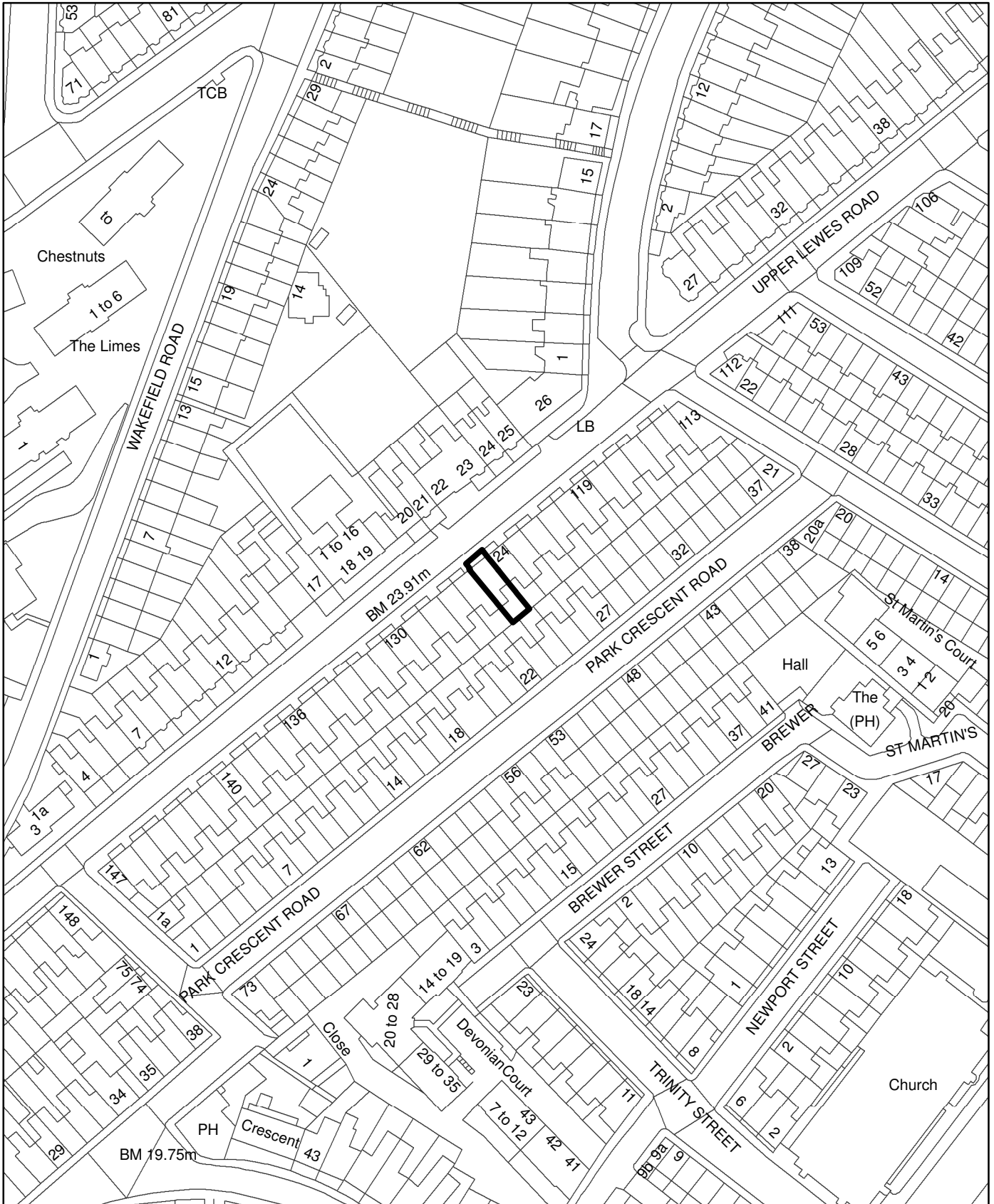
ITEM L

125 Upper Lewes Road, Brighton

BH2013/02231
Full planning

11 DECEMBER 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		

This application was deferred at the 30 October 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 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
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Supplementary Planning Documents:

SPD08	Sustainable Building Design
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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 some 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. A mapping exercise has taken place which indicates that there are 122 separate residential properties which fall within a 50 metre radius of the site, 43 of which have been identified as being in Class C4, mixed C3/C4 or other types of HMO in a sui generis use, these figures include the application site. This represents a percentage of 35% as the overall concentration of C4/HMOs, within a 50m radius of the site, however this percentage figure 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 in the absence of any technical guidance on minimum room standards and shared facilities.
- 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	16/1303564		01/07/13
Proposed side elevation - east	17/1303564		01/07/13

PLANNING COMMITTEE LIST- 11 DECEMBER 2013

Proposed side elevation - west	17/1303564		25/10/13
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- 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

PLANNING COMMITTEE LIST- 11 DECEMBER 2013

(ii) for the following reasons:-

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's 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,

Councillor 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 M

**Land at Rear of 107,109 & 111 Cowley Drive,
Brighton**

**BH2013/02492
Full planning**

11 DECEMBER 2013

BH2013/02492 Land rear of 107, 109 & 111 Cowley Drive, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02492	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land at Rear of 107 109 & 111 Cowley Drive Brighton		
<u>Proposal:</u>	Erection of two storey, 2no. bedroom detached chalet bungalow with access from Pinfold Close.		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	01 August 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26 September 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Felce and Guy Partnership LLP, 73 Holland Road , Hove BN3 1LB		
<u>Applicant:</u>	Mrs Christine Cross, 43 Ridgway, Brighton BN2 6PD		

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 site is formed from parts of the combined rear garden areas of 107, 109 and 111 Cowley Drive; 111 Cowley Drive is a recently constructed property on the end of the terrace adjoining no.109. The site slopes up from the north and east and fronts onto Pinfold Close with an existing vehicular access. The site has been fenced off and is currently overgrown.
- 2.2 In the wider context of the area the properties along Cowley Drive are characterised predominantly by two storey terraced properties constructed in red/brown brick some of which are painted. Pinfold Close however consists predominantly of detached and semi detached bungalows constructed in brick with part painted rendered elevations. The properties are set back from the pavements edge, with off street parking the front boundaries are largely open with low walling and soft vegetation. The properties on the north side of Pinfold Close are set somewhat higher than those on the south, indicating the sloping nature of the area.

3 RELEVANT HISTORY

Land to the rear of 107, 109 & 111 Cowley Drive

BH2011/02676 - Erection of two bedroom detached residential dwelling with access from Pinfold Close. Refused on 8 November 2011. Appeal dismissed on 13 July 2012.

BH2010/03284 - Erection of two storey 2no bedroom residential dwelling with revised access from Pinfold Close. Refused 20 December 2010.

BH2008/00147 - Proposed pair of semi-detached dwellings with associated parking/cycle storage and access from Pinfold Close. Refused on 11 March 2013. Appeal dismissed on 1 December 2008.

Land adjacent to 109 Cowley Drive

BH2006/01911- Erection of a two bedroom house. Refused on 4 August 2006. Appeal allowed 1 June 2007.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a two storey, 2 bedroom detached chalet bungalow with access from Pinfold Close.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eight (8)** letters of representation have been received from the occupiers of **107, 109 and 111 Cowley Drive, 11, 13 and 16 Pinfold Close** and **1 and 3 Broad Green** objecting to the application for the following reasons:

- Design and plot coverage out of character with the local area,
- Loss of privacy / overlooking to adjoining properties,
- Increased parking pressures,
- Additional noise and disturbance,
- Light pollution,
- Overshadowing
- Loss of established hedgerow,
- Disruption to established slow worm population,
- Front dormers out of character,
- Overdevelopment of the site,
- Detrimental impact upon the biodiversity of the site,
- Loss of view.

Internal:

- 5.2 **Ecology: No objection.**

With reference to the submitted Reptile Survey Report the level of ecological surveys is sufficient to inform appropriate mitigation, compensation and enhancement. The site supports a low population of slow worms. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Due to the low population and the availability of suitable habitat in adjacent gardens, and the proposal to retain, protect and enhance an area of suitable habitat within the development site, the recommendation to retain the population on site is acceptable. To avoid harm to reptiles, the mitigation measures recommended in paragraphs 4.9 to 4.28 should be carried out. In summary, mitigation should include:

- a. habitat manipulation of the works area to exclude reptiles;
- b. a destructive search of debris piles within the works area;

- c. retention and protection of an area of approximately 10m² of grassland in the north-eastern section of the site using exclusion fencing;
 - d. creation of a log pile within the retained area;
 - e. establishment and management of wildflower grassland in the retained habitat.
- 5.3 The above works should be carried out under the watching brief of a suitably qualified and experienced ecologist during the reptiles' active period (taken as being March to October, but weather dependent). The ecologist should also provide a toolbox talk prior to the commencement of works to alert contractors to the presence of protected species, and the measures required for their protection.
- 5.4 The report notes that there is a brick pile in the north-eastern section of the site, presumably within the area to be retained, which may be used by the reptiles for hibernation. It is unclear from the report what is proposed for this, but if it is within the area to be protected, it should be retained in situ and left undisturbed. If outside the retained area, it should be taken apart by hand, under ecological supervision, during the reptiles' active period, and recreated within the retained area.
- 5.5 The UK Native Seed Hub based at Wakehurst Place should be contacted for advice on a suitable native wildflower mix of local provenance.
- 5.6 Post construction, the grassland should be managed as stated in the reptile report. Arisings should be raked up and removed, although if composted on site, this will provide an additional enhancement for reptiles.
- 5.7 Provided the recommended mitigation measures are carried out, the proposed development should not have a detrimental effect on protected species, and can be supported from an ecological perspective.
- 5.8 **Environmental Health:** No Comment
- 5.9 **Access Officer:** Comment
Approach to all entrances should be level or gently sloping. That includes the rear doors. There should be a canopy over the main entrance. One of the main bedrooms should have access to an easy access bathroom on the same level. It needs to be able to accommodate a 1.5m diameter turning circle and the shower room shown is too small.
- 5.10 **Sustainable Transport:** Support.
Recommended approval as the Highway Authority has no objections to this application.
- 5.11 **Trip Generation & S106**
The proposals are for the erection of a detached chalet bungalow house. The proposals may increase trips slightly above existing levels as 1 more residential units are proposed than existing levels. However, the forecast level of trip generation is not considered to warrant a refusal of planning permission. In light of this and that the development is below the Temporary Recession Measures the Highway Authority would not look for a S106 contribution in this instance.

5.12 Car Parking

The applicant is proposing one off street car parking space in front of the property. Therefore the proposed level of car parking is in line with the maximum car parking standards quoted within SPG04 and is deemed acceptable.

5.13 Cycle parking: Parking Standards SPG4 requires a minimum of 1 cycle parking space per unit for a house. The applicant has indicated that they intend to provide cycle parking in the rear garden. As there is a means of access to the rear of the property this is deemed acceptable in this instance.

5.14 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

5.15 The Highway Authority deems that there is enough space on site to provide policy compliant cycle parking spaces and therefore recommends that this aspect is conditioned.

5.16 Vehicular Access: The applicant is intending to retain the existing vehicular crossover. In principle this is acceptable, however in order to achieve a suitable visibility splay the Highway Authority would look for the applicant to reduce the existing hedge. The Highway Authority would recommend that the standard condition and informative are included on any permission granted.

5.17 **Arboriculture** - No objection. There is hedging to the west of the site (boundary with 113 Cowley Drive) that provides good screening between 113 Cowley and the development site. This hedging should be protected to BS 5837 (2005) Trees in Relation to Construction as far as is practicable during the course of the development.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design - Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the subdivision of the plots, the suitability of the site to accommodate the proposed dwelling having regard to the amenity requirements for the dwelling, the affect upon the character of the area, neighbouring residential amenity, transport issues and sustainability.

8.2 Principle of development:

The application site is situated within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle although must adequately accord to relevant development plan policies.

8.3 Three previous applications for residential development on the site have been refused. The most recent of these was for a detached property with a comparable scale and plot coverage as the proposed dwelling. Whilst this proposal was dismissed at appeal on the grounds that the design would be out of character with the existing built form within the locality the Inspector opined that the general scale, siting and plot coverage of the dwelling was acceptable, as was its impact upon the amenity of neighbouring properties.

8.4 This is a significant material consideration in the determination of any future planning application on the subject site, and it is considered that the principle of a single residential dwelling at the site is considered acceptable.

Design:

8.5 Local Plan policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.

8.6 The site has been the subject of three previous applications for residential development. The most recent of these, application BH2011/02676, for a proposed single dwelling was refused primarily on design grounds with the dwelling considered out of character with the spacing characteristics of the area, and the inappropriate design resulting in an incongruent, overly dominant form of development within the street scene.

8.7 The Inspector dismissed the appeal on the grounds that the incongruous, extended roof design would sit uncomfortably with the adjacent bungalows, striking a jarring and discordant note and as such would harm the appearance and character of the Pinfold Close street scene. Notwithstanding this, the Inspector stated that the appeal site offered a valuable opportunity to visually complete the built form at Pinfold Close and stated;

- 8.8 *In terms of the plot size, I am satisfied that sufficient space would remain around the building so as not to result in a cramped or confined appearance. The property would have gardens to the front and rear, and would not appear to be an uncharacteristically dense form of development.*
- 8.9 The proposed dwelling, at 10.2m in width and 7.2 in depth would be comparable in scale to the previously refused scheme as would the siting within the plot, with a minimum distance of 1m from the side elevations of the property to the boundaries of the site. The dwelling takes the simple form of a pitched roof chalet bungalow, bringing the overall height of the building down by 0.7m (in comparison to the previously refused scheme), resulting in a design that is similar in overall appearance to the existing built form within Pinfold Close. The resultant dwelling would have an acceptable relationship with the surrounding area and as such would not result in a detrimental impact upon the appearance and character of the street scene. The proposed dormers are appropriate in regards to scale, form and siting, are aligned with the windows below and as such appear as a coherent element of the overall design. The proposed materials are considered to be appropriate within the context of the surrounding area. Whilst the proposed solar panels result in a rather awkward, cluttered appearance they are sited to the rear and would not result in any significant harm to the visual amenity of the wider surrounding area.
- 8.10 The general scale, siting and plot coverage of the proposal is comparable to the previously refused scheme. The Inspector was satisfied that the previous proposal was appropriate in this regard and as such it is not considered that the scale, siting and plot coverage of the current proposal are acceptable and would not detract significantly from the character of the area.
- 8.11 Overall the proposed design and siting of the proposal is not considered to result in any significant harm to the appearance and character of the site or the wider surrounding area.

Impact on Amenity:

- 8.12 Policy HO13 requires residential units to be lifetime homes compliant. Whilst it is noted that the proposal should provide a canopy/porch to the front elevation it is considered that due to the low height of the eaves any canopy would likely intersect the roof form, resulting in a cluttered and awkward appearance to the front elevation. As such the omission of a canopy is considered to be acceptable in this instance. It is noted that the first floor bedroom should be increased in scale to accommodate a wheelchair user. A condition will be added specifying that the constructed development fully accords with the Lifetimes Homes Standards in this regard.
- 8.13 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. Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development.

- 8.14 The rear separation distances are somewhat shortened in comparison to the existing distance currently enjoyed. However, a separation distance of 18m would be retained, which has previously been accepted and the Inspector considered would be sufficient to prevent any harmful mutual loss of privacy. The proposal will result in overshadowing to part of the rear garden area of number 1 Broad Green. However the level of overshadowing would not be to a degree which would result in a level of harm that would justify refusal of the application. The scheme is therefore considered to have an acceptable impact on neighbouring amenity in this respect.
- 8.15 Policies SU2 and TR14 require all new developments to make provision for adequate refuse/recycling and secure, covered cycle storage facilities. The plans submitted show that space is provided on site to adequately accommodate cycle parking for the unit however no indication has been made for refuse. There appears to be sufficient space in site for refuse/recycling storage. Details of refuse/recycling storage and cycle storage will be secured by condition.

Sustainable Transport:

- 8.16 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.
- 8.17 The applicant is proposing one off street car parking space in front of the property. The proposed level of car parking is in line with the maximum car parking standards quoted within SPG04 and is deemed acceptable.
- 8.18 The proposed siting of the cycle storage is considered to be acceptable. Specific details will be secured by conditioned.

Sustainability:

- 8.19 Policy SU2 and SPD08 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.20 The proposal is for new build development on garden land as such the scheme should therefore achieve Level 5 of the Code for Sustainable Homes as recommended by SPD08. The submission of a Sustainability Checklist is also required. The applicant has submitted an email dated 25 November 2013 that states the applicant will target Code Level 5 and as such this code level will be conditioned.

Ecology:

- 8.21 The submitted Reptile Survey Report has identified there are a number of slowworms on the site. The report outlines mitigation measures, highlighting that an area to the north-east corner of the site will be set aside to provide a natural environment for the slow worms. The county ecologist is satisfied that compliance with the mitigation measures outlined within the report would

safeguard the existing slow worm population and as such the proposal is considered to be acceptable in this regard.

9 CONCLUSION

- 9.1 The principle of the development is considered to be acceptable. The development will not detract significantly from the appearance or character of the site of the wider surrounding area. The development would create additional residential accommodation without detriment to neighbouring amenity or highway issues.

10 EQUALITIES

- 10.1 None

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site location plan			1 August 2013
Proposed location plan, block plan and elevations	2410.1/30		23 July 2013

- 3) No extension, enlargement, alteration or provision within the curtilage of dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. **Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. **Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the

development and to comply with policy SU4 of the Brighton & Hove Local Plan.

- 5) The first floor window in the south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such. **Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 6) 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 5 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 7) 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) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 9) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 10) No development shall take place until;
 - a) a scheme to translocate all protected reptiles as identified with the submitted Reptile Survey Report received on 16 October 2013 has

been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify an area within the site, which will be clearly marked out on a site plan and detail longer term maintenance measures and all the necessary works that have been identified with the approved scheme have been completed. The identified site shall be maintained as set out within the scheme thereafter.

Reason: To ensure that the development complies with policies QD17 and QD18 of the Brighton & Hove Local Plan.

- 11) 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.
- 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

- 11) 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 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 12) Notwithstanding the submitted drawing 2410.1/30 the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. **Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 13) The extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted. **Reason:** In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
- 14) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons

following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The principle of the development is considered to be in accordance with the local development plan. The development will not detract significantly from the appearance or character of the site of the wider surrounding area. The development will create additional residential accommodation without detriment to neighbouring amenity or highway issues.

ITEM N

Flat 3, 5 Preston Park Avenue, Brighton

BH2013/03162
Full planning

11 DECEMBER 2013

BH2013/03162 Flat 3, 5 Preston Park Avenue, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/03162	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 3 5 Preston Park Avenue Brighton		
<u>Proposal:</u>	Conversion of first and second floor maisonette to form 2no self-contained flats incorporating rooflights to front and rear elevation and flat roof.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	18 September 2013
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	13 November 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	LF Architecture Ltd, Monkyn Pyn, Thornwell Road, Wilmington BN26 6RL		
<u>Applicant:</u>	D Golding, Second Floor, 5 Clifton Mews, Clifton Hill, Brighton BN1 3HR		

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 building property located on the eastern side of Preston Park Avenue. The building includes basement and attic levels, and is currently divided into flats at basement and ground floor level with a maisonette occupying the first and attic floor levels. A separate detached dwelling, 'Yew Tree House', is set within the former garden area at the rear of the property. The curtilage of Yew Tree House includes a pitched roof garage set to the side of the main building at 5 Preston Park Avenue.
- 2.2 The surrounding area comprises similar semi-detached buildings, the majority of which have been sub-divided into flats with separate houses set in the rear gardens. Preston Park sits opposite to the west.
- 2.3 The site is located within the Preston Park Conservation Area and Controlled Parking Zone J.

3 RELEVANT HISTORY

BH2012/01753- Conversion of existing first and second floor maisonette to form 2no self contained flats and installation of rooflights to front and rear elevations. Refused 06/08/2012 for the following reason:

1. *The proposed cycle and bin store, by virtue of its inappropriate location at the front of the building within an area of planting, would be visually intrusive in the street scene and detrimental to the character and appearance of the street scene and the surrounding Preston Park Conservation Area. As such the proposal would be contrary to Policies HO9, QD14 and HE6 of the Brighton & Hove Local Plan 2005.*

Appeal dismissed

BH2012/00528- Conversion of existing first and second floor maisonette to form 2 no self contained flats and installation of rooflights to front, side and rear elevations. Withdrawn 04/04/2012.

BH2007/01924- Erection of eco-house to rear garden and extension and conversion of existing coach house into single dwelling (revised scheme to that approved ref BH2006/01885). Approved 08/08/2007.

BH2006/01885- Erection of two storey dwelling in rear garden and extension/conversion of existing garage to form a one bedroom dwelling house. Approved 31/08/2006.

4 THE APPLICATION

- 4.1 The application is a re-submission of application BH2012/01753 and seeks planning permission for the conversion of the existing first and second floor maisonette into 2 self-contained flats, including the installation of rooflights to the front and rear elevations. This application as submitted sought to address the reason for refusal by re-locating the refuse and bicycle store to a position closer to the main building. This element of the proposal has been subsequently amended with the covered bicycle and bin stores removed and replaced by a hardstanding for bins in the northeast corner of the front garden and a 'Sheffield' bicycle stand adjacent to the driveway.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** Nine (9) letters of representation have been received from **4a; 5b; Flat 1, 5; Flat 2, 5 & Flat 1, 6 Preston Park Avenue**, objecting the application for the following reasons:

- The bicycle/bin store is unsightly and out of keeping with the conservation area
- The existing garden is one of the last remaining unspoilt gardens in Preston Park Avenue and should be preserved
- The bin store is close to a bedroom window at basement level and will cause a health hazard
- The cycle store at 1.3m high is not tall enough to get bicycles in or out
- There is insufficient space between the store and parked vehicles on the driveway to manoeuvre bicycles and bins
- The stores are too small and will be bigger in the garden than shown on the drawings
- The planting will not disguise the stores
- The plans show three exposed bins behind the front wall, currently there are only two

- A three-bedroom flat is more in keeping with the conservation area than two smaller flats
- Overdevelopment of the site
- Loss of light and overshadowing to the basement flat
- Noise disturbance from use of the stores
- Loss of future potential access to basement flat from front of site. Access will remain across land owned by 5b Preston Park Avenue

Internal:

5.2 **Sustainable Transport:** No objection

5.3 **Access:** 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) 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:

PLANNING COMMITTEE LIST- 11 DECEMBER 2013

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Infrastructure
QD14	Extensions and alterations
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Document

SPD08 Sustainable Building Design

SPD12 Design guide for extensions and alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact the proposal will have on the character and appearance of the property and wider Preston Park Conservation Area, its impact on the amenities of neighbouring properties, the standard of accommodation to be provided, and sustainability issues and transport issues.
- 8.2 The proposed sub-division of the upper floor maisonette into a three bedroom flat and a one-bedroom flat remains as per the previous scheme BH2012/01753 where it was found to be in accordance with policy HO9 of the Brighton & Hove Local Plan. Similarly, the layout and standard of accommodation provided by the proposed flats and its impact on adjacent occupiers remains as previous and in accordance with policies HO9, HO13 and QD27 of the Brighton & Hove Local Plan. The external alterations to the building, namely the introduction of single rooflights to the front and rear elevations and three rooflights to the flat roof above, also remain as per the previous scheme BH2012/01753 and in accordance with policies QD14 and HE6 of the Brighton & Hove Local Plan. The sustainability credentials of the development include improved insulation and boiler upgrades, and were considered to be in accordance with policies SU2 of the Brighton & Hove Local Plan. These elements of the proposal were also found also to be acceptable by the Appeal Inspector in refusing application BH2012/01753. There have been no material changes to these aspects of the proposal, or to the site or surroundings, that would warrant a different conclusion being made.

- 8.3 The main consideration therefore is the impact of the proposed re-located refuse and bicycle store on the appearance of the building, wider Preston Park Conservation Area, and amenities of neighbouring properties.

Refuse and bicycle storage

- 8.4 The previous application BH2012/01753 proposed a permanent brick and timber bin and bicycle stores to the northern side boundary of the front garden, to be partially disguised by new planting. The application was refused planning permission on the grounds that this arrangement would be harmful to the garden setting of the building to the detriment of the wider street scene and Preston Park Conservation Area. This view was supported by the appeal inspector who dismissed the appeal accordingly.
- 8.5 The current proposal, as amended, seeks to place a new hardstanding to the front northeast corner of the front garden to accommodate four refuse bins, one for each existing and proposed flat in the building. This would be a more discrete position than the current standing for two bins along the front boundary. Whilst covered stores are generally preferred, given the constraints of the site with no available space to the side or rear of the building, a permanent covered store at the front of the site would be obtrusive in the street scene and harmful to the character and appearance of the building and Preston Park Conservation Area. The current proposal for a hardstanding for wheel bins is considered more discrete and better preserves the setting of the building and wider Conservation Area.
- 8.6 With regard to bicycle storage, policy TR14 and SPGBH4 requires secure covered storage for two bicycles for a development of this scale. The only feasible position for such a facility is to the front of the building as all other areas to the side comprise access and driveway for the basement flat and rear house. Any store in this area would therefore obstruct access to other residential properties. As submitted the application proposed a low brick and timber store adjacent to the building. This store would have added permanent bulk and clutter to the front of the building that would have been generally harmful to the appearance of the building and Preston Park Conservation Area. Further, the store would have accommodated only one bicycle, not the two required. Given the absence of any other suitable location within the site for such a structure, the applicants have now proposed a single 'Sheffield' stand adjacent to the driveway, to accommodate two bicycles. Although not covered storage, this approach is discrete and better balances the need to provide cycle storage for the development and preserve the appearance of the building and wider Conservation Area. For these reasons the proposal is now considered to acceptably balance the requirements of policies SU2, TR1, TR14 and HE6 of the Brighton & Hove Local Plan.

9 CONCLUSION

- 9.1 The proposed sub-division of the maisonette is considered acceptable in principle, would provide two residential properties of a suitable standard, and would not have a harmful impact on the amenities of adjacent occupiers or the

appearance of the building and wider Preston Park Conservation Area, in accordance with development plan policies.

10 EQUALITIES

10.1 The development is required to meet Lifetime Homes standards

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, block plan, existing floor plans, and existing and proposed elevations	07B/2013	-	25/11/2013
Proposed floor plans and sections	08A/2013	-	21/11/2013

- 3) 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 policies H09 and QD27 of the Brighton & Hove Local Plan.
- 4) The development hereby permitted shall not be occupied until the bicycle stand shown on the approved plans has been fully installed and made available for use. The stand shall be painted black and 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, to encourage travel by means other than private motor vehicles, and ensure a satisfactory appearance to the development in compliance with policies TR14, HO9 and HE6 of the Brighton & Hove Local Plan.
- 5) The rooflights hereby approved to the front and rear roof slopes shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

- 6) 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.

- 7) The development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 16 September 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.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed sub-division of the maisonette is considered acceptable in principle, would provide two residential properties of a suitable standard, and would not have a harmful impact on the amenities of adjacent occupiers or the appearance of the building and wider Preston Park Conservation Area, in accordance with development plan policies.

PLANNING COMMITTEE	Agenda Item 119 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
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 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

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.

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

	2. Woolards Field, Lewes Road	2. Moulsecomb & Bevendean	<p>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	PortZed, 9-16 Aldrington Basin, Land south of Kingsway, Basin Road North, Portslade	Wish	<p>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.</p>
21 st February 2012	Anston House, 137-139 Preston Road, Brighton	Preston Park	<p>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.</p>

PLANS LIST 11 December 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

BH2013/02819

37 Mackie Avenue Brighton

Erection of a single storey rear extension. Installation of 2no windows to side elevation at ground floor level and other associated works.

Applicant: Mr Gargan

Officer: Adrian Smith 290478

Approved on 13/11/13 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 western 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.

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 shall be constructed in the western elevation 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) UNI

The development hereby permitted shall be carried out in accordance with 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			04/09/2013
Existing plans and elevations	1471/1681		15/08/2013
Proposed plans and elevations	1471/1682	A	15/08/2013

5) UNI

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan.

BH2013/03178

3 Braeside Avenue Brighton

Erection of two storey rear extension, single storey front extension, roof alterations including dormers to front and rear rooflights to rear and associated works.

Applicant: Paul Yeates

Officer: Sue Dubberley 293817

Refused on 08/11/13 DELEGATED

1) UNI

It is considered that the roof extensions and two storey rear extension would appear as incongruous and unsympathetic alterations, due to the increase in ridge height, additional bulk and mass and excessively large and poorly positioned front dormers. The proposal is situated on a highly prominent frontage and would therefore be detrimental to the character and appearance of the existing building and the visual amenities of the surrounding area, contrary to policies QD14 of the Brighton & Hove Local Plan and SPD12, Design Guide for Extensions and Alterations.

2) UNI

The proposed development would lead to a significant level of overlooking and consequential loss of privacy to the gardens of adjoining properties and to the front windows of No1 Braeside Avenue to the detriment of existing residential amenity. The proposal would therefore be contrary to planning policy QD27 of the Brighton & Hove Local Plan.

BH2013/03194

2 - 8 Carden Avenue Brighton

Application for Approval of Details Reserved by Condition 16 of application BH2011/03358.

Applicant: Hallmark Care Homes

Officer: Liz Arnold 291709

Approved on 12/11/13 DELEGATED

BH2013/03238

Maycroft & Parkside London Road & 2-8 Carden Avenue Brighton

Display of 4no externally illuminated signs around boundary of site.

Applicant: Hallmark Care Homes

Officer: Emily Stanbridge 292359

Refused on 19/11/13 DELEGATED

1) UNI

The application submitted contains insufficient information to fully assess the impacts of the scheme. Notwithstanding the lack of detail, there is sufficient information to determine the application. The proposed advertisements by virtue of their size and siting are considered unacceptable and excessive in number having an adverse impact on the character of the surrounding area. In addition, based on the information provided, the use of external illumination, specifically to the corner of Carden Avenue with London Road and London road and the number of illuminated signs in this location is considered inappropriate. The proposed scheme is therefore contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07: Advertisements.

BH2013/03266

52 Graham Avenue Brighton

Certificate of lawfulness for the proposed erection of a detached garden room in rear garden.

Applicant: Sam Parsons

Officer: Andrew Huntley 292321

Approved on 31/10/13 DELEGATED

BH2013/03339

61 Overhill Drive Brighton

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

Applicant: Mr & Mrs Bassett

Officer: Andrew Huntley 292321

Refused on 14/11/13 DELEGATED

1) UNI

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

BH2013/03358

28 Beechwood 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 6m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

Applicant: Mr Emlyn Roberts

Officer: Chris Swain 292178

Prior Approval is required and is refused on 07/11/13 DELEGATED

1) UNI

The proposed rear extension, by reason of its height, design, mass and depth would result in a significantly overbearing impact and an unacceptable sense of enclosure to the adjoining property, No.30 Beechwood Avenue.

BH2013/03500

91 Braeside Avenue Brighton

Certificate of lawfulness for proposed loft conversion incorporating extensions and alterations to the roof, dormer to the rear and 3no rooflights to the front. Proposed erection of single storey side and rear extension.

Applicant: Mr & Mrs Rummery

Officer: Adrian Smith 290478

Split Decision on 14/11/13 DELEGATED

1) UNI

GRANT a lawful development certificate for the proposed hip-gable roof extension, rear dormer and front rooflights for the following reason:

The proposed hip-gable roof extension, dormer window and front rooflights are permitted under Schedule 2, Part 1, Classes B & C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

1) UNI

REFUSE a lawful development certificate for the proposed rear extension for the following reason:

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, as the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would be greater than half the width of the original dwellinghouse.

PRESTON PARK

BH2013/02965

St Andrews Day and Resource Centre St Andrews Road Brighton

Demolition of single storey building and rear garages and erection of 4 no. three bedroom houses and 3 no. two bedroom houses with associated car and cycle parking and landscaping.

Applicant: Stonerix Ltd

Officer: Wayne Nee 292132

Refused on 12/11/13 DELEGATED

1) UNI

The proposed dwellings, by reason of the combination of eaves height and proximity to the site boundary, would represent a cramped and overbearing development to the detriment of the amenities of the occupiers of neighbouring properties on Edburton Avenue. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/02966

St Andrews Day and Resource Centre St Andrews Road Brighton

Demolition of single storey building and rear garages.

Applicant: Stonerix Ltd

Officer: Wayne Nee 292132

Refused on 12/11/13 DELEGATED

1) UNI

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

BH2013/03015

32 Florence Road Brighton

Erection of single storey glazed rear extension.

Applicant: Peter Alderman

Officer: Sonia Gillam 292265

Approved on 08/11/13 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 western elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such. Reason: To safeguard the privacy of the occupiers of the adjoining property and to

comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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			03/09/2013
Block plan			03/09/2013
Existing roof plan and elevations	1A		13/09/2013
Proposed floor plan, roof plan and elevations	2A		13/09/2013

BH2013/03107

23 Havelock Road Brighton

Alterations to flat and maisonette including demolition and replacement of ground floor extension and erection of first floor extension to rear (Part Retrospective).

Applicant: Copse Mill Properties Ltd

Officer: Wayne Nee 292132

Approved on 05/11/13 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 plan	1307/P001		10 September 2013
Existing lower ground floor and ground floor	1307/P/101		10 September 2013
Existing first and second floor	1307/P/102		10 September 2013
Existing front elevation	1307/P/103		10 September 2013
Existing rear elevation	1307/P/104		10 September 2013
Proposed lower ground floor and ground floor	1307/P/201A		10 September 2013
Proposed first and second floor	1307/P/202A		10 September 2013
Proposed front elevation	1307/P/203A		10 September 2013
Proposed rear and side elevations	1307/P/204A		10 September 2013

BH2013/03140

11a Preston Park Avenue Brighton

Application for variation of condition 1 of application BH2013/02476 (original permission BH2008/03339 - Demolition of existing house and erection of 3no detached houses with car parking) to amend drawings to allow for basements to Units 1 & 2, enlargement of basement to Unit 3, an additional room at first floor level to Unit 1 and revised fenestration to all units.

Applicant: Roche Barrett Estates

Officer: Liz Arnold 291709

Refused on 12/11/13 DELEGATED

1) UNI

The applicant has failed to demonstrate that sufficient protection would be afforded to the existing nature conservation features on the site in respect of the re-positioning of the existing ponds. The development is therefore contrary to policies QD17 and QD18 of the Brighton & Hove Local Plan and Supplementary Planning Document 11, Nature Conservation and Development.

BH2013/03255

90 Sandgate 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 3.9m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.5m.

Applicant: Mr Matt Randall

Officer: Chris Swain 292178

Prior approval not required on 04/11/13 DELEGATED

BH2013/03283

Ground Floor Flat 3 Osborne Road Brighton

Erection of single storey rear extension.

Applicant: Mr Christian Blundell

Officer: Emily Stanbridge 292359

Approved on 14/11/13 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
Location Plan	P1201-001a	A	25.09.2013
Block Plan	P1201-01b	B	25.09.2013
Existing Elevations	P1201-02		25.09.2013
Section A-A	P1201-06c	C	25.09.2013

Existing Floor Plans	P1201-02		25.09.2013
Proposed Floor Plans	P1201-04d	D	25.09.2013
Proposed elevations	P1201-05d	D	25.09.2013

BH2013/03304

75 Chester Terrace Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2012/02140.

Applicant: Ms E Minghella

Officer: Emily Stanbridge 292359

Approved on 12/11/13 DELEGATED

BH2013/03372

375 Ditchling Road Brighton

Application for Approval of Details Reserved by Conditions 10, 11 and 12 of application BH2013/00210.

Applicant: Richard Brain

Officer: Adrian Smith 290478

Approved on 18/11/13 DELEGATED

BH2013/03469

150 Osborne Road Brighton

Certificate of lawfulness for a proposed loft conversion incorporating a rear dormer with a Juliet balcony and rooflights to the front elevation.

Applicant: Mr & Mrs Anderson

Officer: Emily Stanbridge 292359

Approved on 07/11/13 DELEGATED

BH2013/03526

27 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 3.7m, and for which the height of the eaves would be 2.55m.

Applicant: Iain Chambers

Officer: Adrian Smith 290478

Prior approval not required on 14/11/13 DELEGATED

REGENCY

BH2013/00972

2 Ship Street Brighton

Installation of new shop front.

Applicant: Mr Pete Bradford

Officer: Guy Everest 293334

Approved on 18/11/13 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 1:20 scale sections of the proposed shopfront have been submitted to and approved in writing by the Local Planning

Authority. The development shall be implemented 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 development hereby permitted shall be carried out in accordance with 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	32890/5		22/03/2013
Block Plan	32890/6		22/03/2013
Shopfront Details - As Existing	32890/7		22/03/2013
Shopfront Details - As Proposed	32890/8	B	08/07/2013
Details As Existing	32890/1	A	14/08/2013
New North Door Details	32890/9		14/08/2013

BH2013/01148

23A, 23B & 23C (Former Car Park Site) Clifton Hill Brighton

Application for variation of condition 16 of application BH2010/02259 (Application for variation of condition 23 of application BH2010/00503 to substitute the phrase 'grey water' to say 'rain water') to replace the timber louvres to the first floor windows with obscured glazing.

Applicant: River Oaks Homes

Officer: Jason Hawkes 292153

Approved on 11/11/13 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			14th May 2013
Survey & Location Plan			18th April 2013
Approved First Floor Plan			18th April 2013
Proposed First Floor Plan			18th April 2013
Approved South Elevation	02		18th April 2013
Proposed South Elevation	02		18th April 2013
Tree Constraints Plan	TCP-01		22nd February 2010
Tree Protection Plan	TPP-01		22nd February 2010
Block Plan	0956-PO1	A	15th March 2010
Existing Lower Ground Floor Plan	0956-PO2	A	15th March 2010
Existing Ground Floor Plan	0956-PO3	A	15th March 2010
Existing Sections AA & BB	0956-PO4	A	15th March 2010
Proposed Lower Ground Floor Plan	0956-PO5	A	15th March 2010
Proposed Ground Floor Plan	0956-06	A	15th March 2010

Existing Sections AA & BB	0956-PO7	A	15th March 2010
6 & 7 Powis Villas - Proposed Floor Plans	TA224/40		18th May 2010
6 & 7 Powis Villas - Proposed Plans	TA224/41		18th May 2010
6 & 7 Powis Villas - Proposed Section	TA224/42	B	18th May 2010
6 & 7 Powis Villas - Proposed Elevations	TA224/43	A	18th May 2010
6 & 7 Powis Villas - Proposed Elevations	TA224/44		18th May 2010
6 & 7 Powis Villas - Proposed Elevations	TA224/45		18th May 2010
6 & 7 Powis Villas - Proposed Elevations	TA224/46		18th May 2010
6 & 7 Powis Villas - door details			18th May 2010
6 & 7 Powis Villas - basement section			18th May 2010
6 & 7 Powis Villas - box sash window detail			18th May 2010
6 & 7 Powis Villas - detail of proposed door into basement area			18th May 2010
Lower Ground Floor Plan showing foundations & drainage	2917/05	D	19th July 2010
Rainwater Storage Tanks	DS0621	P	19th July 2010
Rainwater Harvesting System Schematics	DS0980		19th July 2010

2) UNI

The scheme shall be implemented in accordance with the landscape scheme, approved under BH2010/02602, as indicated on drawing LP-01A received on the 25th August 2010.

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, QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The new doors leading from the light wells to the underground garages should be four panelled painted timber ones with flush panels with beaded edges to match the original timber doors to the basements of Nos. 6 and 7, and the walls of the light wells and access ways to the garages shall be smooth rendered and painted white.

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

4) UNI

The scheme shall be implemented in accordance with the irrigation scheme for 5, 6 & 7 Powis Villas received on the 25th August 2010, approved under BH2010/02602.

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

5) UNI

No extension, enlargement, alteration or provision within the curtilage of the of

the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed 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.

7) UNI

All windows on the side elevations of the new houses 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.

8) UNI

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

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

9) UNI

The refuse and recycling storage facilities indicated on the approved plans shall be made available for use and 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.

10) UNI

Access to the flat roof to the sides and rear at second floor level 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.

11) UNI

Within one month of the date of this permission, the three rear first floor bedroom windows (as indicated on drawing named 'Proposed South Elevation 02') for 23A, 23B & 23C Clifton Hill shall be obscure glazed to a height of 1.7m above the floor of the rooms in which the windows are installed and the windows shall also be fitted with the window restrictors in accordance with the details set out in the email from Emma Petrykov received on the 12th July 2013. Except in emergencies, the restrictors shall restrict the windows to an opening of no more than 100mm. The obscure glazing and restrictors shall be retained as such thereafter.

Reason: To protect the amenity of adjacent properties and in accordance with policies QD14 and QD27 of the Brighton & Hove Local Plan.

12) UNI

The scheme shall be implemented in accordance with the drawing 0956-33P1, 0956-34P1 and 0956-35P1 received on the 25th August 2010, approved under BH2010/02602, which indicate that the new dwellings are Lifetime Homes compliant.

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

13) UNI

The solar panels for the new houses shall be implemented in accordance with the drawing 0956-07P2 & 0956-16P3 received on the 25th August 2010 approved under BH2010/02602.

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

14) UNI

The development for the new houses shall incorporate the rain water recycling facilities into the scheme as indicated on the drawings 2917-05D, DS0980 & DS0621P and outlined in the details received on the 19th July 2010 approved under BH2013/02259.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan.

15) UNI

The approved cycle parking facilities shall 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.

16) UNI

The scheme shall be implemented in accordance with the Ground Appraisal received on the 25th August 2010 approved under BH2010/02602.

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

BH2013/01900

10 Union Street Brighton

Installation of retractable awning to front elevation.

Applicant: Exclusive Jewellery

Officer: Liz Arnold 291709

Approved on 19/11/13 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 housing and arms of the retractable awning hereby approved shall be colour finished or painted, within one month of the installation, to match the shopfront.

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

BH2013/02321

22A Victoria Road Brighton

Construction of mansard roof to facilitate creation of third floor.

Applicant: Ms Veronica Slater
Officer: Jason Hawkes 292153

Approved on 18/11/13 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 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) UNI

No development shall take place until details of the proposed timber dormer windows including 1:20 scale elevational drawings and joinery sections have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details and maintained as such thereafter.

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

4) UNI

All new and replacement 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 policy HE6 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 HE6 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	1203-150		23rd July 2013
Plans Existing & Proposed	1203-200		30th September 2013
Proposed Second Floor Plan	1203-201		25th July 2013
Proposed Sections	1203-350		30th September 2013
Existing Elevations	1203-450		30th September 2013
Plans & Elevations	4036-01		25th July 2013

7) UNI

All roof ventilation and extract outlets shall use flush, concealed slate vents to match the roof covering.

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

BH2013/02696

Bartholomew House Bartholomew Square Brighton

Extension of existing roof protection barriers to the flat roof.

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 04/11/13 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
Roof Plan As Existing	001		6th August 2013
Roof Plan As Proposed	002		6th August 2013
Elevations As Existing	003		6th August 2013
Elevations As Proposed	004		6th August 2013
North Elevation Existing & Proposed	005		6th August 2013
Location Plan	006		14th August 2013

BH2013/02754

Waitrose Ltd 130 Western Road Brighton

Display of internally illuminated projecting sign, and non-illuminated fascia lettering, projecting signs, post, panel and directional signs and window vinyl.

Applicant: John Lewis PLC

Officer: Steven Lewis 290480

Split Decision on 06/11/13 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

Approve the 650mm Projecting sign (front elevation) Western Road, S/S Letters - car park elevation, Gate Keeper sign - Entrance of car park, Opening hours sign Entrance of car park (600mm x 935mm), Parking information - Car park entrance (530mm x 1030mm), Parking information (wall mounted) - upper entrance (600mm x 930mm), Opening Hours - Upper entrance - 600mm x 930mm), Parking/trolley sign Wall mounted car park - 600mm x 930mm), Parking/trolley sign Wall mounted car park - 600mm x 930mm), Maximum height header sign - 1800mm x 230mm car park, Small Car signs (x3) - car park - 450mm x 700mm, Frosted and Product Vinyl (x 26) - Overall 1500mm x 3000mm & 2500mm and 3000mm, No entry signage (x5) Car park - 300mm overall width, Trolley cube signs (x5) 450mm x 450mm x 450mm at a height of 2.65m), Refurbishment of building letters (cornering Western and Montpelier roads), Refurbishment of building letters (cornering Western Road frontage), Non illuminated building letters over front entrance (400mm), Stainless Steel Letters - Upper rear entrance, Non illuminated building letters on upper rear entrance signs.

Subject to the following Conditions:

1) UNI

the 2m projecting direction sign (banner style) Montpelier Road for the following reason:

1. The proposed sign by reason of its height, type scale, siting and appearance would have an unduly harmful impact upon the setting of the Montpellier and Clifton Hill and Regency Square Conservation Areas and would harm the amenities of the area, contrary to policies QD12 and HE9 of the Brighton & Hove

BH2013/03071

22 Victoria Street Brighton

Application for approval of details reserved by conditions 2 and 3 of application BH2013/00590.

Applicant: Roger Goddard-Coote

Officer: Mark Thomas 292336

Approved on 04/11/13 DELEGATED

BH2013/03075

22 Victoria Street Brighton

Application for approval of details reserved by conditions 2 and 3 of application BH2013/00591.

Applicant: Roger Goddard-Coote

Officer: Mark Thomas 292336

Approved on 04/11/13 DELEGATED

BH2013/03080

9A Norfolk Buildings Brighton

Certificate of Lawfulness for proposed replacement of existing single glazed timber windows and doors with double glazed aluminium windows and doors to front elevation.

Applicant: Mr Geoff Almeida

Officer: Christopher Wright 292097

Approved on 05/11/13 DELEGATED

BH2013/03098

24 Borough Street Brighton

Replacement of existing entrance pathway tiles with black and white tiles, extending to front garden and damp proofing repair works to basement area.

Applicant: Ms Gillian Sage

Officer: Mark Thomas 292336

Refused on 11/11/13 DELEGATED

1) UNI

The proposal to lay black and white tiles to the front garden area would not respect the historic character of the Listed Building, where stone slabs or brick paviors would have traditionally been laid. Furthermore, insufficient detail has been submitted regarding the treatment of the front path and steps to demonstrate that this aspect of the proposed development would not also have a significantly detrimental impact. Details of the size of tiles, the pattern of laying, the treatment of the border of the nosings to the steps would be required in order to make an adequate assessment. For the reasons outlined, the proposed development as it relates to the paving of the garden would have a significantly detrimental impact on the historic character and significance of the Listed Building, and it has not been demonstrated in this application that the works to the pathway and steps would not have a similarly harmful impact. As such, the proposed development would be contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2013/03124

Flat 4 45 Norfolk Square Brighton

Replacement of timber single glazed bathroom window with timber double glazed window.

Applicant: Mr S Cohen

Officer: Helen Hobbs 293335

Approved on 11/11/13 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			11th September 2013
Block plan			11th September 2013
Proposed and existing elevations			11th September 2013
Window details			11th September 2013
Photograph			11th September 2013

BH2013/03278

Streamline Taxis 5 Clifton Hill Brighton

Erection of first floor extension and installation of ridge line rooflights. Alterations to single storey part of building at rear including recovering of roof and installation of 7no rooflights. Refurbishment and repair works to front facade.

Applicant: Brighton & Hove Streamline Ltd

Officer: Christopher Wright 292097

Approved on 20/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

No development shall take place until full details, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, of all new sash windows and their reveals and cills; new garage doors to the front elevation; and the continuous glazed rooflight on the main ridge have been submitted to and approved in writing by the Local Planning Authority. The new windows shall be single glazed painted timber vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter. *Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

4) UNI

Report from: 31/10/2013 to: 20/11/2013

The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan. 1:20 scale details of garage doors and larger scale details of rooflights.

5) 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.

6) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing & Proposed Location & Block Plans	10001		24 Sep 2013
Existing Floor & Roof Plans	20001		24 Sep 2013
Existing Elevations	21001		24 Sep 2013
Proposed Floor & Roof Plans	20011		24 Sep 2013
Proposed Elevations	21011		24 Sep 2013

7) UNI

The proposed window on the northwest flank elevation of the building hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

ST. PETER'S & NORTH LAINE

BH2013/00349

Ground Floor Flat 28 Ditchling Rise Brighton

Replacement of timber sash bay window with UPVC tilt and turn bay window to front elevation (Retrospective).

Applicant: Mr Robin Urbino

Officer: Andrew Huntley 292321

Refused on 31/10/13 DELEGATED

1) UNI

The introduction of uPVC windows of a poor and unsympathetic design, material and opening arrangement, would be in contrast to the existing timber sash windows at first floor and would cause harm to the character and appearance of the existing property and the street scene, contrary to policies QD1, QD2, QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12.

BH2013/01161

Site J New England Quarter Fleet Street Brighton

Application for approval of details reserved by condition 18Aiv of application

Report from: 31/10/2013 to: 20/11/2013

BH2012/01627.

Applicant: The Hyde Group
Officer: Maria Seale 292232
Approved on 05/11/13 DELEGATED

BH2013/01283

Site J Fleet Street Brighton

Application for approval of details reserved by condition 18Ai of application BH2012/01627.

Applicant: The Hyde Group
Officer: Maria Seale 292232
Approved on 04/11/13 DELEGATED

BH2013/01354

Brighton Dome Studio Theatre New Road Brighton

Refurbishment of studio bar and entrance to studio theatre including relocation of entrance staircase and alterations to layout. Installation of new external signage and relocation of poster frames.

Applicant: Brighton Dome & Festival Ltd
Officer: Jonathan Puplett 292525
Approved on 08/11/13 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

Prior to the installation of the three poster cases hereby approved, the existing three poster cases shall be removed and the background surfaces shall be made good to the original profiles in matching materials.

Reason: To ensure that an appropriate appearance would result and to accord with policy HE1 of the Brighton & Hove Local Plan.

BH2013/01986

Brighton Dome Studio Theatre New Road Brighton

Display of non-illuminated lettering signs and poster frame signs.

Applicant: Brighton Dome & Festival Ltd
Officer: Jonathan Puplett 292525
Approved on 08/11/13 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) UNI

Prior to the installation of the three poster cases hereby approved, the existing three poster cases shall be removed and shall not be re-installed at any time.

Reason: To ensure that an appropriate appearance would result and to accord with policy QD12 of the Brighton & Hove Local Plan.

BH2013/02147

(Former Co-op Department Store) 94-103 London Road and 6-11 & 12 Baker Street Brighton

Application for variation of condition 2 of application BH2012/02675 (Partial demolition of former Co-Operative building allowing for the retention of the existing façade. Erection of a new building ranging from 3 to 6 storeys providing 351 units of student accommodation (sui generis) and 3no retail units (A1) at ground floor level) to allow for a minor material amendment to change the ground floor unit on Baker Street from retail unit No. 3 (A1) to a student management office (sui generis)/retail unit (A1) and to create a larger retail unit No. 1 on London Road where the student management suite was previously proposed.

Applicant: Watkin Jones Group

Officer: Kathryn Boggiano 292138

Minded to Grant (subject to S106 agreement) on 21/10/13 DELEGATED

1) UNI

Plan Type	Reference	Version	Date Received
Fifth Floor Plan Proposed	PL_007	C	28 November 2012
Roof Plan Proposed	PL_008	C	16 November 2012
Basement Plan Proposed	PL_009	E	8 November 2012

Site Location Plan Proposed	10_002	A	2 July 2013
Student Entrance and Management Office Plan	PL_012	B	14 November 2012
Existing Basement Plan	PL_013		30 August 2012
Existing Ground Floor Plan	PL_014		30 August 2012
Existing First Floor Plan	PL_015		30 August 2012
Existing Second Floor Plan	PL_016		30 August 2012
Existing Third Floor Plan	PL_017		30 August 2012
Existing Fourth Floor Plan	PL_018		30 August 2012
Proximity of Proposed Building to London Terrace	PL_019	A	18 September 2012
Block Plan	PL_027		10 September 2012
Block Plan - Existing	PL_028		10 September 2012
Typical 5 Bed Flat Cluster	PL_029		2 November 2012
Typical Studio Layouts	PL_030		2 November 2012
Typical Small Studio Layouts	PL_031		2 November 2012
Public Realm Improvements	PL_032	A	16 November 2012
Site Sections Sheet 1	SE_001	B	8 November 2012
Site Sections Sheet 2	SE_002	B	8 November 2012
Site Section Locations	SE_003	A	8 November 2012
Retained Façade Details	SE_004	A	14 November 2012
Façade retention assumed sequence of works	WEL_407_SK 20	P1	12 October 2012
Site Sections Sheet 3	SE_005	B	22 November 2012
3D Views 1	SK_005		15 November 2012
3D Views 2	SK_006		15 November 2012
3D Views 4	SK_008		15 November 2012
3D Views 5	SK_009		15 November 2012

2) UNI

Prior to the Baker Street ground floor unit being brought into A1 use, details of an alternative location for a student accommodation management office within the buildings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The student management office shall be brought into use in accordance with the approved details, prior to commencement of the Baker Street A1 use, and shall be retained as such thereafter.

Reason: To ensure that appropriate facilities exist for the management of the student accommodation office and to comply with policies QD27 of the Brighton & Hove Local Plan and policy CP21 of the Brighton & Hove Submission City Plan.

3) UNI

Unless otherwise agreed in writing, demolition of the building and retention of the façade shall be carried out in strict accordance with the 'Westlakes Consulting Design Consultants Demolition & Façade Retention Strategy - ref: 407_Struct_001, issue 01' and drawing no. WEL_407_SK20_P1 'Façade Retention - Assumed Sequence of Works'.

Reason: To ensure the satisfactory preservation of the facade and to comply with policies QD1 and HE10 of the Brighton & Hove Local Plan.

4) UNI

The windows within the east elevation of the north rear wing at first, second and third storey levels, which serve the communal kitchens/living rooms shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

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

5) UNI

The windows within the east elevation at first storey level serving the 'Student Common Room' as shown on drawing numbers EL_002 revision C received 12 November 2012, PL_003 revision C received 20 November 2012 and PL_012 revision B received 14 November 2012, and as shown on drawing numbers EL_002 revision D received 20 May 2013 and PL_003 revision F received 18 June 2013 approved as part of Non Material Amendment BH2013/01602, shall be fixed shut and thereafter permanently retained as such.

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

6) UNI

The angled windows servicing the bedrooms on the north elevation of the Baker Street frontage block, on the upper ground, first, second and third storey floor level shall be glazed with obscure glazing and screens erected on the exterior of the window as shown on the floor plans - drawing number PL_002 revision B received 8 November 2012, PL_003 revision D received 20 November 2012, PL_004 revision C and PL_005 received 16 November 2012, and corresponding elevational drawing EL_004 revision C received 12 November 2012, and as shown on drawing numbers PL_003 revision F received 18 June 2013, PL_004 revision D and PL_005 revision C received on 20 May 2013 approved as part of non material amendment BH2013/01602, this element of the glazing should also be fixed shut and thereafter permanently retained as such. For clarity, this restriction does not relate to the glazing on the shorter aspect of the angled window.

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

7) UNI

The angled windows servicing the ground and upper ground floor level bedrooms opposite London Terrace shall be glazed with obscure glazing and screens erected on the exterior of the window as shown on the floor plans - drawing number PL_001 revision J received on 24 June 2013, PL_002 revision B received 8 November 2012 and corresponding elevational drawing EL_002 revision C received 12 November 2012, and as shown on drawing numbers EL_002 revision D received 20 May 2013 approved as part of Non Material Amendment BH2013/01602, and this element of the glazing should also be fixed shut and thereafter permanently retained as such. The angled bay window to communal kitchen/living rooms associated with these bedrooms should also be obscure glazed as shown on the aforementioned drawings, fixed shut and thereafter permanently retained as such. For clarity, this restriction does not relate to the glazing on the shorter aspect of the angled window.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local

8) UNI

The London Road retail units hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 10:00 and 16:00 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.

9) UNI

No deliveries to or from the retail development and student management and marketing unit hereby approved, shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and between 10.00 and 16.00 Sundays, Bank or Public Holidays. All deliveries to the larger retail units which front onto London

Road shall be made from the loading by on London Road and not to the rear of the development.

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.

10) UNI

No servicing for collection of refuse/recycling at the site shall occur except between the hours of 08:00 and 19:00 on Mondays to Saturdays not at all on Sundays or Bank/Public Holidays.

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

11) 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.

12) UNI

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

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

13) UNI

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

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

14) UNI

Access to flat roof areas across the development hereby approved, other than those areas which are expressly defined as amenity space as shown on drawing number PL_003 revision D received 20 November 2012 and shown on PL_003 revision F received on 18 June 2013 and approved as part of Non Material Amendment BH2013/01602 and labelled 'North and South Garden' and 'North and South Courtyard', shall be for maintenance or emergency purposes only and the flat roofs 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 SU10 and QD27 of the Brighton & Hove Local Plan.

15) UNI

The development shall be carried out in accordance with the details contained

the Nesting Bird Mitigation and Enhancement Strategy which was submitted and approved as part of application BH2013/00787.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

16) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Retail Shell and Core and a Design Stage Assessment Report showing that the retail development will achieve a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the retail 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.

17) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the 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.

18) UNI

The provision of foul and surface water drainage shall be implemented in accordance with the details shown on WL_407-061 Rev P1 and WL_407_060 Rev P1 which were submitted and approved as part of application BH2013/00787.

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

19) UNI

The development shall be carried out in accordance with the details shown on Tree Constraints Plan referenced 1400 11 Rev B which was submitted and approved as part of application BH2013/00787. 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.

20) UNI

(i) The development shall be carried out in accordance with the details contained within the Phase 1 Desk Top Study and a Phase 2 Site Investigation Report along with associated appendices and supporting information which were submitted as part of application BH2013/01410.

(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) above that any remediation scheme required and approved under the provisions of (i) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress; and

c) certificates demonstrating that imported and/or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i)

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.

21) UNI

The bird boxes shall be installed in accordance with the details contained within the Nesting Bird Mitigation and Enhancement Strategy which was submitted and approved as part of application BH2013/00787. The scheme shall be retained as such thereafter.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD17 and QD18 of the Brighton & Hove Local Plan.

22) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, 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 and the seed mix. The scheme shall then be carried out 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.

23) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the proposed green walling have been submitted to and approved in writing by the Local Planning Authority. These details shall include timescale for implementation and maintenance programme and irrigation system, substrate to be used and plant species. The scheme shall then be carried out 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.

24) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the final design and location of the proposed Photo Voltaic panels to be installed on the roof of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development shall then 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.

25) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the spring loaded or similar mechanism for the Josta cycle parking facilities and proposed signage with instructions for use (to be erected in the cycle parking store) to provide a total of 134 spaces in the basement as shown on drawing number PL_009 revision E received 8 November 2012, and shown on PL-009 revision F received on 20 May 2013 and approved as part of Non Material Amendment BH2013/01602, 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.

26) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include edible landscaping/food growing, hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

27) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, unless or until a scheme for the storage of refuse and recycling for the retail units 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.

28) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, 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.

29) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until drawings illustrating the landscape features,

including fencing, screening, the steps, walls and seating areas across the development, at a scale of 1:20 or greater, have been submitted to and approved in writing by the Local Planning Authority. The development shall then 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 QD15 of the Brighton & Hove Local Plan.

30) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until 1:20 scale elevations and sections of the detailed shop front and doors design and the design of the three external fire doors within the shop fronts, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD5 and QD10 of the Brighton & Hove Local Plan.

31) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until full details of the proposed replacement glazing within the retained façade including any opening mechanism, sections and the profiles of the glazing bars at 1:20 scale, along with a window sample, 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: To ensure a satisfactory appearance to the development and to comply with policy QD1 and HE10 of the Brighton & Hove Local Plan.

32) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, 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.

33) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the proposed glazing and ventilation method to be installed to the bedrooms identified in the submitted report, 'WYG Environmental: Former Co-op Building, London Road, Brighton, Proposed Mixed Retail and Student Residential Development, November 2012, A069178-3, revision 3 08/11/12', which shall achieve a BS8233 'Good' standard, have been submitted to and approved in writing by the Local Planning Authority. The approved glazing and ventilation method shall then be installed to the bedrooms as per the aforementioned reports recommendations.

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

34) UNI

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
London Road and Baker	EL_001	C	27 November 2012

Street Elevations			
London Terrace Elevations	EL_002	C	12 November 2012
Kingsbury Road Elevations and London Terrace back gardens	EL_003	C	12 November 2012
Wing Elevations	EL_004	C	12 November 2012
Existing Elevations	EL_005		30 August 2012
Existing Elevations	EL_006	A	10 September 2012
North Courtyard Section	EL_007	B	14 November 2012
24 Kingsbury Road Sections	EL_008	A	22 November 2012
Fire Escape Door Detail	EL_009	A	8 November 2012

35) UNI

Plan Type	Reference	Version	Date Received
Elevation Details_1 proposed	EL_010		15 November 2012
Elevation Details_2 proposed	EL_011		15 November 2012
Elevation Details_3 proposed	EL_012		15 November 2012
Elevation Details_4 proposed	EL_013		15 November 2012
Fire Strategy Plan Ground Floor	FS_001	A	8 November 2012
Fire Strategy Plan First Floor	FS_002	A	28 November 2012
Fire Strategy Sections	FS_003	A	8 November 2012
Ground Floor Plan_A1	PL_001	J	24 June 2013
Upper Ground Floor Plan Proposed	PL_002	B	8 November 2012
First Floor Plan Proposed	PL_003	D	20 November 2012
Second Floor Plan Proposed	PL_004	C	16 November 2012
Third Floor Plan Proposed	PL_005	B	16 November 2013
Fourth Floor Plan Proposed	PL_006	C	16 November 2012

36) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until a scheme for the soundproofing of the floors and walls between plant rooms and the student accommodation and between the commercial units and the student accommodation, as recommended by submitted report, 'WYG Environmental: Former Co-op Building, London Road, Brighton, Proposed Mixed Retail and Student Residential Development, November 2012, A069178-3, revision 3 08/11/12', 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.

37) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the junction between the retained façade and the new build at each end, including the formation of the short returns of the retained stone façade, 1:10 scale, have been submitted to and approved in writing by the Local Planning Authority. The development shall then 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 HE10 of the Brighton & Hove Local Plan.

38) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the privacy screening as shown on drawing number PL_003 revision D received 20 November 2012 and EL_007 revision B received 14 November 2012, and shown on PL-003 revision D received on 18 June 2013 and approve as part of BH2013/01602, shall be erected prior to first occupation of the student accommodation hereby approved. The screen shall then be retained as such at all times.

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

39) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on drawing number PL_001 revision J received 24 June 2013 located in front of the management office 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.

40) UNI

The residential element of 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.

41) UNI

Unless otherwise agreed in writing by the Local Planning Authority, non of the residential development hereby approved shall be occupied until a Multi Residential BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant Multi Residential 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.

42) UNI

The Baker Street A1/student management and marketing unit hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 9:00 and 19:00 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.

43) UNI

Plan Type	Reference	Version	Date Received
3D Views 014	SK_014		15 November 2012
3D Views 010	SK_020		15 November 2012
Ground floor landscape proposals	03	D	30 August 2012

First floor landscape proposals	04	E	30 August 2012
Ground floor planting proposals	05	A	30 August 2012
First floor planting proposals	06	B	30 August 2012
Proposed delivery lay-by	2370-TR-23	B	2 November 2012
Proposed delivery lay-by	2370SK-21	H	26 October 2012
CGI Sheet-1	RE_001		30 August 2012
CGI Sheet - 2	RE_002		30 August 2012
CGI Sheet - 3	RE_003		30 August 2012
CGI Sheet - 4	RE_004	A	14 September 2012

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

BH2013/02350

Site of Open Market Marshalls Row Brighton

Application for approval of details reserved by conditions 34 and 35 of application BH2010/03744 and BH2013/01147.

Applicant: Hyde Group & The Brighton Open market CIC

Officer: Maria Seale 292232

Approved on 19/11/13 DELEGATED

BH2013/02361

Site of Open Market Marshalls Row Brighton

Application for Approval of Details Reserved by condition 29 of application BH2010/03744 as amended by BH2013/01147.

Applicant: Hyde Group & The Brighton Open Market CIC

Officer: Maria Seale 292232

Approved on 19/11/13 DELEGATED

BH2013/02370

Site J New England Quarter Fleet Street Brighton

Application for approval of details reserved by condition 18a(ii) of application BH2012/01627.

Applicant: The Hyde Group

Officer: Maria Seale 292232

Approved on 04/11/13 DELEGATED

BH2013/02575

91 Ditchling Road Brighton

Display of non illuminated signs to boundary wall. (Retrospective)

Applicant: Mr Ahmed Khalil

Officer: Wayne Nee 292132

Refused on 13/11/13 DELEGATED

1) UNI

The proposed advertisements on the boundary wall of the site appear incongruous due to their inappropriate siting, scale and design, resulting in a cluttered appearance that is detrimental to the visual amenities of the Valley Gardens Conservation Area. Furthermore the approval of the signage could set an unwanted precedent for similar inappropriate signage in the area in the future. The proposal would therefore be contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07: Advertisements.

BH2013/02582**93B Buckingham Road Brighton**

Erection of a single storey rear extension to replace existing conservatory.

Applicant: Mr Mark Whaley**Officer:** Anthony Foster 294495**Approved on 14/11/13 DELEGATED****1) BH01.01**

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

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.***2) UNI**

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

*Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.***3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan			30/07/2013
Block Plan			30/07/2013
Existing & Proposed Rear Extension			30/07/2013
Current floor plan, Proposed floor plan, End Elevation, Section View Through B-B			30/07/2013
Section B-B Perspective			30/07/2013
Current conservatory type structure, Proposed perspective views of new extension			30/07/2013

BH2013/02609**The Open Market Marshalls Row and Francis Street Brighton**

Application for approval of details reserved by condition 42 of application BH2010/03744 as amended by BH2013/01147.

Applicant: Hyde Group and The Brighton Open Market CIC**Officer:** Maria Seale 292232**Approved on 07/11/13 DELEGATED****BH2013/02662****23 Ditchling Road Brighton**

Change of use from retail (A1) at ground floor and one bedroom flat (C3) above to three bedroom house (C3) including rear extension to the second floor, alterations to shopfront and other associated works.

Applicant: David Dalton**Officer:** Sue Dubberley 293817**Approved on 20/11/13 DELEGATED****1) UNI**

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

Report from: 31/10/2013 to: 20/11/2013

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	P1308-01		05/08/2013
Block plan	P1308-02		05/08/2013
Existing floor plans	P1308-03		05/08/2013
Existing elevations and sections	P1308-04		05/08/2013
Proposed floor plans	P1308-05		05/08/2013
Proposed elevations and sections	P1308-06		05/08/2013
Street elevations	P1308-07		05/08/2013
Lifetime homes plans	P1308-08		05/08/2013

3) UNI

The roofs and cheeks to the dormers must be finished in lead. 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 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 the following details, at 1:20 and 1:1 scale, have been submitted to and approved in writing by the local planning authority:

- i) Joinery details of all new windows and external doors.
- ii) Details of the porch roof over the front entrance.
- iii) Details of the front area railings.

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

6) UNI

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

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

7) UNI

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

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

BH2013/02749

106 Dyke Road Brighton

Installation of 2no condenser units to replace existing and 2no intake / extract grilles to side elevation. Removal of existing ATM machine and associated alterations to front elevation.

Applicant: The Co-operative Group

Officer: Andrew Huntley 292321

Approved on 06/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.

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

3) UNI

The air extract grilles hereby permitted shall be painted in the same colour to match that of the existing building within one month of installation and thereafter retained as such.

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

4) UNI

The development hereby permitted shall be carried out in accordance with 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 Plan	2224.01	A	05.11.2013
Proposed Plan	2224.02	A	05.11.2013
O S Extract	2224.03		12.08.2013

BH2013/02796

Land adjacent to 10 New England Road and rear of 53 New England Street

Application for Approval of Details Reserved by Conditions 12, 13, 14 and 15 of application BH2013/00245.

Applicant: QED Capital Assets

Officer: Guy Everest 293334

Approved on 14/11/13 DELEGATED

BH2013/02969

Site J Fleet Street New England Quarter Brighton

Application for approval of details reserved by condition 26 of application BH2010/03999 as amended by BH2012/01627.

Applicant: The Hyde Group

Officer: Maria Seale 292232

Approved on 05/11/13 DELEGATED

BH2013/03020

Units 8-9 Centenary Industrial Estate Hughes Road Brighton

Installation of 5no storage containers on the car park of unit 8 for a temporary period of 1 year. (Retrospective)

Applicant: Shaws Installations Ltd

Officer: Sue Dubberley 293817

Approved on 31/10/13 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 five temporary storage containers hereby permitted shall be permanently removed and the land restored to its former condition immediately prior to the development authorised by this permission on or before 31 October 2014.

Reason: The structure hereby approved is not considered suitable as a permanent form of development and in order to visual amenity and to comply with policies QD1 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	ADC608/LP		3/09/2013
Block plan	ADC608/BO		3/09/2013
Existing layout	ADC608/01		3/09/2013
Existing elevations	ADC608/02		3/09/2013
Proposed layout	ADC608/03		3/09/2013
Proposed elevations	ADC608/04		3/09/2013

BH2013/03033

35 Marlborough Place Brighton

Internal and external renovation works including alterations of front boundary wall, repairs to front elevation, boxing out in basement stairwell, replacement of external basement door, alterations to boundary walls to rear garden, natural slate roofing to rear lean-to extension, raised decking in rear garden, 6no downlighters to kitchen, fireplace to ground floor living room and first floor bedroom and replacement of skirting boards and architraves (Retrospective).

Applicant: Caroline Lewin

Officer: Anthony Foster 294495

Approved on 01/11/13 DELEGATED

1) UNI

Within 3 months of the date of this permission, full details of the fanlight above the front door and its reveal including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections showing integral glazing bars shall be submitted to and approved in writing by the Local Planning Authority. The fanlight shall be painted timber. The works shall be carried out and completed fully in accordance with the approved details within 6 months of the date of this permission 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.

BH2013/03042

35 Marlborough Place Brighton

Erection of raised decking to rear. (Retrospective)

Applicant: Caroline Lewin

Officer: Anthony Foster 294495

Approved on 01/11/13 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Drawing	2012/019/PL9		06/09/2013
Proposed Decking	2012/019/PL8	A	06/09/2013

BH2013/03053

Pavilion Shop 4-5 Pavilion Buildings Brighton

Internal alterations to facilitate creation of a tea room within existing shop.

Applicant: Peyton and Byrne

Officer: Sonia Gillam 292265

Approved on 05/11/13 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 floor boards shall be retained in situ beneath the new floor coverings unless otherwise 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.

BH2013/03078

58 Compton Avenue Brighton

Erection of single storey rear extension and formation of access with steps to basement level at rear incorporating associated landscaping.

Applicant: Fraser Laing

Officer: Andrew Huntley 292321

Refused on 04/11/13 DELEGATED

1) UNI

The proposed rear extension is poorly related to the host dwelling and would be harmful to the original plan form of the building to the detriment of the character and appearance of the existing dwelling and the West Hill Conservation Area. Therefore, the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12.

2) UNI2

The proposed extension, by reason of its height, depth and positioning would have a detrimental impact on the residential amenity of number 58a Compton Road by way of outlook and loss of sunlight/daylight. The proposal is therefore contrary to Policy QD27 of the Brighton & Hove Local Plan.

BH2013/03165

125A & 125B Queens Road Brighton

Display of 3no externally illuminated fascia signs and 1no externally illuminated hanging sign.

Applicant: Wm Morrison Supermarkets PLC

Officer: Andrew Huntley 292321

Approved on 13/11/13 DELEGATED

1) UNI

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) UNI

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

3) UNI

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.

4) UNI

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) UNI

No advertisement shall be sited or displayed so as to -

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) UNI

The illumination of the advertisement shall be non-intermittent.

Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

7) UNI

The trough lighting shall be the same colour as the fascia background and thereafter retained as such.

Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

8) UNI

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

BH2013/03201

84-86 London Road Brighton

Change of use from retail (A1) to café/restaurant (A3) incorporating new shop front and ventilation ducting and vents to rear.

Applicant: Loungers Ltd

Officer: Anthony Foster 294495

Approved on 20/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.

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

3) UNI

The use hereby permitted shall not be open to customers except between the hours of 08:00 and 23:30 on Mondays to Saturdays and 09:00 and 23:00 on Sundays, Bank or Public Holidays.

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

4) UNI

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.

5) UNI

No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

6) UNI

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.

7) UNI

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

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

8) UNI

The development hereby permitted shall be carried out in accordance with 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			17/09/2013
Existing Details	LNG2961.01B	B	17/09/2013
Proposed Details	LNG2961.02	C	17/09/2013
Proposed Shopfront Section	LNG2961.04		24/09/2013

9) UNI

No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 0800 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.

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

BH2013/03397

20 Vine Street Brighton

Creation of roof terrace to the rear at the first floor level. Insertion of window to side at ground floor level and rear at first floor level.

Applicant: Mr James Cairns

Officer: Andrew Huntley 292321

Approved on 14/11/13 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 bathroom window in the western 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.

3) UNI

Prior to the first use of the terrace, the proposed screen as shown on the approved plans shall be erected and shall thereafter be permanently retained as such.

Reason: To safeguard the amenities of the occupiers of nearby properties and to

comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			07.10.2013
Block Plan			07.10.2013
Existing Plans and Elevations	123 SRV 001	A	07.10.2013
Proposed Plans and Elevations	123 EXT 001	A	07.10.2013
Proposed Front Elevation	123 EXT 002	A	07.10.2013
Proposed Side Elevation	123 EXT 003	A	07.10.2013

WITHDEAN

BH2013/02475

33 Redhill Drive Brighton

Erection of two storey rear extension.

Applicant: Paul Dunk

Officer: Adrian Smith 290478

Approved on 06/11/13 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
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) UNI

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.

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 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) UNI

The external finishes of the development hereby permitted shall match in

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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.

BH2013/02486

23 Millcroft Brighton

Construction of front dormer

Applicant: Mr M Omoyinmi

Officer: Jason Hawkes 292153

Approved on 08/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			19th July 2013
Site Plan			19th July 2013
Drawing as Existing	A/01/029		18th October 2013
Proposed Front Dormer	03/029		30th October 2013

BH2013/02524

8 Inwood Crescent Brighton

Erection of two storey two bedroom dwelling.

Applicant: Mrs Maxine Stoddart

Officer: Guy Everest 293334

Approved on 18/11/13 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 dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

3) UNI

The ground floor shall not be used other than for purposes incidental to the residential use of the hereby approved dwellinghouse.

Reason: In order to protect the amenities of adjacent properties and in

accordance with policy QD27 of the Brighton & Hove Local Plan.

4) 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.

5) UNI

No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

6) UNI

Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossover to the Millers Road frontage of the site back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

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

7) 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, planting of the development including the sedum roof, 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.

8) UNI

No development shall take place until details of boundary screening, which shall include privacy screening to outdoor amenity spaces, have been submitted to and approved in writing by the Local Planning Authority. The screening shall be erected in accordance with the agreed details prior to the outdoor amenity spaces being first used as such. The boundary treatments shall be retained in accordance with the agreed details thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to protect neighbouring residential amenity, and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

9) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no 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.

10) UNI

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

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

11) UNI

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.

12) UNI

The development hereby permitted shall be carried out in accordance with 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	5036/PL/001		25/07/2013
Garden Layout - Existing	5036/PL/010		25/07/2013
East Elevation Existing	5036/PL/011		25/07/2013
South Elevation Existing	5036/PL/012		25/07/2013
North Elevation Existing	5036/PL/013		25/07/2013
Section AA Existing	5036/PL/014		25/07/2013
Section BB Existing	5036/PL/015		25/07/2013
Garden Layout Proposed	5036/PL/020		25/07/2013
East Elevation Proposed	5036/PL/021		25/07/2013
South Elevation Proposed	5036/PL/022		25/07/2013
North Elevation Proposed	5036/PL/023		25/07/2013
Section AA Proposed	5036/PL/024		25/07/2013
Section BB Proposed	5036/PL/025		25/07/2013
Ground Floor Plan Proposed	5036/PL/026		25/07/2013
First Floor Plan Proposed	5036/PL/027		25/07/2013

13) UNI

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

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

BH2013/02535

The Excelsior London Road Brighton

Creation of 9no additional car parking spaces.

Applicant: The Excelsior Brighton Ltd

Officer: Jason Hawkes 292153

Approved on 07/11/13 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 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.

3) UNI

The development hereby permitted shall not be commenced until details of the proposed secure 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.

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	1653/01		25th July 2013
Existing Site Plan	1653/02	A	25th July 2013
Proposed Site Plan	1653/03	F	17th October 2013
Vehicle Tracking & Turning	1653/04	A	17th October 2013

BH2013/02675

87 Wayland Avenue Brighton

Rear ground floor level extension, hip to gable roof extensions, creation of additional dormer to rear and installation of 4no rooflights (amended description)

Applicant: Dareen Champion

Officer: Steven Lewis 290480

Approved on 14/11/13 DELEGATED

1) BH01.01

Report from: 31/10/2013 to: 20/11/2013

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

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

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

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

3) UNI

No extension, enlargement, alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes B & C of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 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			02/08/2013
Block Plan (existing)			02/08/2013
Block Plan (Proposed)			02/08/2013
Floor plans, & Section (existing)	1		02/08/2013
Elevations (existing)	2		02/08/2013
Floor Plans (proposed)	3	A	18/10/2013
Elevations (proposed)	4	A	18/10/2013

5) UNI

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

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

BH2013/02731

302 Dyke Road Brighton

Erection of two storey rear extension.

Applicant: Mr Hywel Jones

Officer: Guy Everest 293334

Report from: 31/10/2013 to: 20/11/2013

Approved on 19/11/13 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 policy QD14 of the Brighton & Hove Local Plan.

3) UNI

The first floor windows to the southern elevation 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

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 & Block Plan	CH 563/001		08/08/2013
Existing Plans	CH 563/002		08/08/2013
Existing Elevations & Sections	CH 563/003		08/08/2013
Existing Elevations & Sections	CH 563/003		08/08/2013
Proposed Plans	CH 563/005		08/08/2013
Proposed Elevations	CH 563/006		08/08/2013
Proposed Sections	CH 563/006		08/08/2013

BH2013/02825

36 & 38 Loder Road Brighton

Erection of single storey rear extensions to both properties.

Applicant: Martin Payne & Vanessa Radcliffe

Officer: Jason Hawkes 292153

Approved on 04/11/13 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 works hereby permitted shall not commence until documentary evidence (in

the form of a proposed timescale and signed contracts by all interested parties) for the works hereby approved has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the development will be constructed in its entirety concurrently to both 36 & 38 Loder Road. The works shall be carried out to within the approved timescale unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of adjacent properties and in accordance 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			15th August 2013
Location Plan			15th August 2013
Plans - Existing	786/S/1		15th August 2013
Elevations & Sections - Existing	786/S/2		15th August 2013
Plans - Proposed	786/P/1		15th August 2013
Elevations & Sections - Proposed	786/P/2		15th August 2013

BH2013/02881

25 Harrington Villas Brighton

Creation of vehicle crossover and partial removal of front boundary wall.

Applicant: Dr Steve Singh

Officer: Mark Thomas 292336

Refused on 01/11/13 DELEGATED

1) UNI

The proposal would result in the loss of the original form of the front wall and an attractive area of planted garden in a street strongly defined by these positive characteristics. As such, the proposals would unbalance the semi-detached pair and would harm the rhythm of the street. It is therefore considered that the proposal would harm the character and appearance of the Preston Park Conservation Area and is contrary to policy HE6 of the Brighton & Hove Local Plan and to SPD09: Architectural features and SPD12: Design guide for extensions and alterations.

BH2013/02895

346 Dyke Road Brighton

Remodelling of existing dwelling incorporating a loft conversion, raising of ridge height, hip to gable roof extensions, installation of ramp and creation of balcony to front elevation. Conversion of garage to habitable accommodation, removal of conservatory to rear, alterations to fenestration and associated works.

Applicant: Mr & Mrs Peter Coleman

Officer: Helen Hobbs 293335

Refused on 05/11/13 DELEGATED

1) UNI

The proposed roof extensions, particularly the side gables and overly complicated roof form, would result in an overly dominant and bulky form of development that would result in the dwelling having a top heavy three storey appearance, out of keeping with the character and appearance of the existing property, street scene and the surrounding area. The proposal is therefore contrary to policies QD14 of

the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide on Extensions and Alterations (SPD12).

2) UNI2

The proposed front projection would appear an overly dominant addition to the street which in association with the proposed window proportions, recessed upper floors and detailing create a poorly balanced front elevation. These elements of the development are considered undesirable design features of both the proposed building and wider street scene and would detract from the existing character and appearance of the area. The proposal is therefore contrary to policies QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide on Extensions and Alterations (SPD12).

BH2013/02908

80 Regency Court Withdean Rise Brighton

Replacement of existing timber framed windows with UPVC windows. (Retrospective)

Applicant: Gill Hermida

Officer: Emily Stanbridge 292359

Approved on 04/11/13 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 map			23.08.2013
Window elevations	1026-PL02		10.09.2013
Photographs	1026-PL01	A	10.09.2013
Product guide			10.09.2013

BH2013/02921

9 The Beeches Brighton

Application for approval of details reserved by condition 6 of application BH2012/03681.

Applicant: Mr Santino Sarri

Officer: Helen Hobbs 293335

Refused on 18/11/13 DELEGATED

BH2013/02976

11 Surrenden Crescent Brighton

Demolition of existing dwelling and erection of 1no detached dwelling.

Applicant: Mr James Oliver

Officer: Adrian Smith 290478

Approved on 31/10/13 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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows or doors other than those expressly authorised by this permission shall be constructed in the east or west side elevations of the extension hereby permitted without planning permission obtained from the Local Planning Authority.

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

3) UNI

No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule, 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

All windows in the first and second floor east and west side elevations 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.

5) UNI

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

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

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

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.

8) 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.

9) UNI

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

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

10) UNI

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

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

11) UNI

No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

12) UNI

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

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

13) UNI

The development hereby permitted shall be carried out in accordance with 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 floor plans	A.001		29/08/2013
Existing elevations	A.002 A.003		29/08/2013
Proposed block plan	D.005		02/09/2013
Proposed floor plans	D.001 D.004		29/08/2013
Proposed elevations	D.002 D.003		29/08/2013

14) 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.

BH2013/03076

15 Bates Road Brighton

Erection of single storey rear extension.

Applicant: David Brook

Officer: Mark Thomas 292336

Refused on 04/11/13 DELEGATED

1) UNI

The proposed extension, by virtue of its height, depth, positioning and proximity to the shared boundary with no. 17 Bates Road, would have an overbearing impact on occupiers of this neighbouring property, resulting in a loss of outlook, overshadowing and an increased sense of enclosure. As such, the proposed development would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, and to guidance within Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

2) UNI2

The proposed extension would extend beyond the rear wall of the outrigger, detracting from the original plan of the building. The footprint of the extension in combination with its excessive projection would result in the recipient property having an overextended appearance, detracting from the character and appearance of the recipient dwelling. As such, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan, and to guidance within Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

BH2013/03175

57 Friar Road Brighton

Erection of single storey rear extension and installation of rooflights to front, side and rear elevations.

Applicant: Mrs R Gardner

Officer: Helen Hobbs 293335

Approved on 14/11/13 DELEGATED

Report from: 31/10/2013 to: 20/11/2013

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed plan	0260.PL.001		17th September 2013
Proposed elevations	0260.PL.002		17th September 2013
Existing Plans	0260.EXG.001	A	17th September 2013
Existing section and elevations	0260.EXG.002		17th September 2013

BH2013/03197

134 Valley Drive Brighton

Erection of single storey rear extension and conversion of existing garage into habitable room with new pitched roof over and associated external alterations.

Applicant: Mr & Mrs Field

Officer: Helen Hobbs 293335

Approved on 18/11/13 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 ground floor and roof plans	2013/16/01		17th September 2013
Existing elevations	2013/16/02		17th September

			2013	
Proposed ground floor and roof plan	2013/16/02		17th 2013	September
Proposed elevations	2013/16/11	A	20th 2013	September
Site location and block plans	2013/16/12		17th 2013	September

BH2013/03208

46 Tongdean Lane Brighton

Demolition of existing concrete rear patio and erection of rear conservatory and replacement of rear porch and steps.

Applicant: Roderick MacFie

Officer: Mark Thomas 292336

Refused on 14/11/13 DELEGATED

1) UNI

The proposed extension and the adjoining porch, by virtue of their combined height, scale, protrusion and elevated position would be a prominent and bulky addition, which would not appear as a subservient addition to the main house. The extension would appear incongruous to the detriment of the visual amenities of the property and the wider street scene. As such, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan, and to guidance within Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

BH2013/03225

45 Glen Rise Brighton

Formation of first floor level with front balcony, single storey front and rear extensions, front porch, two storey side extension and erection of front boundary wall with gated entrance/exits.

Applicant: Mr Robin Lloyd

Officer: Steven Lewis 290480

Refused on 14/11/13 DELEGATED

1) UNI

The proposed extensions to create a two-storey dwellinghouse, by reason of their form, scale, detailing, design and use of materials, would create a disjointed and incoherent design which would fail to sufficiently respond to the prevailing character and appearance of adjoining properties and the wider surrounding area. The resulting dwellinghouse would appear unduly isolated and incongruous in views along the street and the proposal is contrary to the aims of policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD 12 - Design Guide for Extensions and Alterations.

2) UNI2

The proposed front boundary wall by reason of its design and height in relation to surrounding frontages would be out of keeping with the relatively open character and appearance of the surrounding area and would create an unduly prominent and incongruous addition to the street scene. The proposal is therefore contrary to the aims of local plan policies QD2 and QD14 of the Brighton & Hove Local Plan.

BH2013/03237

Ground & First Floor Flat 45 Tivoli Crescent Brighton

Replacement of existing timber framed windows and doors with UPVC units.

Applicant: John & Brenda Bishop

Officer: Helen Hobbs 293335

Approved on 15/11/13 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	T84PW/FP/01		20th September 2013
Proposed door D1	T84PW/FP/02		20th September 2013
Proposed ground floor bay window	T84PW/FP/03		20th September 2013
Proposed first floor bay window	T84PW/FP/04		20th September 2013
Window as proposed	T84PW/FP/05		20th September 2013
Proposed door D2	T84PW/FP/06		20th September 2013
Photographs			20th September 2013
Window specification			20th September 2013

BH2013/03242

38 Maldon Road Brighton

Erection of single storey rear extension.

Applicant: Mr Andy Barr

Officer: Mark Thomas 292336

Approved on 11/11/13 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	L-100		23rd September 2013
Block plan	L-101		23rd September 2013
Existing plans and elevations	L-102		23rd September 2013

Proposed plans and elevations	L-103	Rev. A	23rd September 2013
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BH2013/03259

48A Surrenden Crescent Brighton

Erection of single storey rear extension to replace existing conservatory.

Applicant: Mr John Wade

Officer: Liz Arnold 291709

Approved on 14/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and Proposed Plans	jj/01/surrenden cres		26th September 2013
Existing and Proposed Elevations	Jj/02/surrenden cres		24th September 2013

BH2013/03269

66 Loder Road Brighton

Erection of single storey rear extension.

Applicant: Miss Christine Berry

Officer: Helen Hobbs 293335

Approved on 19/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	CH533/001	A	24th September 2013
Existing plans	CH533/002		24th September 2013
Existing elevations and	CH533/003		24th September

sections			2013
Proposed plans	CH533/004	A	24th September 2013
Proposed elevations and sections	CH533/005	A	24th September 2013

BH2013/03270

35 Bates 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 4.5m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.8m.

Applicant: Reuben Shaljean

Officer: Chris Swain 292178

Prior approval not required on 04/11/13 DELEGATED

BH2013/03276

8 Bramble Rise Brighton

Erection of single storey rear extension, demolition of existing garage and other associated alterations.

Applicant: Oliver Dorman

Officer: Liz Arnold 291709

Refused on 18/11/13 DELEGATED

1) UNI

The proposed rear extension, by virtue of its design, detailing, scale and positioning, which includes the intersection with the existing rear roofslope of the dwelling, would result in an extension which poorly relates to the existing bungalow and which would be a visually intrusive and an unsympathetic extension to the dwelling. As such the proposal would result in an extension which would be of detriment to the visual amenities of the parent property, the Bramble Rise street scene and the wider area, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

2) UNI2

The provision of a sunscreen and flue, which would be of an excessive height, would result in the provision of incongruous features to the rear of the property which would be of detriment to the visual amenities of the parent property, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

BH2013/03574

7 Shepherds Croft Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable rear roof extension, 2no side dormers and 2no rooflights to front and side.

Applicant: Karin Yardy

Officer: Christopher Wright 292097

Approved on 13/11/13 DELEGATED

EAST BRIGHTON

BH2013/01917

67 Swanborough Drive Brighton

Certificate of Lawfulness for a proposed loft conversion incorporating side and rear dormers and rooflights to front elevation.

Applicant: Mr Jim Sadler

Officer: Jonathan Puplett 292525
Approved on 31/10/13 DELEGATED

BH2013/02247

47 Princes Terrace Brighton

Extension of existing balcony by 1 metre.

Applicant: Mr Pim Van Weelden

Officer: Andrew Huntley 292321

Approved on 05/11/13 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 drawings illustrating a privacy screen at a scale of 1:20 or greater, have been submitted to and approved in writing by the Local Planning Authority. The approved screen shall be erected in accordance with the approved details prior to the first use of the extended balcony and retained as such thereafter.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location plan			17.09.2013
Block plan			17.09.2013
Existing side elevation of back of house			17.09.2013
Existing elevation of back of house			17.09.2013
Existing plan of garden and rear of house			17.09.2013
Proposed side elevation of back of house			17.09.2013
Proposed elevation of back of house			17.09.2013
Proposed plan of garden and rear of house			17.09.2013
Existing and proposed balcony extension			17.09.2013

BH2013/02364

4 Bennett Road Brighton

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

Applicant: Mrs Helen Lyons

Officer: Wayne Nee 292132

Approved on 06/11/13 COMMITTEE

1) UNI

The development hereby permitted shall be carried out in accordance with the

Report from: 31/10/2013 to: 20/11/2013

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			15 July 2013

2) UNI

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.

3) UNI

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.

BH2013/02736

1 Chesham Place Brighton

Alterations to paving slabs to the front bottom step, replacement of existing valley and box gutter finishes and roof renovation, removal of existing external staircase to rear and creation of new staircase, replacement of existing timber fascias, alterations to fenestration, alterations to wrought iron railings to balcony and entrance/footpath, alterations to rear extension to extend roof, refurbishment works to the rear boundary walls and other associated works.

Applicant: John Brewer

Officer: Wayne Nee 292132

Approved on 13/11/13 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 dimensions and profiles of any new parts to the cast iron railings and spindles of the new steps hereby approved shall match exactly the existing.

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.

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
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			Received
Heritage Statement			02 October 2013
Design and Access Statement			02 October 2013
Existing floor plans and elevations	13125/01	C	02 October 2013
Proposed floor plans, elevations and details	13125/02	D	02 October 2013
Proposed floor plans and details	13125/03	E	02 October 2013

BH2013/02808

3-4 Paston Place Brighton

Conversion of existing House in Multiple Occupation (Sui Generis) and offices (B1) to form 2no houses (C3) with associated alterations including demolition of existing lower ground floor extension and removal of external staircase to rear elevation.

Applicant: Simon Meredith

Officer: Adrian Smith 290478

Refused on 14/11/13 DELEGATED

1) UNI

Insufficient information has been submitted to demonstrate that the basement level offices are genuinely redundant and unsuitable for continued employment use, contrary to policies EM5 & EM6 of the Brighton & Hove Local Plan.

2) UNI2

The applicant has failed to adequately justify the loss of HMO accommodation, contrary to policy HO14 of the Brighton & Hove Local Plan.

BH2013/02880

Flat 8 11 Chichester Terrace Brighton

Application for variation of condition 2 of application BH2013/00925 (Internal alterations to layout of flat and erection of single storey front extension incorporating revised rear fenestration) to permit installation of pipe work to rear elevation.

Applicant: Mr Chris Pitchford

Officer: Andrew Huntley 292321

Approved on 07/11/13 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	030	A	04.09.2013
Block Plan	060	A	22.04.2013
Existing Plans	001		21.03.2013
Existing Plans and Elevation-3rd and 4th Floors	002		21.03.2013
Existing primary Elevation	003		21.03.2013
Proposed primary Elevation	020		11.06.2013
Proposed Rear Elevation	501	A	04.09.2013

BH2013/03006

7A Paston Place Brighton

Replacement of existing timber framed windows and door to UPVC windows and french doors.

Applicant: Matthew Killen

Officer: Emily Stanbridge 292359

Approved on 31/10/13 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
Site Location Plan			02.09.2013
Block Plan			02.09.2013
Photographs			02.09.2013
Window specifications			05.09.2013
Product specifications brochure			02.09.2013

BH2013/03067

Caravan Site Sheepcote Valley Brighton

Creation of 28no all weather caravan pitches to match existing on site.

Applicant: The Caravan Club

Officer: Chris Swain 292178

Approved on 06/11/13 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 site plan	SHV-2013-P-1 01		11 September 2013
Proposed all weather pitches	SHV-2013-P-1 02		11 September 2013
Proposed site plan	SHV-OS		11 September 2013

BH2013/03136

Sussex Square Service Station 236 Eastern Road Brighton

Display of internally illuminated site identification sign.

Applicant: Rontec Service Stations IA Ltd

Officer: Wayne Nee 292132

Report from: 31/10/2013 to: 20/11/2013

Refused on 06/11/13 DELEGATED

1) UNI

The proposed illuminated site identification sign, in combination with previously approved scheme for a site identification sign and the existing advertisements on the site, would result in a proliferation of signage and would have a cluttered appearance that would be detrimental to the visual amenities of the locality. The proposal would therefore be contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07: Advertisements.

BH2013/03179

29 Reading Road Brighton

Certificate of Lawfulness for proposed hip to gable roof extension incorporating side window and front rooflights.

Applicant: Doug Kerr

Officer: Chris Swain 292178

Approved on 11/11/13 DELEGATED

BH2013/03184

51 Upper Abbey Road Brighton

Certificate of Lawfulness for proposed single storey side/rear extension and associated alterations.

Applicant: Mr N Eames

Officer: Chris Swain 292178

Approved on 11/11/13 DELEGATED

HANOVER & ELM GROVE

BH2013/00908

112-113 Lewes Road Brighton

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 and associated external alterations.

Applicant: Mr Chester Hunt

Officer: Anthony Foster 294495

Approved on 05/11/13 COMMITTEE

1) UNI

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) UNI

The development hereby permitted shall be carried out in accordance with 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

3) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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

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

12) UNI

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

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

13) UNI

The 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) UNI

No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

15) 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.

16) UNI

No works pursuant to this permission shall commence 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; 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 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) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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

18) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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) UNI

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

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

BH2013/02558

76 Washington Street Brighton

Change of use from residential dwelling (C3) to small House in Multiple Occupation (C4).

Applicant: Ruskin Spiers

Officer: Sue Dubberley 293817

Refused on 07/11/13 DELEGATED

1) UNI

The proposed change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

BH2013/02817

243 Hartington Road Brighton

Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments.

Applicant: Mr M Knight

Officer: Jonathan Puplett 292525

Refused on 01/11/13 DELEGATED

1) UNI

The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

BH2013/02911

4 Ryde Road Brighton

Erection of single storey rear extension.

Applicant: Mr Terry Blount

Officer: Andrew Huntley 292321

Refused on 31/10/13 DELEGATED

1) UNI

The proposed extension, by virtue of its design, size and siting would result in a visually awkward and poorly related addition to the property, which is also unsympathetic to the design of the existing dwelling. As a result, the proposal 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.

BH2013/03128

Former Nurses Accommodation Brighton General Hospital Pankhurst Avenue Brighton

Application for approval of details reserved by conditions 27 and 28 of application BH2010/01054.

Applicant: Denne Construction

Officer: Anthony Foster 294495

Approved on 07/11/13 DELEGATED

BH2013/03303

134 Islingword Road Brighton

Conversion of ground and lower ground floor pianola repair premises to a 2no bedroom maisonette with associated alterations including new French doors within enlarged rear light well, removal of rear fire escape and replacement of shop front with entrance door and window.

Applicant: Bourne Property Developments

Officer: Adrian Smith 290478

Refused on 19/11/13 DELEGATED

1) UNI

Insufficient evidence has been provided to demonstrate that a retail unit is genuinely redundant and economically unviable for retention in this location, contrary to policy SR8 of the Brighton & Hove Local Plan.

2) UNI2

The proposed alterations to the shopfront, by virtue of the window arrangement and inclusion of a second domestic entrance doorway to the building's frontage, represent an incongruous arrangement that would result in excessive clutter to the detriment of the appearance of the building and wider Valley Gardens Conservation Area, contrary to policies QD14 & HE6 of the Brighton & Hove Local Plan.

3) UNI3

The proposed residential accommodation, by virtue of the limited availability of natural light and enclosed outlook to the basement living space, would result in a gloomy and oppressive environment for future occupiers leading to a sense of enclosure contrary to policy QD27 of the Brighton & Hove Local Plan.

HOLLINGDEAN & STANMER

BH2013/02677

Land North of Lewes Court University of Sussex Brighton

Application for approval of details reserved by condition 15 of application

BH2012/00485.

Applicant: University of Sussex
Officer: Anthony Foster 294495
Approved on 08/11/13 DELEGATED

BH2013/02845

5 Hawkhurst Road Brighton

Erection of semi-detached two bedroom dwelling incorporating associated alterations to existing dwelling.

Applicant: Mr P Baker
Officer: Andrew Huntley 292321
Approved on 15/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

No extension, enlargement or other alteration of the dwellinghouse(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.

3) UNI

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

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

4) UNI

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

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

5) 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.

6) 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.

7) UNI

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

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

8) UNI

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

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

9) UNI

Notwithstanding the approved drawings, details of all three external entrances demonstrating they meet Lifetime Homes standard shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

10) UNI

No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 5 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

11) UNI

The residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

12) UNI

The development hereby permitted shall be carried out in accordance with 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			19.08.2013
Block Plan			20.09.2013
Survey as Existing	A/01/048		19.08.2013
Proposed Plans and Elevations	A/02/048		20.09.2013

13) UNI

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

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

BH2013/03095

208 Ditchling Road Brighton

Change of use from single dwelling (C3) to small House in Multiple Occupation (C4).

Applicant: Robert Heppell

Officer: Sue Dubberley 293817

Approved on 11/11/13 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
Site plan			16/09/13
Proposed layout	342/P01		16/09/13
Existing layout	342/P01		16/09/13

BH2013/03113

69 Hollingdean Terrace Brighton

Certificate of lawfulness for proposed dormer to the rear and 3no rooflights to the front.

Applicant: S Morgan

Officer: Sonia Gillam 292265

Approved on 07/11/13 DELEGATED

BH2013/03150

37 Hawkhurst Road Brighton

Erection of two storey side extension with extension to roof over.

Applicant: Mrs Sonia Mathers & Mr Peter Mathers

Officer: Andrew Huntley 292321

Refused on 13/11/13 DELEGATED

1) UNI

The proposal would not have a subordinate appearance that retains the integrity of the original building but would appear as a visually dominant, poorly articulated and discordant feature on the terrace and within the street scene. Furthermore, the side elevation of the proposal would not enhance the appearance of the property or the surrounding area, as it would be seen as a large expanse of render as there are only two windows at ground floor level and the projections beyond the main building line are not articulated. In addition, the proposed side extension would harm the appearance of the street scene by excessively infilling the rhythm of spaces between the buildings, removing the continuity within the existing street scene. Therefore the proposal is contrary to Policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

BH2013/03183

140 Hollingbury Road Brighton

Conversion of existing dwelling to form 3no self contained flats including demolition of single storey rear extension and erection of pitched roof single storey side and rear extension, partial demolition of garage, loft conversion incorporating front and rear rooflights and rear dormer and associated works.

Applicant: Tom Arnold

Officer: Adrian Smith 290478

Refused on 11/11/13 DELEGATED

1) UNI

Policy HO9 of the Brighton & Hove Local Plan seeks to retain smaller family dwellings up to 115sqm in floor area or with more than three bedrooms as originally built. The building has an original floor area of less than 115sqm and three bedrooms, thereby failing to meet the threshold for conversion set by policy HO9, and does not include a unit of residential accommodation within the development suitable for family occupation. The scheme is therefore contrary to

policy HO9 of the Brighton & Hove Local Plan.

2) UNI2

The proposed two-bedroom flats, by virtue of their limited size and layout, represent a cramped and sub-standard form of residential accommodation unsuitable for family occupation and an overdevelopment of the site, contrary to policies HO9 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed side extension, by virtue of its scale projecting beyond the original main side wall to the building, represents an excessively scaled and harmful addition that would excessively disrupt the original plan form of the building and be a highly visible and harmful addition in the street scene, contrary to policy QD14 of the Brighton & Hove Local Plan and the design guidance set out in SPD12' Design guide for extensions and alterations'.

4) UNI4

The proposed development, by virtue of the use of timber fence panels within the front and side boundary walls and the inclusion of four entrance doors in the west side elevation, represents an uncharacteristic use of materials and excessive clutter that would be harmful to the appearance of the building and the wider street scene, contrary to policy QD14 of the Brighton & Hove Local Plan and the design guidance set out in SPD12' Design guide for extensions and alterations'.

5) UNI5

The proposed roof extensions, by virtue of the design, scale and position of the rear dormer and the positioning of a rooflight adjacent, fail to represent suitably designed or proportionate additions to the roof of the building. They would be highly visible and incongruous additions that would clutter the appearance of the roof of the building when viewed from along Hollingbury Park Avenue, contrary to policy QD14 of the Brighton & Hove Local Plan and the design guidance set out in SPD12' Design guide for extensions and alterations'.

BH2013/03203

53 Hollingbury Road Brighton

Change of use from residential dwelling (C3) to house in multiple occupation (Sui Generis). (Retrospective)

Applicant: Millhouse Enterprises Ltd

Officer: Anthony Foster 294495

Refused on 14/11/13 DELEGATED

1) UNI

The change of use from dwellinghouse (Class C3) to House in Multiple Occupation (Sui Generis) fails to support a mixed and balanced community and results in the area being imbalanced by the level of similar such uses, to the detriment of local amenity. The use 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.

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 proposal by virtue of the lack of shared communal spaces, restricted usable head height at second floor within the roof space, and cramped form results in a substandard level of accommodation that would be detrimental to the residential amenity of future occupiers and is contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/03232

Flat 1 21 Hollingbury Park Avenue Brighton

Erection of a single storey rear extension.

Applicant: Erin Brinstoe

Officer: Robin Hodgetts 292366

Refused on 20/11/13 DELEGATED

1) UNI

The proposed extension would extend beyond the rear wall of the outrigger, detracting from the original plan of the building. The footprint of the extension in combination with its excessive projection would result in the recipient property having an overextended appearance, detracting from its character and appearance. As such, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan, and to guidance within Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

2) UNI2

The proposed extension by reason of its siting, height and excessive depth along the shared boundary would cause an unacceptable degree of harm to the neighbouring properties at Nos. 19 and 23 Hollingbury Park Avenue by reason of a loss of light and increased sense of enclosure. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

BH2013/03250

Varley Halls of Residence Coldean Lane Brighton

Application for Approval of Details Reserved by Conditions 22 and 30 of application BH2010/00235.

Applicant: University of Brighton

Officer: Anthony Foster 294495

Approved on 18/11/13 DELEGATED

BH2013/03257

354 Ditchling Road Brighton

Erection of single storey rear extension.

Applicant: Mr Mark Lebihan

Officer: Emily Stanbridge 292359

Approved on 18/11/13 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
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			Received
Site and location plans	73/SITE/01		23.09.2013
Existing ground floor plan	PD/141/01		23.09.2013
Existing elevations	PD/141/02		23.09.2013
Proposed floor plans	73/PROP/100		23.09.2013
Proposed elevations	73/PROP/200		23.09.2013

MOULSECOOMB & BEVENDEAN

BH2013/02561

30 Colbourne Avenue Brighton

Change of use from dwellinghouse (C3) to house in multiple occupation (Sui Generis) (Retrospective).

Applicant: Mrs Elizabeth Smith

Officer: Jonathan Puplett 292525

Refused on 01/11/13 DELEGATED

1) UNI

The change of use from dwellinghouse (Class C3) to House in Multiple Occupation (Sui Generis) fails to support a mixed and balanced community and results in the area being imbalanced by the level of similar such uses, to the detriment of local amenity. The use 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.

QUEEN'S PARK

BH2013/00754

Eastern Bathing Pavilion Lower Promenade Madeira Drive Brighton

Change of use from amusement arcade (sui generis) to retail shop (A1). (Retrospective)

Applicant: Paramount Entertainments Ltd

Officer: Andrew Huntley 292321

Approved on 13/11/13 DELEGATED

1) UNI

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 within 3 months of the date of this permission. The plan shall also include measures to minimise the impact deliveries have on the transport network. All deliveries 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 S10, QD27 and TR7 of the Brighton & Hove Local Plan.

BH2013/02591

7 College Road Brighton

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.

Applicant: Dr Jasmin Islam

Officer: Kathryn Boggiano 292138

Approved on 05/11/13 DELEGATED

Report from: 31/10/2013 to: 20/11/2013

1) UNI

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.

2) UNI

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.

BH2013/02747

5 Steine Street Brighton

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.

Applicant: Oazo Ltd

Officer: Jonathan Puplett 292525

Refused on 06/11/13 COMMITTEE

1) UNI

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.

BH2013/02806

3 Broad Street Brighton

Erection of rear extension at first and second floor level and associated external alterations including the increase in height of the existing rear extension and alterations to fenestration.

Applicant: Mr Bastian Trachte and Stephanie Palancino

Officer: Chris Swain 292178

Refused on 08/11/13 DELEGATED

1) UNI

The detail and accuracy of the submitted drawings are inadequate to make a comprehensive assessment of the application and the resultant visual impact on the existing building and the wider East Cliff Conservation Area. The application consequently cannot be fully considered against policies QD14 and HE6 of the Brighton & Hove Local Plan, or Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

2) UNI2

Notwithstanding the first reason for refusal, the proposed rear extension, by reason of height, design and depth is considered to result in an overly dominant element to the rear that would detract significantly from the appearance and character of the building and the wider East Cliff Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

BH2013/02809

42 Queens Park Rise Brighton

Erection of single storey rear infill extension.

Applicant: D Ellis-Hill

Officer: Wayne Nee 292132

Approved on 01/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or doors other than those expressly authorised by this permission shall be constructed on the side (south-western) elevation 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.

3) UNI

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

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed rear and side elevations	184QPR42/04		01 October 2013
Existing rear and side elevations	184QPR42/02		15 August 2013
Proposed plans	184QPR42/03		15 August 2013
Existing plans	184QPR42/01		15 August 2013

BH2013/03009

11 Princes Street Brighton

Installation of timber windows to front and side elevation.

Applicant: McMillan Williams Solicitors

Officer: Chris Swain 292178

Approved on 04/11/13 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			2 September 2013
Proposed front window			2 September 2013
Proposed side window			1 November 2013
Annotated photographic image			2 September 2013
Proposed window details and sections			2 September 2013

BH2013/03083

94 St James's Street Brighton

Application for approval of details reserved by conditions 5 and 8 of application BH2013/01335.

Applicant: Geneva Investment Group

Officer: Jonathan Puplett 292525

Approved on 11/11/13 DELEGATED

BH2013/03088

Ground & First Floor 12 Richmond Place Brighton

Prior approval for change of use from offices (B1) to residential (C3).

Applicant: Mr Laurence Harris

Officer: Christopher Wright 292097

Prior approval not required on 04/11/13 DELEGATED

BH2013/03096

29 Egremont Place Brighton

Conversion of existing dwelling into 3no self contained flats and associated works.

Applicant: The Property Shop

Officer: Adrian Smith 290478

Refused on 12/11/13 DELEGATED

1) UNI

Policy HO9 of the Brighton & Hove Local Plan seeks to retain smaller family dwellings. The proposed ground floor flat, by virtue of its limited size and layout, and lack of adequate daylight and outlook to the rear rooms, represents a cramped and sub-standard form of residential accommodation unsuitable for family occupation, contrary to policies HO9 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The first floor roof terraces would result in overlooking and loss of privacy for occupiers of the ground floor flat, contrary to policy QD27 of the Brighton & Hove Local Plan

BH2013/03147

31 Upper St James's Street Brighton

Alterations to third floor front and rear elevations and formation of first floor terrace to rear. (Part Retrospective).

Applicant: Mrs Z Trow

Officer: Adrian Smith 290478

Approved on 08/11/13 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	ADC579/BP		13/09/2013
Block plan	ADC579/BPB		13/09/2013
Existing plans and elevations	ADC579/01 ADC579/02A	A	13/09/2013
Proposed plans and elevations	ADC579/03 ADC579/04B	B	13/09/2013
Context roof terrace plans	ADC579/05		24/10/2013

2) UNI

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

3) UNI

The 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.

BH2013/03240

44 Grand Parade Brighton

Prior approval for change of use from offices (B1) to residential (C3) over basement, ground, first, second and attic floors to provide 4no flats.

Applicant: Farrington Property Developments

Officer: Christopher Wright 292097

Prior approval not required on 15/11/13 DELEGATED

BH2013/03258

20 Dawson Terrace Brighton

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Mrs Deirdre Fuller

Officer: Emily Stanbridge 292359

Approved on 12/11/13 DELEGATED

ROTTINGDEAN COASTAL

BH2013/01732

Flat 2 28 Sussex Square Brighton

Installation of iron hand rail to steps to basement flat.

Applicant: Ms Penelope Devonshire

Officer: Kate Brocklebank 292175

Approved on 04/11/13 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 handrail hereby approved shall be painted white within one month of installation and maintained as such thereafter.

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

3) UNI

The works hereby permitted shall be implemented only on behalf of Ms. Penelope Devonshire. The handrail shall be wholly removed from the premises and the background surfaces shall be made good to the original profiles in matching materials within 3 months of the cessation of occupation of Flat 2, 28 Sussex Square by Ms Penelope Devonshire.

Reason: This permission is granted exceptionally in view of the personal circumstances of the occupier of the ground floor flat and to protect the historic character and appearance of the listed building in accordance 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			11 June 2013
Proposed floor plan	1		28 May 2013
Elevation A	2		28 May 2013
Elevation B	3		28 May 2013
Handrail profile	4		28 May 2013

BH2013/01733

Flat 2 28 Sussex Square Brighton

Installation of iron hand rail to steps to basement flat.

Applicant: Ms Penelope Devonshire

Officer: Kate Brocklebank 292175

Approved on 04/11/13 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 works hereby permitted shall be implemented only on behalf of Ms. Penelope Devonshire. The handrail shall be wholly removed from the premises and the background surfaces shall be made good to the original profiles in matching materials within 3 months of the cessation of occupation of Flat 2, 28 Sussex Square by Ms Penelope Devonshire.

Reason: This permission is granted exceptionally in view of the personal circumstances of the occupier of the ground floor flat and to protect the historic character and appearance of the listed building in accordance with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

The handrail hereby approved shall be painted white within one month of installation and maintained 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.

BH2013/02459

Eagles Steyning Road Rottingdean

Erection of 4no bedroom dwelling incorporating double garage, with access from Steyning Road. (Part retrospective)

Report from: 31/10/2013 to: 20/11/2013

Applicant: Ms Karron Stephen-Martin

Officer: Liz Arnold 291709

Approved on 04/11/13 DELEGATED

1) UNI

Within 1 month of the date of this permission a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme. Two replacement trees should be marked on this plan to compensate for the loss of the Sycamore.

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.

2) UNI

The dwelling hereby approved shall not be occupied until access to the site and space within the site has been laid out in accordance with drawing no. P0002 received on the 13th September 2013, for parking and for vehicles to turn so that they may enter and leave the site in forward gear.

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

3) UNI

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

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

4) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on drawing no.P002A have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

5) UNI

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

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

6) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

7) UNI

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct

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

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

8) UNI

The terrace on the northern side of the dwelling shall not be brought into use until the obscured balustrading to the related staircase has been installed and shall be retained. The obscured balustrading screen 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.

9) 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 policies QD1 and HE6 of the Brighton & Hove Local Plan.

10) UNI

The driveway and hardstanding shall be finished with Marshalls Drivesett Tegula Original Block Paving (in Pennant Grey colour) and shall be retained as such thereafter.

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

11) UNI

The hereby approved dwellinghouse shall not be occupied until details of the boundary treatment(s) to the application site have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) shall be erected in accordance with the agreed details prior to first occupation of the dwellinghouse and shall be retained as such thereafter.

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

12) UNI

The development hereby permitted shall be carried out in accordance with 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			7th August 2013
Site Survey	01		7th August 2013
Proposed Site Plan	P002	A	13th September 2013
Proposed Upper Ground Floor Plan and Section	03	A	16th September 2013
Proposed LGF Plan and Elevations	04	A	16th September 2013
Unnumbered Plan (Entrance Ramp)			12th September 2013

13) UNI

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be

carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the 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.

14) UNI

The development hereby permitted shall not be occupied 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.

15) UNI

Within 1 month of the date of this permission a Soil Amelioration Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how soil within the root protection zone of tree 474 (a Poplar), as identified on drawing no. 01, shall be improved and aerated. The agreed statement shall be implemented prior to first occupation of the hereby approved dwellinghouse.

Reason: To protect 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 and Supplementary Planning Document 06, Trees and Development Sites.

16) UNI

Access to the flat roof over the dwelling and the garage 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.

17) UNI

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

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

BH2013/02515

Ovingdean Hall College Greenways Brighton

Non material amendment to BH2013/02517 to change the plant room on the ground floor into an additional student room.

Applicant: Mr T Racke

Officer: Sue Dubberley 293817

Approved on 12/11/13 DELEGATED

BH2013/02517

Ovingdean Hall College Greenways Brighton

Application for variation of condition 2 of application BH2011/03421 (Demolition of existing art block, mower store and part of pool building and construction of new student accommodation buildings providing 78 ensuite bedrooms, incorporating the conversion of existing gymnasium. Associated minor internal and external alterations, associated landscaping proposals and minor alterations to listed garden wall) to allow for omission of sedum roof covering from proposed development.

Applicant: Ovingdean Property Ltd

Officer: Sue Dubberley 293817

Approved on 05/11/13 DELEGATED

1) UNI

Not used.

2) UNI

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

3) UNI

During the construction works, no plant, machinery or materials shall be stored or operated within the Site of Nature Conservation Importance at any time.

Reason: To protect the SNCI from damage and to comply with accordance with policy NC4 of the Brighton & Hove Local Plan.

4) UNI

Development shall be carried out in accordance with the submitted material samples approved on 17/06/2013 under application reference BH2012/03299.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE3 and HE6 of the Brighton & Hove Local Plan.

5) UNI

Development shall be carried out in accordance with the sample panel of brickwork and pointing constructed on the site and approved on 4/07/2013 under application BH2013/00022.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE3 and HE6 of the Brighton & Hove Local Plan.

6) Development shall be carried out in accordance with the submitted details set out below which were approved on 4/07/2013 under application BH2013/00022 and approved on 17/06/2013 under application reference BH2012/03299:

- i) Sample elevations and sections at 1:20 scale of the building showing the arrangement and pattern of the external features including coloured rainscreen panels, bays, balconies, windows, doors, parapets, balustrades, copings, eaves, brises soleil,
- ii) details and sections at 1:5 scale of the eaves, copings, cills and door thresholds,
- iii) sectional profiles at 1:1 scale of window and door frames showing their relationship to their reveals and cills,
- iv) details of the rainwater goods
- v) details of all external lighting.
- vi) a 1:10 scale elevation showing the arrangement of the brick quoining around the new opening in the flint wall and the design of the gate.

Reason: To ensure a satisfactory appearance to the development and to comply

with policy HE3 and HE6 of the Brighton & Hove Local Plan.

6) UNI

Development shall be carried out in accordance with the submitted landscaping details approved on 4/07/2013 under application BH2013/00022.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 and HE3 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, QD15 and HE3 of the Brighton & Hove Local Plan.

8) UNI

Development shall be carried out in accordance with the submitted tree protection details approved on 4/07/2013 under application BH2013/00022.

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

9) UNI

The land within the application site shall be managed and maintained in accordance with the management plan approved on 4/07/2013 under application BH2013/00022.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

10) UNI

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

11) UNI

Development shall be carried out in accordance with the submitted cycle parking details approved on 17/06/2013 under application reference BH2012/03299. 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 and are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

12) UNI

Development shall be carried out in accordance with the submitted disabled parking details approved on 17/06/2013 under application reference BH2012/03299. 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 people with a mobility related disability are provided and to comply with policy TR18 of the Brighton & Hove Local Plan.

13) UNI

The fencing around the hard games court area and the timber building adjacent to the north service entrance shall be painted in accordance with the details approved on 17/06/2013 under application reference BH2012/03299, within one month of completion of the development hereby approved and before the buildings are occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

14) UNI

Prior to the commencement of the use of the buildings a Site Management Plan is to be submitted to and approved in writing by the Local Planning Authority. The Management Plan should address issues including late night noise and anti-social behaviour. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

15) UNI

The unauthorised lamp posts and post and rail fencing alongside the southern entrance drive shall be removed within one month of completion of the development hereby approved and before the buildings are occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

16) UNI

The parking spaces alongside the southern entrance drive and all their hard surfacing materials shall be removed in accordance with the approved layout plan and the ground shall be reinstated to grass. Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

17) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.0146.EXG.001, 002, 003, 004, 005, 006, 007, 100, 101, 150, 151, 200, 250, 300, 301, 350, 0146.PL.001, 010, 100, 101, 102, 150, 151, 152, 153, 300, 301, 310, 350, 351, 352, 800, 801, and 802, received on 8 November 2011, drawing no. 0146.PL.302 received on 25 November 2011, drawing no.0146.PL.001B received on 31 January 2012 and drawing no. 0146.PL.1001 and no. 0146.PL.3000A received on 30 July 2013.

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

BH2013/02618

93 Marine Drive Rottingdean Brighton

Application for Approval of Details Reserved by Conditions 10, 11, 12, 13, 14, 15, 16, 17 of application BH2012/03621.

Applicant: Mr & Mrs Morse

Officer: Anthony Foster 294495

Split Decision on 12/11/13 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 12 and 13a subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 10, 11, 13b, 14, 15, 16, and 17 are NOT APPROVED.

2) UNI2

Insufficient information in relation to the proposed scheme for the storage of refuse and recycling has been submitted in order for the details pursuant to condition 10 of the consent to be approved.

3) UNI3

Insufficient information in relation to the biodiversity roofs has been submitted in order for the details pursuant to condition 11 of the consent to be approved.

4) UNI4

Insufficient information in relation to the required Design Stage/Interim Code for Sustainable Homes Certificate in order for the details pursuant to condition 13b of the consent to be approved.

5) UNI5

Insufficient information in relation to the proposed scheme for the storage of cycles has been submitted in order for the details pursuant to condition 14 of the consent to be approved.

6) UNI6

Insufficient information in relation to the existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting, finished floor levels and ridge heights of the proposed building and neighbouring development have been submitted in order for the details pursuant to condition 15 of the consent to be approved.

7) UNI7

Insufficient information in relation to the retaining boundary wall structure, including cross section, depth of footings, retained height, thickness of wall and construction materials have been submitted in order for the details pursuant to condition 16 of the consent to be approved.

8) UNI8

Insufficient information in relation to the proposed the garage doors has been submitted in order for the details pursuant to condition 17 of the consent to be approved.

BH2013/02800

6 Westmeston Avenue Brighton

Alterations to rear including erection of raised terrace with steps to garden, roof alterations to existing rear extension and alterations to fenestration on rear and side elevations.

Applicant: Mr B Ridgway

Officer: Wayne Nee 292132

Approved on 04/11/13 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 glazed screens as shown on drawing no. 153WA6/08B to the north and south elevations of the terrace hereby approved shall consist of obscured glass and shall be fully installed before the new raised terrace is brought into use. The screens shall be permanently 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.

3) UNI

Access to the flat roof space over the storage area 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 ground floor	153WA6/01		14 August 2013
Existing roof plan	153WA6/02		14 August 2013
Existing rear elevation	153WA6/03		14 August 2013
Existing side elevations	153WA6/04		14 August 2013
Proposed ground floor	153WA6/05	B	30 September 2013
Proposed roof plan	153WA6/06	B	30 September 2013
Proposed rear elevation	153WA6/07	B	30 September 2013
Proposed side elevations	153WA6/08	B	30 September 2013
Existing and proposed front elevation	153WA6/09		14 August 2013

BH2013/02885

151 & 151A Marine Drive Brighton

Application for variation of condition 2 of application BH2012/01545 (Demolition of existing houses and erection of 3no detached dwellings.) to allow for minor material amendments.

Applicant: Homemakers of Brighton Ltd

Officer: Jonathan Puplett 292525

Approved on 31/10/13 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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses hereby approved shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan

3) UNI

All north facing (rear) first floor, second floor and roof level windows to the dwellings hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the

floor of the room in which the window is installed, and thereafter permanently retained as such.

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

4) UNI

The dwellings hereby permitted shall be constructed to Lifetime Homes standards and shall be retained as such thereafter.

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

5) UNI

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

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

6) UNI

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

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

7) UNI

No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

(a) Samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development

(b) 1:20 sample elevations and 1:1 sections, and samples of windows and doors to be installed.

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

8) 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 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

9) UNI

No development shall take place until details of noise mitigation measures including thermal double glazing and ventilation systems have been submitted to and approved in writing by the local planning authority. These measures shall be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure that future residents of the development do not suffer harmful noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

10) UNI

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

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

11) UNI

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

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

12) UNI

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

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

13) UNI

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

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

14) UNI

The 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.

15) UNI

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the

Brighton & Hove Local Plan.

16) UNI

The development hereby permitted shall be carried out in accordance with 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	P01		29/08/2013
Block plan	P03	B	21/08/2013
Site plan	P04	B	21/08/2013
Proposed ground floor plans	P05	B	21/08/2013
Proposed first floor plans	P06	A	21/08/2013
Attic and roof plans	P07	A	21/08/2013
Street elevations	P08	A	21/08/2013
Plot 1- west house propose elevations	P11	A	21/08/2013
Plot 2- middle house proposed elevations	P12	A	21/08/2013
Plot 3- east house proposed elevations	P13	A	21/08/2013
Proposed basement Plot 3	P15		21/08/2013

BH2013/03103

21 Bazehill Road Rottingdean Brighton

Erection of single storey front extension incorporating replacement garage, two storey rear extension with first floor Juliet balconies and a single storey addition with terrace to the rear.

Applicant: Mr & Mrs M Gunn

Officer: Chris Swain 292178

Refused on 01/11/13 DELEGATED

1) UNI

From the information provided the proposed raised terrace extension would result in significant overlooking and loss of privacy towards the rear garden and rear elevation of the adjoining property, Nos.19 Bazehill Road. 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).

2) UNI2

The adjoined front additions, by reason of scale, design, siting, and form, result in unsympathetic and overly dominant extensions that detract from the original form of the building and significantly harm 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)

3) UNI3

The single storey, rear addition, adjoined terrace and associated screening, by reason of design, siting, depth and scale would result in an excessively bulky and visually harmful addition. The resultant property would have an over extended appearance, to the detriment of the 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)

BH2013/03112

Report from: 31/10/2013 to: 20/11/2013

23 Roedean Crescent Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2011/03863

Applicant: Joanna Barrett

Officer: Liz Arnold 291709

Approved on 12/11/13 DELEGATED

BH2013/03126

23 Roedean Crescent Brighton

Remodelling of existing house incorporating extension at lower ground floor level to front to create garage, creation of external swimming pool and enlargement of front entrance. Erection of two storey side extension at ground and first floor with circular turret. Creation of balcony to front and roof terrace to rear. Alterations to front and rear dormers, revised fenestration and other associated works.

Applicant: Joanna Barrett

Officer: Liz Arnold 291709

Refused on 08/11/13 DELEGATED

1) UNI

1. The design of the proposal, especially that of the proposed side turret extension, the side hipped roof extension and the proposed alterations to the existing roof of the dwelling results in elements of the development relating poorly to one another and a dwelling that lacks cohesion. The proposal fails to be of a high standard of design and make a positive contribution to the visual quality of the environment. In addition the turret extension would appear as an overly dominant and discordant feature on the property and within the Roedean Crescent street scene. Over the proposal would be of detriment to the visual amenities of the parent property, the Roedean Crescent street scene and the wider area. As such the proposal is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and SPD12 on Design Guide for Extensions and Alterations.

2) UNI2

The proposal by virtue of the number of front dormer windows and the variation of sizes would dominate the roof form and result in a dwelling with a visually cluttered and complicated front roof slope which would be of detriment to the visual amenities of the parent property, the Roedean Crescent street scene and the wider area. As such the proposal is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12 on Design Guide for Extensions and Alterations.

3) UNI3

The proposed replacement of the windows within the existing rear dormer window and the replacement of the hanging tiles with render would result in a development which exacerbates the poor design of the dormer window, namely the increase in areas of structure below and to the side of the windows, further adding to the overall bulk. The proposal would be of detriment to the visual amenities of the parent property, the Roedean Crescent street scene and the wider area, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 on Design Guide for Extensions and Alterations.

4) UNI4

Due to the lack of detail provided, the applicant has failed to demonstrate the proposed plant room would not be of detriment to the visual amenities of the parent property, the Roedean Crescent street scene and the wider area. As such the proposal is
contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2013/03157

First Floor Flat 9 Beacon Hill Brighton

Roof alterations incorporating hip to gable roof extension, dormer to the rear and velux balcony to front roof slope.

Applicant: Chris Yeomans

Officer: Emily Stanbridge 292359

Refused on 14/11/13 DELEGATED

1) UNI

The proposed roof alterations form unsympathetic additions to the character and appearance of the host property. The incorporation of a hip to gable roof extension results in the unbalancing of the pair of semi-detached properties (No's 9 and 11). The proposed rear dormer and the proposed front Velux window balcony are too large in size and relate poorly to the elevations below. Therefore these roof alterations form unsympathetic additions. The proposed new side window opening is considered too large in size and creates a visually intrusive addition to the building. Overall the proposed development will have an adverse impact on the character and appearance of the property and to the wider street scene. The proposed development is therefore contrary to policy QD14 within the Brighton & Hove local plan and Supplementary Planning Document 12: Design guide for extensions and alterations.

2) UNI2

The proposed side window to the south elevation will cause adverse levels of over looking and loss of privacy to the occupiers of No.7 Beacon Hill. The location of this window would provide unobstructed views to the rear garden of this neighbouring property. The proposed development is therefore contrary to policy QD27 within the Brighton & Hove local plan (2005).

BH2013/03158

32a Bristol Gardens Brighton

Replacement of existing timber double entrance doors with single timber entrance door.

Applicant: Michael Pregar

Officer: Emily Stanbridge 292359

Approved on 15/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

No works shall take place until full details, including 1:20 scale sample elevations and 1:1 scale joinery profiles, of the proposed entrance door and fan light have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) 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.

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
OS Map	04		19.09.2013
Block Plan	05		19.09.2013
Existing Plan	01		16.09.2013
Proposed Plans	02	D	01.11.2013
Front door details	03	B	15.11.2013
General Section	04		01.11.2013
Drainage and plumbing plans			01.11.2013

BH2013/03159

32a Bristol Gardens Brighton

Internal alterations to layout to facilitate creation of additional bedroom and external alteration to replace existing timber double entrance doors to single entrance door.

Applicant: Michael Pregar

Officer: Emily Stanbridge 292359

Approved on 15/11/13 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 pipes and services shall be located within the floor or suspended ceiling void unless otherwise approved 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.

3) UNI

Any new works shall be scribed around all existing features including any archways, skirting boards, dado rails, picture rails and cornices, and the existing features shall not be cut into or damaged. Any new skirting boards, picture rails, dado rails and cornices shall be run around the new walls to match exactly the originals in each respective part of the building.

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

4) UNI

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

No works shall take place until full details, including 1:20 scale sample elevations and section profiles, of the proposed internal doors and architraves have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling,

corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

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

7) UNI

No works shall take place until full details of the exact location and appearance of any external pipes and vents have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

8) UNI

No works shall take place until full details, including 1:20 scale sample elevations and 1:1 scale joinery profiles, of the proposed entrance door and fan light have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

9) UNI

Where walls are removed, the ceiling shall be repaired and made good to match the existing design.

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

BH2013/03176

1 Challoners Close Brighton

Extension to existing terrace to side elevation.

Applicant: Mr Alex Ross

Officer: Wayne Nee 292132

Approved on 15/11/13 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	20102.021		19 September 2013

BH2013/03180

26 Lustrells Crescent Saltdean Brighton

Creation of dormer to rear.

Applicant: Mr & Mrs Graham

Officer: Sonia Gillam 292265

Refused on 11/11/13 DELEGATED

1) UNI

The proposed development, by virtue of its size, bulk and inappropriate design would form an incongruous and visually dominant addition which would be detrimental to the character and appearance of the building and the visual amenities enjoyed by neighbouring properties. The development is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Document SPD12: Design guide for extensions and alterations.

BH2013/03227

Preambles Ovingdean Road Brighton

Remodelling existing bungalow incorporating 6no rooflights, partial raised ridge, dormers to side and rear with juliet balconies and revised fenestration.

Applicant: Mr & Mrs Thomas

Officer: Sonia Gillam 292265

Approved on 18/11/13 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan			15/11/2013
Existing plans, sections and elevations	01		19/09/2013
Proposed plans, sections and elevations	02	C	29/10/2013

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the north eastern elevation 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.

3) UNI

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

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

4) UNI

The render shown on the approved plans shall be smooth and shall be retained as such.

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

5) UNI

The rooflights serving the 2 no. bathrooms in the north eastern 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.

6) UNI

The roof tiles hereby approved shall be Sandtoft Britslate 610mm x 305mm in slate grey 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.

7) UNI

The rooflight, which serves the front bedroom, in the north 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.

BH2013/03231

57 Falmer Road Rottingdean Brighton

Variation of condition 14 of application BH2011/03204 (Demolition of existing vacant church hall (D1) and construction of 6 no two-storey town houses. Provision of twelve cycle spaces and one car parking space. (Part-retrospective)) to allow for alterations to external boundary treatment incorporating raising of fencing from 1200mm to 1500/1800mm. Variation of condition 1 for dividing fences raised from 1200mm to 1500mm and raised timber decking outside lounge with associated timber balustrade.

Applicant: Falmer Road Developments (Sussex) Ltd

Officer: Wayne Nee 292132

Refused on 20/11/13 DELEGATED

1) UNI

The proposed boundary fence, due to its excessive height, siting, material and length, would result in a dominant and incongruous feature which would detract from the open character and cause harm to the appearance of the surrounding area. The timber balustrading, due to the overly ornate design, is also considered to be an inappropriate and incongruous alteration. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

BH2013/03432

Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Brighton

Non Material Amendment to BH2012/04048 to the basement car park beneath buildings F1 and F2, including relocation of the car park entrance to the base of the existing ramp, the addition of 8 car park spaces (total of 350) and a revised internal layout for traffic flow within the car park.

Applicant: Brunswick Developments Group plc

Officer: Maria Seale 292232

Approved on 08/11/13 DELEGATED

BH2013/03439

19 Gorham Avenue 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 5m, for which the maximum height would be 3.9m, and for which the height of the eaves would be 2.2m.

Applicant: Mr Robert Fodor

Officer: Robin Hodgetts 292366

Prior approval not required on 14/11/13 DELEGATED

WOODINGDEAN

BH2013/02066

11 Newells Close Brighton

Extension of existing rear concrete platform, construction of new rear decking at ground level and replacement fencing.

Applicant: Mr Tim Pettitt

Officer: Chris Swain 292178

Approved on 01/11/13 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 decked area hereby approved shall not be brought into use until the boundary screening / fencing to the western boundary has been installed in accordance with the approved drawings. The screening shall be retained as such thereafter.

Reason: To safeguard the amenity 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
Site Plan			21 June 2013
Block Plan			21 June 2013
Existing layout plan and cross section/ elevation			6 September 2013
Proposed layout plan and cross section/ elevation			2 July 2013
Existing and proposed west boundary			2 July 2013
Existing and proposed east boundary (viewed from the east of the site)			2 July 2013

BH2013/02494

61 Warren Way Brighton

Loft conversion to create 1no two bedroom flat incorporating dormers with a Juliet balcony and a rooflight to the front elevation and a dormer with a balcony and steps to garden level to the rear elevation. Erection of cycle and bin store in the rear garden.

Applicant: Dr Majid Gholami

Officer: Wayne Nee 292132

Refused on 11/11/13 DELEGATED

Report from: 31/10/2013 to: 20/11/2013

1) UNI

The proposed front dormers and balcony, and the large rear dormer with rear balcony structure, by reason of their size, bulk and design, are considered to form unacceptable alterations which would detract from the character and appearance of the existing property, and the wider area. As such, the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, as well as SPD12: Design Guide for Extensions and Alterations.

2) UNI2

The balcony, due to its elevated height and its location close to neighbouring boundaries, would represent an un-neighbourly and overbearing addition for nearby residents resulting in increased overlooking, loss of privacy, and the potential for noise and disturbance. This would be to the detriment of residential amenity; therefore the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/03187

40 Crescent Drive South Brighton

Erection of first floor rear extension.

Applicant: Ahmed Abbas

Officer: Chris Swain 292178

Refused on 11/11/13 DELEGATED

1) UNI

The proposed rear addition, by reason of design, form, siting, depth and scale would result in an excessively bulky and visually harmful addition that relates poorly to the existing building. The resultant property would have an over extended appearance, to the detriment of the character of the building and the wider surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

2) UNI2

The proposed window to the side elevation of the proposal at first floor level, by reason of its size and elevated position, would result in significant overlooking and loss of privacy towards the rear elevation and garden of No.36 Crescent Drive South to the detriment of the residential amenity of the occupiers of this dwelling. 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).

BH2013/03293

137 Crescent Drive South Brighton

Certificate of lawfulness for proposed erection of garages to the rear of the property.

Applicant: Mr R Reed

Officer: Wayne Nee 292132

Approved on 19/11/13 DELEGATED

BH2013/03305

68 Crescent Drive South Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2013/01482.

Applicant: Miss Lucy Clifton-Sprigg

Officer: Andrew Huntley 292321

Approved on 04/11/13 DELEGATED

BH2013/03519

98 Downs Valley 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 7m, for which the maximum height would be 4m, and for which the height of the eaves would be 2.4m.

Applicant: Mr Iain & Mrs Eadin Hunter

Officer: Robin Hodgetts 292366

Prior approval not required on 14/11/13 DELEGATED

BRUNSWICK AND ADELAIDE

BH2012/03945

Basement Flat 3A 2 - 5 Palmeira Square Hove

External alterations to basement flat including creation of new separate entrance off basement courtyard with reinstatement of stone steps and iron gates to front elevation, revised fenestration and other associated alterations. Internal alterations to layout and associated works.

Applicant: Mr Oliver Maland

Officer: Adrian Smith 290478

Approved on 04/11/13 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 boiler room extract grille received on 10 September 2013 to be located in lightwell 1 as shown on drawing no. 2027 rev.A received on 5 September 2013 shall be painted to match the background wall and shall be retained as such thereafter.

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

3) UNI

The internal vents to each room shall be implemented in accordance with the samples received on 10 September 2013 and as detailed on drawing no. 207 rev.A received on 5 September 2013.

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

4) UNI

All new internal doors shall match exactly the existing originals detailed D4, D5, D8 & D9 on drawing no.102 rev C received on 6 February 2013.

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

5) UNI

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

6) UNI

The front door hereby permitted as shown on drawing no.200 rev.E received on 5 September 2013 shall match exactly the adjacent basement level door to the north 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.

7) UNI

All plasterwork shall be finished to a smooth texture and thereafter retained as

such at all times.

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

8) 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.

9) UNI

All existing architectural features including staircases, balustrades, windows, clerestory windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features not detailed on the approved drawings shall be retained and repaired where necessary except where otherwise agreed in writing with the Local Planning Authority.

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

BH2012/03946

Basement Flat 3A 2 - 5 Palmeira Square Hove

External alterations to basement flat including creation of new separate entrance off basement courtyard with reinstatement of stone steps and iron gates to front elevation, revised fenestration and other associated alterations. Internal alterations to layout and associated works.

Applicant: Mr Oliver Maland

Officer: Adrian Smith 290478

Approved on 04/11/13 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 door hereby permitted as shown on drawing no.200 rev.E received on 5 September 2013 shall match exactly the adjacent basement level door to the north and shall be retained as such thereafter.

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

3) UNI

The boiler room extract grille located in lightwell 1 as shown on drawing no. 202 rev.G received on 5 September 2013 shall be painted to match the background wall and shall be retained as such thereafter.

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

4) UNI

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

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
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			Received
Existing front elevation and street scene	100	B	17/12/2012
Existing section and block plan	101	B	17/12/2012
Existing floor plan and location plan	102	C	06/02/2013
Existing roof plan	103	B	17/12/2012
Existing rear elevation	104	B	17/12/2012
Proposed front elevation	200	E	05/09/2013
Proposed section	201	E	05/09/2013
Proposed floor plan	202	G	05/09/2013
Proposed roof plan	203	B	04/04/2013
Proposed rear elevation	204	E	05/09/2013
Proposed basement front elevation	205	B	04/04/2013
Proposed door and lightwell sections	206	D	05/09/2013
Proposed extract details	207	A	05/09/2013
Proposed joinery details	208	A	23/09/2013

6) UNI

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

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

BH2013/02204

Brighton & Hove Progressive Synagogue 6 Lansdowne Road Hove

Part demolition and rebuild of existing building incorporating retention of front façade with alterations including new window, roof dormer and rooflight.

Applicant: Brighton & Hove Progressive Synagogue

Officer: Christopher Wright 292097

Approved on 15/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the drawings hereby approved, permission is not hereby granted for the removal of the front, street facing façade of the building, including any supporting trusses the removal of which may compromise the structural integrity of the street facing façade of the building.

Reason: For the avoidance of doubt, in the interests of proper planning and in order to ensure a satisfactory appearance to the development in accordance with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

No development shall take place until full details of all new sun pipes, rooflights and windows (including their reveals and cills), 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 windows shall have concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

4) UNI

The premises shall be used as a place of worship 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 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 HE6 of the Brighton & Hove Local Plan.

6) UNI

No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in order to comply with policies HE6, QD2 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
Location Plan	ADC568/LP		27 Jun 2013
Block Plan	ADC568/BPA		31 Jul 2013
Ground Floor Plan as Existing	ADC568/01		27 Jun 2013
First Floor Plan as Existing	ADC568/02		27 Jun 2013
Roof Plan as Existing	ADC568/03	A	20 Aug 2013
Existing Section and Front Elevation	ADC568/04	C	17 Sep 2013
Existing Rear and Side Elevations as Existing	ADC568/05		27 Jun 2013
Proposed Ground Floor Plan	ADC568/06	C	17 Sep 2013
Proposed First Floor Plan	ADC568/07	C	17 Sep 2013
Proposed Roof Plan	ADC568/08	C	17 Sep 2013
Section B-B	ADC568/11	C	17 Sep 2013
Section 2a	BHPS18	A	17 Sep 2013
Section 2	BHPS19	A	17 Sep 2013
Rear Elevation as Proposed	BHPS19	BB	17 Sep 2013

Lansdowne Road Elevation	BHPS20	AA	17 Sep 2013
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8) 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.

BH2013/02520

Flats 1 & 2 56 Brunswick Road Hove

Certificate of lawfulness for proposed conversion of lower ground and ground floor flats into single residential unit.

Applicant: Mr & Mrs Neil & Claire Hutchinson

Officer: Jason Hawkes 292153

Approved on 07/11/13 DELEGATED

BH2013/02521

Flats 1 & 2 56 Brunswick Road Hove

Internal alterations to layout of lower ground floor and ground floor flats to facilitate conversion into a single residential unit. Replacement of existing single glazed timber sash windows with double glazed timber sash windows to South and East elevations.

Applicant: Mr Neil & Claire Hutchinson

Officer: Jason Hawkes 292153

Approved on 31/10/13 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 works shall take place until large scale details of the proposed meeting rails and glazing bars of the replacement windows 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: 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 details of the proposed ground floor fireplace 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: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the submitted details, no works shall take place until amended details of the basement doors have been submitted to and approved in writing by the Local Planning Authority. The design of the doors should include simple recessed panels with plain square rebates. The works shall be implemented in strict accordance with the agreed details and thereafter maintained as such.

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

BH2013/02522**Flat 2 56 Brunswick Road Hove, East Sussex**

Replacement of existing single glazed timber sash windows with double glazed timber sash windows to South and East elevations.

Applicant: Mr Neil & Claire Hutchinson

Officer: Jason Hawkes 292153

Approved on 04/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

No works shall take place until large scale details of the proposed meeting rails and glazing bars of the replacement windows 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: 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 development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site & Block Plans	102-PA-001		24th July 2013
Existing Lower Ground & Ground Floor Plans	102-PA-005	B	24th July 2013
Existing Section east & South Elevation	102-PA-006	A	24th July 2013
Demolition Plans	102-PA-008		24th July 2013
Proposed Lower Ground & Ground Floor Plans	102-PA-010	C	24th July 2013
Proposed Section & East Elevation	102-PA-011	B	24th July 2013
Proposed Sash Window Details W003	102-PA-028	B	24th July 2013
Proposed Sash Window Details W004	102-PA-029		24th July 2013
Slimlite Window Details			24th July 2013

BH2013/02788**65 Waterloo Street Hove**

Reconstruction of bay structure to front elevation incorporating replacement of single glazed timber bay windows with double glazed timber windows. Recovering of pitched roof with natural slate and flat roof with felt and replacement of felt lined gutters with lead.

Applicant: Six At Sixty-Five limited

Officer: Clare Simpson 292454

Approved on 13/11/13 DELEGATED

1) BH01.01

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

Report from: 31/10/2013 to: 20/11/2013

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

2) UNI

The front elevation shall match in colour and texture those of the existing building.

Reason: To ensure a satisfactory finish to the building in accordance with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	W168PC/FP/0 1		13th August 2013
Block plan	W168PC/FP/0 2		13th August 2013
Existing and proposed front elevation	W168PC/FP/0 3	A	11th October 2013
Existing and proposed part plans	W168PC/FP/0 4	A	11th October 2013
Existing 1st Floor sash	W168PC/FP/0 5	A	11th October 2013
Proposed 1st floor Sash	W168PC/FP/0 6	A	11th October 2013
Existing 2nd Floor Sash	W168PC/FP/0 7	A	11th October 2013
Proposed 2nd Floor Sash	W168PC/FP/0 8	A	11th October 2013
Existing 3rd Floor Sash	W168PC/FP/0 9	A	11th October 2013
Proposed 3rd Floor Sash	W168PC/FP/1 0	A	11th October 2013
Existing and Proposed roof plan	W168PC/FP/1 1		27 August 2013

BH2013/02949

59 York Road Hove

Removal of rear fire escape and installation of Juliet balcony to fourth floor door.

Applicant: Southern Housing Group

Officer: Mark Thomas 292336

Approved on 08/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the submitted drawings, the balustrade to the proposed Juliet balcony shall be of metal construction with a painted black finish. No development shall take place until full details of the balustrade, including large scale (1:5 or larger) elevational drawings, 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.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location and block plan	3421/00		27th August 2013
Existing floor plans	3421/01		27th August 2013
Existing floor plans	3421/02		27th August 2013
Existing and proposed elevations	3421/03		27th August 2013

BH2013/03070

18 Farm Road Hove

Application for Approval of Details Reserved by Condition 3 of application BH2013/02027.

Applicant: Mr & Mrs Warner

Officer: Mark Thomas 292336

Approved on 04/11/13 DELEGATED

BH2013/03072

17A Western Street Brighton

Installation of railings and gate to front elevation.

Applicant: Mr Robert Beveridge

Officer: Mark Thomas 292336

Approved on 08/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

No development shall take place until full details of the railings and gate hereby permitted, including large scale (1:5 or larger) elevational drawings, 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.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location and block plan			13th September 2013
Existing and proposed drawings			13th September 2013

BH2013/03110

Report from: 31/10/2013 to: 20/11/2013

30 Brunswick Place Hove

Internal works to install steel beams within roof space to support chimney stack.

Applicant: Pepper Fox Ltd

Officer: Steven Lewis 290480

Approved on 15/11/13 DELEGATED

1) BH01.05

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

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

2) UNI

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2013/03199

8 Adelaide Crescent Hove

External alterations including removal of existing fire escape balustrading to first, second and third floors to the rear elevation and replacement of basement UPVC patio doors with aluminium sliding folding doors to the rear.

Applicant: Graham Nicholas

Officer: Robin Hodgetts 292366

Approved on 14/11/13 DELEGATED

1) BH01.05

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

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

2) UNI

Any damage to the renderwork of the rear elevation following the removal of the fire escape shall be made good and the repaired areas shall match in material, colour, style, bonding and texture those of the existing building.

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

BH2013/03200

8 Adelaide Crescent Hove

Removal of existing fire escape balustrading to first, second and third floors to the rear elevation and replacement of basement UPVC patio doors with aluminium sliding folding doors to the rear.

Applicant: Graham Nicholas

Officer: Robin Hodgetts 292366

Approved on 14/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

Any damage to the renderwork of the rear elevation following the removal of the fire escape shall be made good and the repaired areas shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure the satisfactory preservation of the listed building and wider conservation area 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
Existing plans and elevations	3455.EXG.01	A	23/09/13
Proposed plans and elevations	3455.PL.01		17/09/13
Existing and proposed elevations	3455.PL.03		23/09/13
Door detailing			21/10/13

BH2013/03212

Upper Floors 28-29 Western Road Hove

Prior approval for change of use from offices (B1) to residential (C3) to form 9no residential units.

Applicant: HR Developments Ltd

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 12/11/13 DELEGATED

1) UNI

The proposed conversion would lead to a material increase and a material change in the character of traffic in the vicinity of the site for which the applicant has not submitted details of any mitigating measures. Prior Approval is therefore required and Refused in accordance with the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3, paragraphs N(3) and N(7).

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Location Plan	ADC287/LP		17 Sep 2013
Plans As Existing	ADC287/11		17 Sep 2013
Ground & First Floor	ADC287/12		17 Sep 2013
Second & Third Floor	ADC287/13		17 Sep 2013

CENTRAL HOVE

BH2013/02526

Second Floor 10 Grand Avenue Hove

Replacement of existing timber frame window with timber frame French doors. Creation of balcony with canopy and balustrade to south elevation.

Applicant: Mr Peter Papanichola

Officer: Wayne Nee 292132

Refused on 06/11/13 DELEGATED

1) UNI

The proposed elongated opening, balcony balustrade and canopy would strongly contrast with the plain detail of the upper floors of this group of listed buildings, and would detract from the horizontal emphasis of the property. The proposal would have a significantly harmful impact on the architectural and historic

Report from: 31/10/2013 to: 20/11/2013

character and appearance of the building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Document 09: Architectural Features.

BH2013/02527

Second Floor 10 Grand Avenue Hove

Replacement of existing timber frame window with timber frame French doors. Creation of balcony with canopy and balustrade to south elevation.

Applicant: Mr Peter Papanichola

Officer: Wayne Nee 292132

Refused on 07/11/13 DELEGATED

1) UNI

The proposed elongated opening, balcony balustrade and canopy would strongly contrast with the plain detail of the upper floors of this group of listed buildings, and would detract from the horizontal emphasis of the property. The proposal would have a significantly harmful impact on the architectural and historic character and appearance of the building as well as The Avenues Conservation Area. The proposal is therefore contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 09: Architectural Features.

BH2013/02887

Flat 4 53 Sackville Road Hove

Replacement of existing windows with UPVC double glazed windows to rear elevation.

Applicant: Miss Vera Austermann

Officer: Helen Hobbs 293335

Approved on 01/11/13 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			6th September 2013
Proposed windows			21st August 2013

BH2013/02945

Flats 1-6 74 Clarendon Villas Hove

Removal of existing fire escape, re-handing of French doors to open inwards and installation of Juliette balconies to the rear elevation.

Applicant: Southern Housing Group

Officer: Emily Stanbridge 292359

Approved on 08/11/13 DELEGATED

1) BH01.01

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

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

unimplemented permissions.

2) UNI

The railings shown on the approved plans shall be painted black within one month of being installed and shall be retained as such.

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

Plan Type	Reference	Version	Date Received
Site location plans	3416/00		27.08.2013
Existing floor plans (sheet 1 of 2)	3416/01	A	03.09.2013
Existing floor plans (sheet 2 of 2)	3416/02	A	03.09.2013
Proposed floor plans (sheet 1 of 2)	3416/04		03.09.2013
Proposed floor plans (sheet 2 of 2)	3416/05		03.09.2013
Proposed elevations (sheet 1 of 2)	3416/06		03.09.2013
Proposed elevations (sheet 2 of 2)	3416/07		03.09.2013
Existing and proposed elevations	3416/03	A	03.09.2013
Juliet balconies brochure			27.08.2013

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.

BH2013/02953

4 Vallance Gardens Hove

Replacement of existing porch with pitched roof porch and replacement of existing windows with timber sash windows on front elevation.

Applicant: Care Management Ltd

Officer: Helen Hobbs 293335

Approved on 31/10/13 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

Notwithstanding the submitted plans, no development shall take place until full details of all new sash window(s) and their reveals and cills 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.

3) UNI

No development shall take place until full details of the porch doors including 1:20

Report from: 31/10/2013 to: 20/11/2013

scale elevational drawings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan	OS PLAN		27th August 2013
Proposed plan and elevations	02	C	5th September 2013
Existing plan and elevation	01		27th August 2013

5) UNI

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

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

BH2013/03010

146a Church Road Hove

Change of use at first and second floors from financial offices (A2) to language school (D1).

Applicant: ULUK Ltd

Officer: Clare Simpson 292454

Approved on 01/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

The first and second floors shall be used as a language school 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 1897 (or in any provision equivalent to that Class in any statutory instrument revoking and reacting that Order with or without modification).

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 and to comply with policy QD27 of the Brighton & Hove Local Plan.

3) UNI

Within 3 months of the occupation of the development hereby approved a detailed Travel Plan that sets out a package of measures tailored to the needs of the site aimed at promoting sustainable transport choices by visitors, staff, deliveries and parking management for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include as a minimum the following initiatives and commitments:

- I. Promote and enable increased use of walking, cycling, public transport use, car sharing, car clubs as alternatives to sole car use;
- II. A commitment to reduce carbon emissions associate with staff and student

car use;

III. Increase awareness of and improve road safety and personal security;

IV. Undertake dialogue and consultation with adjacent and neighbouring premises;

V. Identify targets focused on reductions in the levels of business, staff and student car use;

VI. Identify a monitoring framework, which shall include a commitment to undertake an annual student and staff travel survey utilising iTrace Travel Plan monitoring software, for a least five years, or until such time as the targets identified by (V) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;

VII. Following the survey, an annual review shall be submitted to the Local Planning Authority to update on progress towards meeting the targets

VIII. Identify a nominated member of staff or post to act as Travel Plan Co-ordinator and to become an individual contact for the Local Planning Authority relating to the travel plan;

IX. Identify a monitoring framework which shall include a commitment to undertake an annual staff and student travel

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

4) UNI

The development hereby permitted shall be carried out in accordance with 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	100	B	11th October 2013
Existing First and Second Floor	101	A	2nd September 2013
Existing ground floor plan	102	A	2nd September 2013

BH2013/03032

Flat 5 Ventnor Lodge Ventnor Villas Hove

Replacement of existing timber framed single glazed windows with UPVC double glazed windows.

Applicant: Mr Richard Fitzpatrick

Officer: Helen Hobbs 293335

Approved on 05/11/13 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 replacement windows shall match the colour and glazing pattern and thickness of the existing windows.

Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			2nd September 2013
Window specification			10th September 2013

BH2013/03038

93 Church Road Hove

Erection of rear extension to the first floor to provide additional staff accommodation.

Applicant: Ganges Brasserie

Officer: Helen Hobbs 293335

Refused on 05/11/13 DELEGATED

1) UNI

The proposed extension in conjunction with the existing extension, by reason of their combined height, depth and design, would poorly relate to the existing property, and would result in a overdeveloped and incongruous appearance to the detriment of the character and appearance of the existing property and surrounding conservation area. The proposal is therefore contrary to policy HE6 & QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed relocation of the existing flue, due to its size and appearance, would increase its prominence and form an incongruous and unsightly feature to the detriment of the character and appearance of the existing property and surrounding conservation area. The proposal is therefore contrary to policy HE6 & QD14 of the Brighton & Hove Local Plan.

3) UNI3

Insufficient information has been submitted regarding the potential noise and odours impacts of the relocated flue on adjoining residential properties, including the additional accommodation within the proposed extension. The scheme is therefore contrary to policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

BH2013/03073

Second Floor 10 Grand Avenue Hove

Internal alterations to layout of flat and associated works (Part Retrospective).

Applicant: Mr Peter Papanichola

Officer: Wayne Nee 292132

Approved on 13/11/13 DELEGATED

1) UNI

No development shall take place until full details of the proposals have been submitted to and approved by the local planning authority in writing, including 1:1 joinery sectional profiles of all new joinery work including new doors, architraves, and skirting boards. The works shall be carried out and completed in their entirety fully in accordance with the approved details and maintained as such thereafter.

Reason: As insufficient information has been submitted; to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2013/03094

105 Church Road Hove

Demolition of rear ancillary storage area and erection of single storey extension

to accommodate Estate Agents (A2).

Applicant: Property Plus Lettings

Officer: Mark Thomas 292336

Refused on 05/11/13 DELEGATED

1) UNI

The proposal to construct a shopfront to the side elevation facing Norton Road would significantly detract from the special historic and architectural character of the Listed Building. There is no historic evidence of an active frontage in this location, and the proposed shopfront is, nonetheless, inappropriately detailed. The proposed development, as such, is not considered to sustain or enhance the significance of the listed building. Furthermore, the proposals would appear incongruous in this location, failing to respect the character of Norton Road which features no active retail frontages. For these reasons the proposed development would be contrary to policies HE1, HE6 and QD14 of the Brighton & Hove Local Plan.

BH2013/03137

105 Church Road Hove

Demolition of rear ancillary storage area and erection of single storey extension.

Applicant: Property Plus Lettings

Officer: Mark Thomas 292336

Refused on 07/11/13 DELEGATED

1) UNI

The proposal to construct a shopfront to the side elevation facing Norton Road would significantly detract from the special historic and architectural character of the Listed Building. There is no historic evidence of an active frontage in this location, and the proposed shopfront is, nonetheless, inappropriately detailed. The proposed development, as such, is not considered to sustain or enhance the significance of the listed building. For these reasons the proposed development would be contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2013/03219

Flat 30 Bath Court Kings Esplanade Hove

Replacement of existing windows and doors with UPVC windows and doors.

Applicant: Mr Ian Bushe

Officer: Steven Lewis 290480

Approved on 19/11/13 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			02/10/2013
Photographs			18/09/2013
Urban Window Ltd Schedule			18/09/2013
Urban Window Specification			18/09/2013
CWG Brochure			03/10/2013

BH2013/03223**Flat 29 Bath Court Kings Esplanade Hove**

Replacement of existing aluminium windows and UPVC doors with UPVC windows and doors.

Applicant: Mr Michael Cranfield

Officer: Steven Lewis 290480

Approved on 19/11/13 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			02/10/2013
Photograph			18/09/2013
Urban Window Ltd Schedule			18/09/2013
Urban Window Specification			18/09/2013
CWG Brochure			03/10/2013

BH2013/03260**Flat 34 4 Grand Avenue Hove**

Replacement of existing single glazed crittall windows with double glazed crittall windows.

Applicant: Margaret Prosser

Officer: Clare Simpson 292454

Approved on 18/11/13 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 window elevations (living room west facing)	1182013/04		29th October 2013
Existing window elevation (bed room west facing)	1182013/05		29th October 2013
Proposed window elevations (living room/ dining room west facing)	1182013/02		23rd September 2013
Proposed window elevation (bedroom and west facing)	1182013/03		23rd September 2013
Proposed window details	1182013/04		23rd September

sections and plans			2013
Site Location Plan and Block Plan			23rd September 2013

BH2013/03262

Flat 42 4 Grand Avenue Hove

Replacement of existing single glazed crittall windows and doors with double glazed crittall windows and doors.

Applicant: Mrs Alida Steinfield

Officer: Clare Simpson 292454

Approved on 18/11/13 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 window elevations (living room west and south facing)	1192013/04		29th October 2013
Existing window elevations (living dining room west facing)	1192013/05		29th October 2013
Proposed window elevations (living room west and south facing)	1192013/02		23rd September 2013
Proposed window/ door elevations (living room/dining room and west facing)	1192013/03		23rd September 2013
Proposed window details sections and plans	1192013/04		23rd September 2013
Site Location Plan and Block Plan			23rd September 2013

BH2013/03263

Flat 42 4 Grand Avenue Hove

Replacement of existing single glazed crittall windows and doors with double glazed crittall windows and doors.

Applicant: Mrs Alida Steinfield

Officer: Clare Simpson 292454

Approved on 18/11/13 DELEGATED

1) BH01.05

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

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

2) UNI

No works shall take place until full details of the existing and proposed windows and doors including, the opening mechanism, 1:20 scale sample elevations and

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1:1 scale joinery profiles and sections have been submitted to and approved in writing by the Local Planning Authority. The replacement windows and doors hereby approved shall be double glazed painted Crittal and 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 the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and to ensure that the replacement windows exactly match the existing windows.

BH2013/03264

Flat 34 4 Grand Avenue Hove

Replacement of existing single glazed crittall windows with double glazed crittall windows.

Applicant: Margaret Prosser

Officer: Clare Simpson 292454

Approved on 18/11/13 DELEGATED

1) BH01.05

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

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

2) UNI

No works shall take place until full details of the existing and proposed windows and doors including, the opening mechanism, 1:20 scale sample elevations and 1:1 scale joinery profiles and sections have been submitted to and approved in writing by the Local Planning Authority. The replacement windows and doors hereby approved shall be double glazed painted Crittal and 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 the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and to ensure that the replacement windows exactly match the existing windows.

GOLDSMID

BH2013/01876

Wavertree House Somerhill Road Hove

Application for Approval of Details Reserved by Conditions 3, 4 and 5 of application BH2013/00417.

Applicant: RNIB

Officer: Paul Vidler 292192

Approved on 12/11/13 DELEGATED

BH2013/02579

20 Cambridge Mews Cambridge Grove Hove

Erection of single storey rear extension.

Applicant: Mrs Zahra

Officer: Adrian Smith 290478

Approved on 18/11/13 DELEGATED

1) BH01.01

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

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

unimplemented permissions.

2) UNI

The windows in the south side elevation of the development hereby permitted shall be obscure glazed and non-opening and thereafter permanently retained as such.

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

3) UNI

The development hereby permitted shall be carried out in accordance with 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			16/08/2013
Block plan			16/08/2013
Existing and proposed plans and elevations	2811/001	B	11/11/2013

BH2013/02592

36 Shirley Street Hove

Certificate of lawfulness for proposed loft conversion incorporating 2no dormers to the rear and 3no rooflights to the front.

Applicant: Helen Rowan

Officer: Clare Simpson 292454

Approved on 12/11/13 DELEGATED

BH2013/02770

Flat 1 & 2 The Galleries 52 Palmeira Avenue Hove

Erection of extensions to 2no penthouse flats.

Applicant: Mr & Mrs Jones

Officer: Steven Lewis 290480

Approved on 31/10/13 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			16/08/2013
Block Plan			30/10/2013
General arrangement	21701-03/EX0 1		30/10/2013

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Existing general arrangement	21701-03/EX0 2		30/10/2013
Existing west elevation	21701-03-EX0 3		30/10/2013
Existing south elevation	21701-03/Ex0 4		30/10/2013
Existing East elevation	21701-03/Ex0 6		30/10/2013
Existing north elevation	21701-03/EX0 7		30/10/2013
Proposed Roof Plan	21701-03/Ex0 7		30/10/2013
Existing Roof Plan	21701-03/Ex0 8		30/10/2013
Proposed general arrangement	21701-03/Pr01		30/10/2013
Proposed general arrangement 2	21701-03/Pr02		30/10/2013
West Extension Proposal	21701-03/Pr03		30/10/2013
South elevation Proposed	21701-03/Pr04		30/10/2013
East elevation proposed	21701-03/Pr05		30/10/2013
North elevation proposed	21701-03/Pr06		30/10/2013

BH2013/02856

27 Ferndale Road Hove

Erection of timber fence to adjacent alleyway. (Retrospective)

Applicant: Francisco Rivas

Officer: Helen Hobbs 293335

Refused on 18/11/13 DELEGATED

1) UNI

The fence panel positioned on the front boundary, due to its height and positioning results in a dominant and incongruous feature which would detract from the character and appearance of the area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2013/03037

Ground Floor 9 Caburn Road Hove

Replacement of 3no existing timber windows to front and side with double glazed UPVC windows.

Applicant: Mr Peter Webb

Officer: Mark Thomas 292336

Refused on 07/11/13 DELEGATED

1) UNI

The proposal to replace the timber front bay windows with UPVC casement units would introduce an incongruous material, thicker frame profile and uncharacteristic method of opening to the front elevation, detracting from the uniformity and cohesion of the front elevation and the wider street scene. For the reasons outlined, the proposed development would have a significantly detrimental impact on the character and appearance of the recipient property and the wider street scene, contrary to policy QD14 of the Brighton & Hove Local Plan, and SPD 12: Design guide for extensions and alterations.

BH2013/03111

92 Lyndhurst Road Hove

Loft conversion incorporating front rooflights, dormer and roof terrace to rear to create 1no studio flat.

Applicant: Clifton Properties Ltd

Officer: Clare Simpson 292454

Refused on 06/11/13 DELEGATED

1) UNI

The development would form a studio with very cramped living conditions, restricted floor areas, low ceilings, and little circulation or storage space. The accommodation would be oppressive and result in a sense of enclosure for future occupiers. As such the development would not provide for a satisfactory standard of living accommodation and would be detrimental to the amenity of future occupiers. The development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed roof terrace would cut out a section of the existing outrigger roof which would result in a harmful change to the original roof profile. The works would result in an incongruous roof form which fails to respect the features of the property and which would in turn harm the character and appearance of the rear of the property. The works would also be detrimental to character of the wider area by changing a roof form which unites the property with its neighbours. The development would be contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2013/03132

Flat 4 21 Davigdor Road Hove

Replacement of existing timber windows with double glazed UPVC windows.

Applicant: Dr Ashok Jansari

Officer: Mark Thomas 292336

Approved on 12/11/13 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		A	17th September 2013
Annotated photographs B-D			10th September 2013
Proposed windows elevations E-G			10th September 2013
Sectional drawings H-J			10th September 2013

BH2013/03133

2 Highdown Road Hove

Certificate of lawfulness for proposed roof extension with mansard roof and other

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associated alterations.

Applicant: Ms Shirley Waldron
Officer: Helen Hobbs 293335
Refused on 15/11/13 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, as the proposed extension would have eaves that would exceed the height of the existing eaves of the dwellinghouse, it would have more than one storey and would extend from the rear of the dwellinghouse by more than 3m and would be within 7m of the boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse, would be within 2m of the boundary of the site and the eaves would be greater than 3m in height and the enlarged part would have more than one storey and the roof pitch would not be the same as the roof pitch of the original dwellinghouse.

BH2013/03151

Pavilion Cafe St Anns Well Gardens Somerhill Road Hove

Erection of single storey extensions to front and rear.

Applicant: Natalie Hall
Officer: Liz Arnold 291709

Approved on 20/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

No development or other operations shall commence on the site until a scheme which provides for the retention and protection of trees in close proximity to the rear of the café has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

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

3) UNI

The external elevations of the hereby approved extensions shall match the external finishes in material, colour, style, bonding and texture of the existing building.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Front and Rear Extensions	PBP0010/01	Rev. A	11th November 2013
Proposed Sectional Elevation	PBP0010/02	Rev. A	11th November 2013
Site Location Plan	PBP0010/03	Rev. A	11th November

			2013
Block Plan	PBP0010/04	Rev. A	11th November 2013

BH2013/03170

Cox & Barnard Ltd 56 Livingstone Road Hove

Certificate of lawfulness for existing use of property as a sui generis mixed use of light industrial and offices (B1) with retail (A1) and storage (B8).

Applicant: T Hawkins

Officer: Liz Arnold 291709

Refused on 14/11/13 DELEGATED

1) UNI

Insufficient evidence has been provided to demonstrate that the property has been operating as a (sui generis) mixed use of light industrial and offices (B1) with retail (A1) and storage (B8) for a period of at least ten continuous years.

BH2013/03174

Flat 1 8 Selborne Place Hove

Replacement of existing single glazed timber framed windows with UPVC double glazed windows.

Applicant: Jane Eleini

Officer: Helen Hobbs 293335

Refused on 14/11/13 DELEGATED

1) UNI

The proposed replacement windows to the rear elevation, due to their materials and frame thickness, would form inappropriate alteration that would appear incongruous and out of keeping with the adjoining properties in the terrace, to the detriment of the character and appearance of the existing property, street scene and surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Documents 09, Architectural Features, and 12, Design Guide for Extensions and Alterations.

BH2013/03193

26 Shirley Street Hove

Erection of single storey rear extension.

Applicant: Jude Archard

Officer: Helen Hobbs 293335

Approved on 12/11/13 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 details			17th September 2013
Proposed plan			17th September 2013

3) UNI

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

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

BH2013/03273

26 Shirley Street Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, for which the maximum height would be 2.7m, and for which the height of the eaves would be 2.7m.

Applicant: Judith Archard

Officer: Helen Hobbs 293335

Prior approval not required on 01/11/13 DELEGATED

HANGLETON & KNOLL

BH2013/03125

The Bungalow 11 Hangleton Lane Hove

Erection of single storey front, side and rear extensions incorporating associated roof alterations.

Applicant: Mr Jerjes Philips

Officer: Adrian Smith 290478

Approved on 07/11/13 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 within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the developer has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved scheme.

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

3) UNI

No development shall take place until a method statement setting out how the existing listed boundary wall is to be protected, maintained and stabilised during and after demolition and construction works, has been submitted to and approved in writing by the local planning authority. Works shall be carried out in strict accordance with the approved method statement.

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

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 site plan	11HL.01		11/09/2013
Existing block plan	11HL.02		11/09/2013
Proposed block plan	11HL.03 11HL.04		11/09/2013
Existing plans and elevations	11HL.06 11HL.07		11/09/2013
Proposed plans and elevations	11HL.10 11HL.11 11HL.12		11/09/2013

5) UNI

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

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

BH2013/03160

188 Hangleton Valley Drive Hove

Erection of part single storey, part two storey front and side extension and associated works.

Applicant: Mr Kamal Patel

Officer: Mark Thomas 292336

Refused on 15/11/13 DELEGATED

1) UNI

The proposed two storey extension would relate poorly to the recipient property, failing to respect its original plan; its form, including its roof form; or its detailing, in particular the placement of windows on the rear elevation. Further, the proposed front extension would have a continuous front building line which would relate poorly to the proposal to step the side extension back from the front elevation of the host property. By virtue of its form and height, the proposed front extension would obscure the set-back of the side extension from the front elevation of the main house. This detail would further compound the lack of visual subservience of the extension to the recipient property. As such, the proposed extension would appear as an unsympathetic addition, causing significant harm to the character and appearance of the property and the wider street scene, contrary to policy QD14 of the Brighton & Hove Local Plan, and to guidance within Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

BH2013/03241

63 Gleton Avenue Hove

Erection of single storey extensions to front and rear.

Applicant: Mr B Wakeford

Officer: Steven Lewis 290480

Approved on 13/11/13 DELEGATED

1) BH01.01

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

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

unimplemented permissions.

2) BH03.03

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed Extensions	3/867/01	A	02/11/2013
Site Plan			23/09/2013
Block Plan			23/09/2013
Sandtoft Roof tile Specification			02/11/2013

BH2013/03355

18 Tudor Close Hove

Erection of single storey rear extension to replace existing.

Applicant: Mr & Mrs James and Carol Mullineux

Officer: Emily Stanbridge 292359

Approved on 18/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Block and site location plans	TA 723/ 01	A	01.10.2013
Existing Zara survey	TA 723/ 02		01.10.2013
Existing Zara street scene	TA 723/ 03		01.10.2013
Existing ground floor plan	TA 723/ 04	A	01.10.2013
Existing first floor plan	TA 723/ 05		01.10.2013
Existing front & side elevations	TA 723/ 06		01.10.2013
Existing rear elevation	TA 723/ 07		01.10.2013
Existing section	TA 723/ 08		01.10.2013

Proposed ground floor plan	TA 723/ 40		01.10.2013
Proposed first floor plan	TA 723/ 41		01.10.2013
Proposed front and side elevations	TA 723/ 42		01.10.2013
Proposed rear elevation	TA 723/ 43		01.10.2013
Proposed section	TA 723/ 44		01.10.2013

NORTH PORTSLADE

BH2013/02869

Southern Water Supply Works Mile Oak Road Portslade

Installation of equipment kiosk.

Applicant: Southern Water Services Ltd

Officer: Helen Hobbs 293335

Approved on 11/11/13 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	A/520383.080 00	A	20th August 2013
Site plan	A/520383.080 01	A	20th August 2013
GRP Kiosk	A/520383.080 03 A/520383.080 02	A	20th August 2013
Site elevation	A/520383.080 03	A	20th August 2013
Site location plan	A/520383.080 04	A	20th August 2013

BH2013/03077

Former Car Park & Driveway Rowan House Rowan Close Brighton

Outline application for erection of 4no semi-detached houses.

Applicant: Rowan Close Limited

Officer: Adrian Smith 290478

Refused on 06/11/13 DELEGATED

1) UNI

The proposed development, by virtue of the site layout and the proximity of the proposed semi-detached pairs to each other and adjacent properties, and the limited pedestrian-only access to the rear houses, represents a cramped form of development out of keeping with the surrounding area. The proposed development is therefore considered to represent an overdevelopment of the site contrary to policies QD1, QD2 & QD3 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by virtue of its cramped layout, would have an

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overbearing impact for future residents resulting in a significant loss of outlook and privacy and a poor overall standard of accommodation, contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development, by virtue of its cramped layout, would have an overbearing impact on adjacent occupiers resulting in a significant loss of outlook and privacy, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/03143

29 Stanley Avenue Portslade

Roof alterations including hip to gable roof extensions, rear dormer and front rooflights.

Applicant: Mr & Mrs Hobden

Officer: Liz Arnold 291709

Refused on 07/11/13 DELEGATED

1) UNI

The proposed rear dormer window, by virtue of its excessive size and design, which includes large areas of cladding, is considered to be overly bulky, oversized, poorly designed and poorly related to the existing building and therefore of detriment to the character and appearance of the existing property and the wider area. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

2) UNI2

The insertion of three rooflights within the front roofslope of the dwelling in conjunction with the existing front dormer window and gable end front roof form would result in visual clutter to the front of the property to the detriment of the character and appearance of the host property, the Stanley Avenue street scene and the wider area. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

BH2013/03297

1 The Crossway Portslade

Prior approval for change of use from offices (B1) to residential (C3) to form 1no residential unit.

Applicant: Portslade by Sea Investments

Officer: Christopher Wright 292097

Prior approval not required on 18/11/13 DELEGATED

SOUTH PORTSLADE

BH2013/01350

221 Old Shoreham Road Portslade

Erection of single storey side extension to children's nursery and increase number of children from 26 to 46.

Applicant: Footsteps Day Nursery

Officer: Christopher Wright 292097

Approved on 18/11/13 DELEGATED

1) UNI

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	FSDN/14		30 Apr 2013
Proposed Plans and Elevations	FSDN/15		30 Apr 2013

3) UNI

At any one time, no more than 46 children shall attend the extended children's nursery hereby permitted.

Reason: In order to safeguard the amenities of neighbours and ensure the accommodation is adequate for children, in accordance with policies SU10, HO26 and QD27 of the Brighton & Hove Local Plan.

4) UNI

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

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

5) UNI

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

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

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

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

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress; and

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless

varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

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

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

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 development hereby permitted shall not be occupied until a Travel Plan that sets out a package of measures tailored to the needs of the site aimed at promoting sustainable transport choices by visitors, staff, deliveries and parking management for the development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
- (ii) A commitment to reduce carbon emissions;
- (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;
- (vii) Following an annual survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
- (viii) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan;
- (ix) Provide details of arrangements to ensure the safe pick up and drop off of children.

Reason: To ensure the promotion of sustainable forms of travel by means other than the private motor vehicles and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

8) 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.

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, 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.

BH2013/02705

Portslade Community College Lower School Mile Oak Road Portslade

Provision of temporary car parking for 20 cars over 3 years.

Applicant: Chloe DeBanks-Hirst

Officer: Jason Hawkes 292153

Approved on 04/11/13 DELEGATED

1) UNI

The permission hereby granted shall be for a temporary period only, expiry on or before 31st October 2016.

Reason: The structure hereby approved is not considered suitable as a permanent form of development.

2) UNI

The temporary car park 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 October 2016 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The use hereby approved is not considered suitable as a permanent form of development and in order to safeguard residential and visual amenity and to comply with policies QD1, QD2 & QD27 of the Brighton & Hove Local Plan.

3) UNI

The car park hereby permitted shall not be operational except between the hours of 07:00 and 21:00 on Mondays to Fridays and 09:00 and 21:00 on Saturdays, Sunday, Bank and Public Holidays.

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

4) UNI

Within one of the date of this permission, details for the enclosure of the temporary car parking area with a boundary treatment shall be submitted for the approval of the Local Planning Authority. The scheme shall protect the root protection zone of the adjacent trees and shall be implemented in accordance with the approved scheme. The boundary treatment shall be maintained throughout the duration of the use of the car park and shall be removed and the land restored to its condition immediately prior to the development authorised by this permission.

Reason: To ensure the protection of the adjacent trees and in accordance with policy QD16 of the Brighton & Hove Local Plan.

5) UNI

The development hereby permitted shall be carried out in accordance with the

approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan			7th August 2013
Site Plan	1184/P/100	A	7th August 2013

BH2013/02789

Portslade Community College Lower School Mile Oak Road Portslade

Application for approval of details reserved by conditions 4 and 5 of application BH2013/01620.

Applicant: Chloe DeBanks-Hirst

Officer: Jason Hawkes 292153

Split Decision on 01/11/13 DELEGATED

1) UNI

The Travel Plan submitted lacks sufficient information and has not been formally adopted by the school. The details submitted are therefore deemed insufficient and the requirements of condition 4 have not been satisfied.

BH2013/02919

Rear of 15-19 & 15A Norway Street Portslade

Conversion of existing commercial units (B1/B8) to 2no two bedroom cottages (C3).

Applicant: Spear Developments Ltd

Officer: Jason Hawkes 292153

Approved on 14/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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 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 policies QD1 and QD14 of the Brighton & Hove Local Plan.

6) UNI

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

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

7) UNI

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

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

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

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

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress; and

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under

8) UNI

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development

would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

9) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	32881/4	A	21st August 2013
Site Plan	32881/11		21st August 2013
Proposed Cottages	32881/9	C	13th November 2013
Existing Details	32881/10		21st August 2013

10) UNI

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/03081

5 Benfield Way Portslade

Erection of two storey rear extension replacing existing conservatory and pitched roof front porch replacing existing porch.

Applicant: Mr John Harding

Officer: Andrew Huntley 292321

Refused on 04/11/13 DELEGATED

1) UNI

The proposed rear extension, by virtue of its depth, height and size, would result in visually bulky addition, poorly related to the existing dwelling. As a result, the proposal would be detrimental to the visual amenities of the parent property and the wider area. The proposal is therefore contrary to policies contrary to Policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2013/03092

45 Applesham Way Portslade

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension with front rooflight and rear dormer.

Applicant: Mr Gary Angel

Report from: 31/10/2013 to: 20/11/2013

Officer: Mark Thomas 292336

Refused on 07/11/13 DELEGATED

1) UNI

The development is not permitted under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 1995, as amended, in that the proposed rooflight would protrude in excess of 150 millimetres beyond the plane of the front roof slope.

BH2013/03207

15 St Aubyns Road Portslade

Erection of single storey rear extension to replace existing conservatory.

Applicant: Sophie Pedlow

Officer: Liz Arnold 291709

Approved on 13/11/13 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 & Block Plans	CH 543/001		18th September 2013
Existing Plans & Elevations	CH543/002		18th September 2013
Existing Sections	CH543/003		18th September 2013
Proposed Plans & Elevations	CH543/004		18th September 2013
Proposed Sections	CH543/005		18th September 2013

HOVE PARK

BH2013/02082

BHASVIC 205 Dyke Road Hove

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.

Applicant: Brighton Hove & Sussex Sixth Form College

Officer: Clare Simpson 292454

Report from: 31/10/2013 to: 20/11/2013

Refused on 31/10/13 COMMITTEE

1) UNI

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 & Hove Local Plan 2005.

BH2013/02404

6 Elrington Road Hove

Erection of single storey rear extension to facilitate swimming pool with solar panels to the roof.

Applicant: Mr Paul Haggqvist

Officer: Christopher Wright 292097

Refused on 12/11/13 DELEGATED

1) UNI

The proposed development would, by reason of the scale, siting and design, integrate poorly with the design and appearance of the recipient dwelling and give the property an over-extended appearance that would detract from the character of the recipient dwelling to the detriment of visual amenity. As such the proposal conflicts with policy QD14 of the Brighton & Hove Local Plan 2005 and SPD12: Design guide for extensions and alterations.

BH2013/02752

31 Woodruff Avenue Hove

Erection of ground and lower ground floor rear extension and raised rear terrace with screen to south west edge. (Part retrospective)

Applicant: Jay Sethi

Officer: Christopher Wright 292097

Approved on 14/11/13 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
Ground floor rear extension (Existing)	101	A	8 Aug 2013
Ground floor rear extension (Proposed elevations)	201	A	1 Oct 2013
Ground floor rear extension (Proposed layout)	202	A	8 Aug 2013
Site location and block plan	004		8 Aug 2013

2) UNI

Prior to the hereby approved raised terrace being brought into use details of a 1.5 metre high privacy screen to the western elevation shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be erected in accordance with the agreed details prior to the raised patio being first brought into use. The privacy screen shall be retained as such thereafter.

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

3) UNI

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

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

4) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed on the southern flank elevation 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.

5) UNI

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

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

BH2013/02828

16 Tongdean Road Hove

Application for approval of details reserved by conditions 3, 4 and 5 of application BH2013/01406.

Applicant: Alan Phillips Architects

Officer: Jason Hawkes 292153

Approved on 04/11/13 DELEGATED

BH2013/03005

56 Tongdean Avenue Hove

Installation of corner window to side elevation (Retrospective).

Applicant: Mr & Mrs Noble

Officer: Christopher Wright 292097

Approved on 14/11/13 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	56TA.01	A	2 Sep 2013
Block Plan	56TA.02		2 Sep 2013
Ground Floor Plan - Existing	56TA.03		2 Sep 2013
First Floor Plan - Existing	56TA.04		2 Sep 2013
Roof Plan - Existing	56TA.05		2 Sep 2013
South West Elevation - Existing	56TA.07		2 Sep 2013
North West Elevation - Existing	56TA.08		2 Sep 2013
Ground Floor Plan - Proposed	56TA.10		2 Sep 2013

First Floor Plan - Proposed	56TA.11		2 Sep 2013
South East Elevation - no change	56TA.12		2 Sep 2013
South West Elevation - Proposed	56TA.13		30 Sep 2013
North West Elevation - Proposed	56TA.14		30 Sep 2013

BH2013/03059

33 Hove Park Road Hove

Certificate of Lawfulness for proposed loft conversion incorporating roof extension, rear pitched roof dormer and side rooflights.

Applicant: Mr David Simpkins

Officer: Mark Thomas 292336

Approved on 07/11/13 DELEGATED

BH2013/03062

117 Shirley Drive Hove

Erection of ground floor and basement level front extensions incorporating revised driveway, new boundary wall with gated entrances and associated alterations.

Applicant: Mr Edward Hamilton

Officer: Helen Hobbs 293335

Approved on 07/11/13 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 hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

3) UNI

No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of the Malus spp growing in the verge outside the above property has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed ground plan	1	J	6th September 2013
Proposed elevations	2	H	8th September 2013
Proposed site sections	3	F	6th September 2013
Approved design app No. BH2010/03390	4	B	6th September 2013
Front extension & garden	5		6th September 2013
Block plan	6	B	6th September 2013
Existing plans	7	A	6th September 2013
Existing elevations	8	A	6th September 2013
Existing ground floor and garden plan	9	A	6th September 2013
Approved ground plan app No. BH2012/03801	10		6th September 2013

5) UNI

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

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

BH2013/03130

32 Hill Brow Hove

Application for approval of details reserved by condition 7 of application BH2012/03610.

Applicant: Mr Simon Maggs

Officer: Jason Hawkes 292153

Approved on 11/11/13 DELEGATED

BH2013/03149

10 Chalfont Drive Hove

Erection of single storey rear extension, two storey side extension and associated works.

Applicant: Mr Phil Turner

Officer: Liz Arnold 291709

Refused on 08/11/13 DELEGATED

1) UNI

The proposed two storey side extension by virtue of its design, height and width would result in an extension which would not appear subservient to the dwellinghouse and which would be a dominant addition to the front elevation of the property. This would be exacerbated by the forward projection, width and design of the proposed replacement garage which would fail to be an integrated feature of the property. In addition the staggered front building lines of the

proposed side extension, in conjunction with the existing, would result in a complicated and awkward front building line of the property which is located on a prominent corner. The proposal would therefore be of detriment to the visual amenities of the parent property, the Chalfont Drive and Ash Close street scenes and the wider area, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 'Design Guide for Extensions and Alterations'.

BH2013/03202

9 Onslow Road Hove

Enlargement of existing garage and conversion of garage to create workspace.

Applicant: Nick Mercer

Officer: Mark Thomas 292336

Approved on 13/11/13 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	S0		18th September 2013
Existing ground floor plan	S1		18th September 2013
Existing first floor plan	S2		18th September 2013
Existing second floor plan	S3		18th September 2013
Existing rear elevation	S4		18th September 2013
Existing side (east) elevation	S5		18th September 2013
Existing side (west) elevation	S6		18th September 2013
Existing front elevation	S7		18th September 2013
Existing plans and sections	S8		18th September 2013
Existing site plan	S9		18th September 2013
Proposed block plan	P0		18th September 2013
Proposed ground floor plan	P1		18th September

			2013
Proposed first floor plan	P2		18th September 2013
Proposed second floor plan	P3		18th September 2013
Proposed rear elevation	P4		18th September 2013
Proposed side (east) elevation	P5		18th September 2013
Proposed side (west) elevation	P6		18th September 2013
Proposed front elevation	P7		18th September 2013
Proposed plans and sections	P8		18th September 2013
Proposed site plan	P9		18th September 2013

BH2013/03220

Cardinal Newman School The Upper Drive Hove

Application for Approval of Details Reserved by Conditions 5, 8, 9, 10 and 12 of application BH2013/01693.

Applicant: The Governors of Cardinal Newman School

Officer: Jason Hawkes 292153

Approved on 14/11/13 DELEGATED

BH2013/03302

3 Woodland Close Hove

Non Material Amendment to BH2013/01595 to change from rear window to bi-fold doors.

Applicant: Mr A Goodridge

Officer: Mark Thomas 292336

Approved on 06/11/13 DELEGATED

BH2013/03329

4 Woodlands Hove

Certificate of Lawfulness for existing dormer to front elevation.

Applicant: Miss Rosemary Veaney

Officer: Helen Hobbs 293335

Approved on 20/11/13 DELEGATED

BH2013/03427

61 Cranmer Avenue Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 4m, and for which the height of the eaves would be 3.5m.

Applicant: Mr David Twilley

Officer: Chris Swain 292178

Prior approval not required on 18/11/13 DELEGATED

WESTBOURNE

BH2013/01570

Report from: 31/10/2013 to: 20/11/2013

14-18 New Church Road Hove

Replacement UPVC windows to front, side and rear elevations.

Applicant: Priory Group

Officer: Helen Hobbs 293335

Refused on 05/11/13 DELEGATED

1) UNI

The replacement windows, by reason of their design, material and frame thickness, represent a harmful alteration which would fail to preserve or enhance the character or appearance of the building or wider Pembroke and Princes Conservation Area. The proposal is thereby contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and guidance with Supplementary Planning Document 09, Architectural Features, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2013/02823

Hove Museum 19 New Church Road Hove

Creation of terrace incorporating new low level perimeter wall.

Applicant: Brighton & Hove City Council

Officer: Christopher Wright 292097

Approved on 06/11/13 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
Site Plan and Block Plan	001	A	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) 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 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) 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.

6) UNI

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.

BH2013/02928

10 Princes Avenue Hove

Replacement double glazed timber and UPVC windows to front, side and rear.

Applicant: Mr Jonathan Moffat

Officer: Helen Hobbs 293335

Approved on 01/11/13 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 timber windows to the front elevation shall be painted white and shall be maintained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan			3rd September 2013
Window specifications			4th September 2013
Window sections			27th August 2013

BH2013/03036

Flat 2 35 Westbourne Villas Hove

Replacement UPVC double glazed windows and door replacing existing rear window.

Applicant: Miss Alexandra Oakshott

Officer: Mark Thomas 292336

Approved on 11/11/13 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			16th September 2013
Window and door schedule			3rd September 2013
Window specification and sectional drawings			3rd September 2013
Numbered photographs			3rd September 2013
Product brochure 'Choices'			3rd September 2013

BH2013/03054

10 Westbourne Place Hove

Application for Approval of Details Reserved by Condition 16(i)b of Application BH2013/01175.

Applicant: Creative Developments UK Ltd

Officer: Adrian Smith 290478

Approved on 06/11/13 DELEGATED

BH2013/03188

Hove Methodist Church Portland Road Hove

Removal of ventilator from pitched roof of church building. (Part Retrospective)

Applicant: Hove Methodist Church

Officer: Steven Lewis 290480

Approved on 12/11/13 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 Site Plan	07855-PL 001		17/09/2013
Existing elevation	07855-PL 003		17/09/2013
Proposed Elevations	07855-PL 005		17/09/2013
Statement of need			19/09/2013
Existing roof vent	07855-A-L(00) -0201		28/10/2019

BH2013/03236

84 Sackville Road Hove

Erection of single storey rear extension.

Applicant: Mr Nicholas Lee

Officer: Liz Arnold 291709

Approved on 13/11/13 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan			19th September 2013
Block Plan			19th September 2013
Existing Elevations	840513/301	C	19th September 2013
Existing Floor Plans	840513/302	A	19th September 2013
Proposed Elevations	840513/501	C	19th September 2013
Proposed Floor Plans	840513/502	A	19th September 2013

WISH

BH2012/03657

89 Payne Avenue Hove

Demolition of existing house and erection of 5no apartments comprising of 4no one bed apartments and 1no three bed apartment (amended design and layout).

Applicant: Mrs Lisa Butterfill

Officer: Adrian Smith 290478

Approved after Section 106 signed on 13/11/13 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 on the east side elevation of the building hereby permitted facing 87 Payne Avenue shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property, to avoid prejudicing the future development of the adjacent site, and to comply with

policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI

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

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) UNI

Access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

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

6) 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.

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

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.

9) UNI

No development shall commence until full details of the noise barrier fences recommended in the submitted acoustic report from Acoustic Associates Sussex Ltd. received on 17 January 2013 have been submitted to and approved in writing by the Local Planning Authority. The fences shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of the properties hereby permitted and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

10) 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.

11) UNI

All planting, seeding and turfing comprised in the scheme of landscaping detailed on drawing no.D.01 rev E received on 10 May 2013 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 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.

12) UNI

The development hereby approved shall not be occupied until the measures for the soundproofing of the building recommended in the submitted acoustic report from Acoustic Associates Sussex Ltd. received on 17 January 2013 have been fully implemented. The implemented soundproofing measures shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

13) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

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

14) 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.

15) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan and existing plans and elevations	A.01	C	05/03/2013
Proposed plans and elevations	D.01	F	20/06/2013
	D.02	E	10/05/2013

BH2013/02446

32 Boundary Road Hove

Formation of first floor rear terrace on flat roof incorporating balustrading and replacement of existing window with French doors.

Applicant: Dr Harjinder Heer

Officer: Guy Everest 293334

Approved on 19/11/13 DELEGATED

1) BH01.01

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

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

2) UNI

No development shall take place until details of 1.7 metre high screening to the northern boundary of the site and 1.15 metre high screening to the eastern boundary of the terrace have been submitted to and approved in writing by the Local Planning Authority. The screening shall be erected in accordance with the agreed details prior to first use of the roof terrace 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.

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 & Block Plan	467(PL2)2		22/07/2013
Existing & Proposed Elevations & Floor plans	467(PL2)1	B	25/09/2013

BH2013/02704

Land to rear of 32, 33 and 34 Boundary Road, Hove

Application for Approval of Details Reserved by conditions 3, 8 and 9 of application BH2012/03669.

Applicant: Daniel Barker

Officer: Guy Everest 293334

Approved on 13/11/13 DELEGATED

BH2013/02863

343 Kingsway Hove

Certificate of lawfulness for proposed loft conversion incorporating side and rear dormer and associated works.

Applicant: Jean Joseph Cussac

Officer: Anthony Foster 294495

Report from: 31/10/2013 to: 20/11/2013

Approved on 14/11/13 DELEGATED

BH2013/03047

102 New Church Road Hove

Certificate of lawfulness for proposed erection of single storey extensions to side and rear.

Applicant: Mr Patrick Mahony & Mrs Angela Konrad

Officer: Andrew Huntley 292321

Approved on 18/11/13 DELEGATED

BH2013/03091

20A Braemore Road Hove

Conversion of loft space incorporating front rooflights and side and rear dormers to create a 1no one bedroom flat together with associated internal alterations to first floor flat.

Applicant: Katerina Barrett

Officer: Christopher Wright 292097

Refused on 08/11/13 DELEGATED

1) UNI

Notwithstanding the error on drawing no. 109/013, the proposed dormer roof extensions would, by reason of their design, appearance, siting, scale and bulk, significantly alter the form of the original roof and unbalance the symmetry between the two semi-detached buildings, giving the development an unduly dominant and incongruous appearance that would detract from the character of the recipient building and the appearance of the wider street scene. As such the proposal is contrary to the requirements of policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12: Design Guidance for Extensions and Alterations.

2) UNI2

The large area of glazed windows proposed on the rear dormer would serve the principal habitable room of the proposed attic flat and by reason of the height and the large area of glazing, would enable the overlooking of neighbouring properties resulting in loss of privacy for their occupants. As such the proposal would be detrimental to residential amenity and conflicts with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/03101

18 Mansfield Road Hove

Erection of single storey rear extension.

Applicant: Michael Shalabi

Officer: Helen Hobbs 293335

Refused on 12/11/13 DELEGATED

1) UNI

The proposed extension, by virtue of its excessive depth, siting and design, creates an incongruous and poorly related feature to the existing property, detracting from the character and appearance of the existing dwelling and the surrounding area. The proposal is therefore contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide on Extensions and Alterations (SPD12).

BH2013/03221

181 Portland Road Hove

Erection of single storey rear extension.

Applicant: Mr F W Tang

Officer: Christopher Wright 292097

Approved on 13/11/13 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 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

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.

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 and Block Plans	RFA12/243/O S		18 Sep 2013
Existing Ground Floor Plan	RFA12/243/10	A	19 Sep 2013
Proposed Ground Floor Plan	RFA12/243/11	A	19 Sep 2013
Existing and Proposed Elevations	RFA12/243/13	A	19 Sep 2013

BH2013/03229

33 Welbeck Avenue Hove

Certificate of lawfulness for the proposed erection of a single storey side extension.

Applicant: Elizabeth Maddison

Officer: Steven Lewis 290480

Approved on 18/11/13 DELEGATED

BH2013/03454

52 St Leonards Road Hove

Certificate of lawfulness for proposed removal of existing lean to and erection of

Report from: 31/10/2013 to: 20/11/2013

single storey rear extension.

Applicant: Ken George

Officer: Emily Stanbridge 292359

Approved on 12/11/13 DELEGATED

PLANS LIST 11 December 2013**PRESTON PARK**

Application No: BH2013/03596
Preston Mansions Preston Park Avenue

Reducing and shaping of 5no Maple trees at the front of the property (T1-T5) reducing the crown height and width by one metre. Uplift 1no Maple on the Stanford Avenue boundary (T6) by removing 3no lower limbs that are shading the balcony of apartment 1. All work will be carried out to BS3998.

Applicant: Miss Mags Longbotham
Approved on 08 Nov 2013

Application No: BH2013/03784
38 Stanford Avenue

Fell 1no Pear (T1) - tree has very limited visibility thus does not warrant a TPO.

Applicant: Mr J Hatch
Approved on 08 Nov 2013

Application No: BH2013/03956
20 Florence Road, Brighton

4no Yews (T1 & T2 on plan) - reduce width and crown raise to widen access onto drive; Holly (T3) - remove limbs overhanging neighbours, reduce height to below that of Yew trees; 2no Purple Plums (T3) - 30% (2m) reduction, reduce limbs away from neighbours building; Holly (T4) - reduce away from neighbours building by 2m; Purple Plum (T5) - 30% (2m) reduction; Yew (T6) - 15% (1m) reduction and re-shape.

Applicant: Mark Haddock
Approved on 22 Nov 2013

Application No: BH2013/03958
71 Florence Road, Brighton

Ash - 3m crown reduction all round, removal of large lower limb overhanging neighbours garden to rear.

Applicant: Mark Haddock
Approved on 22 Nov 2013

ST. PETER'S & NORTH LAINE

Application No: BH2013/03931
Brighthelm Centre, North Road, Brighton

T1 English Elm & T7 Sycamore - crown clean to include removal of large dead wood, diseased, damaged and rubbing branches, raise canopy to give 4m ground clearance.

Applicant: James Cox
Approved on 22 Nov 2013

WITHDEAN

Application No: BH2013/03659
219 Preston Road, Brighton

Fell 1no Goat Willow (T1) to ground level in the small rear courtyard of 219 Preston Road. The tree is confined in close proximity to a flint wall and a recent extension to the neighbouring property. Tree has no public amenity value.

Applicant: Mr Jason Brand
Approved on 08 Nov 2013

Application No: BH2013/03787
54 Surrenden Road

Fell 1no Eucalyptus (T1) - tree has some public amenity value when viewed from Poplar Close but not sufficient to warrant a TPO.

Applicant: Mr Philip Bower
Approved on 08 Nov 2013

Application No: BH2013/03852
7 Varndean Drive, Brighton

Sycamore (T196) - 20% crown reduction, 10% crown thin; Sycamore (T140) - 20% crown reduction; Sycamore (T139) - remove 5-6 branches, low to south up to 7cm diameter.

Applicant: Nyall Thompson
Approved on 15 Nov 2013

Application No: BH2013/03901
74 Surrenden Park

1no Chestnut (T1) reduce in height by 0.5m and sides by 1-2m.

Applicant: Mr J Hatch
Approved on 22 Nov 2013

Application No: BH2013/03905
10 Harrington Villas, Brighton

Fell one Bay Laurel (T5 on plan). Although it has public visibility, it is insufficient to warrant a TPO. Being implicated in a subsidence issue means that it has only short-term potential for retention.

Applicant: Infront Innovation
Approved on 22 Nov 2013

Application No: BH2013/03932
Flat 9 Cornwall House, 21 Harrington Road, Brighton

T1 Sycamore - pollard to old growth points and removal of ivy; T2 & T3 Small-leaved Lime - re-pollard to old growth points; T4 Sycamore - crown reduction 40%.

Applicant: Mr N Margereson
Approved on 22 Nov 2013

Application No: BH2013/03959
St Bernadette's School, London Road, Brighton

Ash - 30% (4m) crown reduction to limit 'sail effect' on canopy.

Applicant: Mark Haddock
Approved on 22 Nov 2013

Application No: BH2013/03961
St Bernadette's School, London Road, Brighton

Fell Sycamore group and allow to regenerate. The sycamores have no public visibility thus no public amenity value.

Applicant: Mark Haddock
Approved on 22 Nov 2013

HANOVER & ELM GROVE

Application No: BH2013/03557

Brighton & Preston Cemetery, The Lodge, 99 Hartington Road

2no Limes (T1,T2) (west of 101 Hartington Road's rear garden), 4no Sycamores (T3,T4,T5,T6) (north and west of 101 Hartington Road's rear garden), 1no Lime (T7) (north of 103 Hartington Road's rear garden): Reduce the canopies by 30% and raise canopies by 3m.

Applicant: Mrs Janet Bonwick

Approved on 08 Nov 2013

Application No: BH2013/03627

Brighton & Preston Cemetery, The Lodge, 99 Hartington Road

Fell 1no Monterey Cypress (T8) due to danger and aesthetics, is dead/dying.

Applicant: Mrs Janet Bonwick

Approved on 08 Nov 2013

MOULSECOOMB & BEVENDEAN

Application No: BH2013/03579

23 Tenantry Road

1no Sycamore (T1) prune back crown overhanging roof to give clearance of 3m. 1no Sycamore (T2) prune back crown overhanging roof to give clearance of 3m, thin crown by 15% and sever/remove ivy.

Applicant: Miss Rachel Papper

Approved on 22 Nov 2013

QUEEN'S PARK

Application No: BH2013/03701

15 West Drive

2no Ash (T1,T2) on boundary wall at the bottom of the garden - reduction by 30% to crowns.

Applicant: Mrs D Davis

Approved on 08 Nov 2013

Application No: BH2013/03933

24 Tower Road, Brighton

Elm - reduce by no more than 30% back to old cuts as before.

Applicant: Miss L Dopson
Approved on 22 Nov 2013

ROTTINGDEAN COASTAL

Application No: BH2013/03708
28 Rowan Way

1no Lime (T1) - approximately 30% reduction of branches that overhang Brightsands.

Applicant: Mr Brian Causton
Approved on 08 Nov 2013

Application No: BH2013/03740
St Wulfran's Church, Greenways

Fell 2no Sycamore (T1,T2). Both trees are self-seeded adjacent to a flint boundary wall and now damaging the structure of the wall. Their retention is unsustainable. Their loss will make a minimal impact on the local and wider landscape.

Applicant: Mr Luke Ellis
Approved on 08 Nov 2013

WOODINGDEAN

Application No: BH2013/03700
Ravensbourne Court, 28-34 Warren Way

1no Sycamore (T1) on left corner of building at rear - reduce back from building 2 metres. 1no Sycamore (T2) on opposite side adjacent to Ash - reduce back in from neighbours 2 metres. 1no Sycamore (T3) adjacent to bin store - remove lowest limb over lamp, reduce back 2-3 metres from car park area, crown lift 2-3 metres above garden path towards pond. 2no Sycamore (T4, T5) clear away from lamp lights.

Applicant: Mr A Scrase
Approved on 08 Nov 2013

Application No: BH2013/03896
85a Crescent Drive North

Fell 1no Sycamore (T11) its location in relation to the house is unsustainable and the tree has an overbearing presence, and its proximity to the retaining walls in the garden render it unsustainable in the long-term. Public visibility is very limited.

Applicant: Peter Fuller
Approved on 22 Nov 2013

Application No: BH2013/03898
85a Crescent Drive North

14no Sycamore (T1-T15 except T11) thin canopies by approximately 30%. 2no Beech (T16,T17) thin canopies by approximately 30%.

Applicant: Peter Fuller
Approved on 22 Nov 2013

BRUNSWICK AND ADELAIDE

Application No: BH2013/03786
Garden Flat, 12 Salisbury Road

4no Elm (T1,T2,T3,T4) in rear garden - reduce back to live growth points by 3-4 m and sever ivy.

Applicant: Mr J Hatch
Approved on 08 Nov 2013

CENTRAL HOVE

Application No: BH2013/03837
11 Hove Street, Hove

Fell 1no Golden macrocarpa. Tree does have limited public visibility and is in good health; however, its present location is entirely unsustainable as it is too large.

Applicant: R W Green Ltd
Approved on 15 Nov 2013

GOLDSMID

Application No: BH2013/03847
Eaton Garden Mansions, Eaton Gardens, Hove

1no Cherry - 30% crown reduction.

Applicant: Nyall Thompson
Approved on 15 Nov 2013

Application No: BH2013/03934
39 Denmark Villas, Hove

3no Elms (T1) - reduce tops to half-way between where they were cut to previously and the neighbour's gutter. All branches overhanging the neighbour's garden cut back to the boundary and all branches over the lawn cut back in line with the middle of the shed.

Applicant: Tom Fellows
Approved on 22 Nov 2013

Application No: BH2013/03935
39 Denmark Villas, Hove

Elder (T1) - cut top to previous cuts; leaning Elm (T2) - reduce to fence height.

Applicant: Tom Fellows
Approved on 22 Nov 2013

HOVE PARK

Application No: BH2013/03660
12B Woodlands

1no Oak (T1): reduce all branches by 1.5m to allow more light.

Applicant: Mrs Annabelle Ross
Approved on 08 Nov 2013

WESTBOURNE

Application No: BH2013/03558
13 Pembroke Avenue

Fell 2no Sycamores (T1,T2) to increase light into garden. Fell 2no Cordyline (T3,T4) to increase light and space into garden. None of the trees to be felled have sufficient public amenity value to warrant a TPO.

Applicant: Mr Phil Bath
Approved on 08 Nov 2013

Application No: BH2013/03626
13 Pembroke Avenue

1no Lombardy Poplar (T5) reduce top down to previous cuts to increase light into garden.

Applicant: Mr Phil Bath
Approved on 08 Nov 2013

NEW APPEALS RECEIVED**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2012/03874

41 41A & 41B Bond Street Brighton

Change of Use of first and second floors from retail (A1) to hostel incorporating extensions and alterations to existing building including creation of additional floors with mansard roof, infill extension at second floor level and associated works.

APPEAL LODGED

31/10/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM**

BH2013/01825

30 Brangwyn Way Brighton

Erection of first floor side extension with pitched roof.

APPEAL LODGED

31/10/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/02261

Pizza Express Unit 4 The Boardwalk Waterfront Brighton Marina

Display of 1no internally illuminated fascia sign and 2no internally illuminated roundel signs (part-retrospective).

APPEAL LODGED

04/11/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****ROTTINGDEAN COASTAL**

BH2013/01949

12 The Cliff Brighton

Demolition of existing two storey dwelling and garage and erection of part two, part three

APPEAL STATUS storey dwelling with garage.
APPEAL RECEIVED DATE APPEAL LODGED
APPLICATION DECISION LEVEL 04/11/2013
Delegated

WARD **ST. PETER'S & NORTH LAINE**
APPEAL APP NUMBER BH2013/02737
ADDRESS 41 Princes Road Brighton
DEVELOPMENT DESCRIPTION Erection of single storey rear extension.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 04/11/2013
APPLICATION DECISION LEVEL Delegated

WARD **EAST BRIGHTON**
APPEAL APP NUMBER BH2013/01529
ADDRESS 68A St Georges Road Brighton
DEVELOPMENT DESCRIPTION Demolition of existing building and roof covering over site and erection of 3no three bedroom houses and associated alterations.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 04/11/2013
APPLICATION DECISION LEVEL Delegated

WARD **REGENCY**
APPEAL APP NUMBER BH2013/01279
ADDRESS 20-22 Market Street & 9 East Street Arcade Brighton
DEVELOPMENT DESCRIPTION Change of use from retail (A1) to restaurant (A3) incorporating installation of ventilation system.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 31/10/2013
APPLICATION DECISION LEVEL Delegated

WARD **WOODINGDEAN**
APPEAL APP NUMBER BH2013/01377
ADDRESS Land Adjacent to 42 Rosebery Avenue Brighton
DEVELOPMENT DESCRIPTION Outline application with all matters reserved for the erection of a detached residential dwelling.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 05/11/2013
APPLICATION DECISION LEVEL Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANOVER & ELM GROVE**

BH2013/02539

1 De Montfort Road Brighton

Certificate of Lawfulness for existing use as a residential dwelling.

APPEAL LODGED

06/11/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2013/02373

168A Old Shoreham Road Hove

Erection of rear dormer to replace existing.

APPEAL LODGED

11/11/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

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.

APPEAL LODGED

14/11/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2013/02095

7 Queen Caroline Close Hove

Erection of two storey rear extension and porch to front entrance.

APPEAL LODGED

05/11/2013

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****HOVE PARK**

BH2013/02979

44 Hill Brow Hove

Roof extension at first floor level on front

elevation to create new gable end over garage with enlargement and extension of existing front gable. Revised fenestration and associated external alterations.

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL LODGED
19/11/2013
Delegated

WARD

APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION
APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2013/02304
41 Westfield Avenue North Saltdean Brighton
Erection of a single storey side extension.
APPEAL LODGED
20/11/2013
Delegated

**Brighton & Hove
City Council****INFORMATION ON HEARINGS / PUBLIC INQUIRIES
11th December 2013**

This is a note of the current position regarding Planning Inquiries and Hearings

22, 22A, 23, 23A East Street, Brighton

Planning application no: BH2012/03423

Description: Conversion of upper floors from offices (B1) to 2no two bedroom flats.

Decision: Committee

Type of appeal: Informal Hearing

Date: 8th January 2014

Location: Hove Town Hall

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: 8th January 2014

Location: Hove Town Hall

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: 11th March 2014

Location: Hove Town Hall

1 De Montford Road, Brighton

Planning application no: BH2013/02539

Description: Certificate of Lawfulness for existing use as a residential dwelling.

Decision: Delegated

Type of appeal: Informal Hearing

Date: 11th March 2014

Location: Hove Town Hall

20-22 Market Street and 9 East Arcade, Brighton

Planning application no: BH2013/01279

Description: Change of use from retail (A1) to restaurant (A3) incorporating installation of ventilation system.

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location:

TBC



**Brighton & Hove
City Council**

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I – 70 WINDMILL DRIVE, BRIGHTON – WITHDEAN **663**

Application BH2013/02220 – Appeal against refusal for removal of existing balcony to rear flat roof, increase in size of flat roof area and installation of new guarding to form balcony with improvements to protect privacy of adjacent properties. **APPEAL ALLOWED** (delegated decision)

J – FIRST FLOOR PLAT, 17 ST. LUKE’S ROAD, BRIGHTON – QUEENS PARK **667**

Application BH2012/03871 – Appeal against refusal for new dormer to rear of property to add to current room in the roof, and interior en-suite bathroom. **APPEAL DISMISSED** (delegated decision)

K – ‘THE MESMERIST’, 1-3 PRINCE ALBERT STREET, BRIGHTON – REGENCY **669**

Application BH2013/00815 & BH2013/00816 – Appeal against refusal for replacement of existing ground floor windows with bi-fold windows to North and bi-fold doors to East elevations. **BOTH APPEALS DISMISSED** (delegated decision)

L – 15 SHAFTESBURY ROAD, BRIGHTON – ST. PETER’S & NORTH LAINE **671**

Application BH2013/02290 – Appeal against refusal for demolition of existing single storey rear extension, erection of new single storey rear extension. **APPEAL ALLOWED** (delegated decision)

M – 34 LUSTRELLS VALE, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL **675**

Application BH2013/01963 – Appeal against refusal part two storey, part single storey rear extension. **APPEAL DISMISSED** (delegated decision)

N – 26 SHIRLEY STREET, HOVE – GOLDSMID **679**

Application BH2013/01374 – Appeal against refusal for single storey rear/side extension. **APPEAL ALLOWED** (delegated decision)

Appeal Decision

Site visit made on 21 October 2013

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 October 2013

Appeal Ref: APP/Q1445/A/13/2193922

Land adjoining 64 Connell Drive, Brighton BN2 6RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr G Wells against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/01394, dated 8 May 2012, was approved on 20 December 2012 and planning permission was granted subject to conditions.
 - The development permitted is demolition of existing garages and erection of a 2No storey, 3No bedroom end of terrace dwelling.
 - The condition in dispute is No 13 which states that: The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority: (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority, (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority, (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works. (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise: a) as built drawings of the implemented scheme; b) photographs of the remediation works in progress; and c) certificates demonstrating that imported and/or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved.
 - The reason given for the condition is: to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
-

Decision

1. I allow the appeal and vary the planning permission Ref BH2012/01394 for demolition of existing garages and erection of a 2No storey, 3No bedroom end of terrace dwelling at Land adjoining 64 Connell Drive, Brighton BN2 6RT granted on 20 December 2012 by Brighton & Hove City Council, by deleting condition 13) and substituting for it the following condition;

- 13) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Application for Costs

2. An application for costs was made by Mr G Wells against Brighton & Hove City Council. This application is the subject of a separate Decision.

Reasons

3. The Environmental Health Officer had recommended a condition setting out the steps to be taken should contamination be found during construction based on the previous long term use of the site for domestic garages. Whilst this may be regarded as a slight risk, or no risk at all as stated by the appellant, that level of condition appears reasonable in the circumstances and may not be needed to be actioned in any event.
4. The permission that the Council granted however contained a far more detailed condition, as copied in full on the header to this Decision, which went beyond what the Environmental Health Officer had recommended, and beyond what appears reasonable and necessary in this case. The Council subsequently agreed with the appellant that this condition had been attached in error.
5. Having mind to the nature of the site, its previous use and the nature of the development, it is the case that the disputed condition fails three of the tests in Circular 11/95 '*The Use of Conditions in Planning Permissions*' as it is not necessary, relevant to the development to be permitted or reasonable in all other respects. That condition should be deleted.
6. The condition recommended by the Environmental Health Officer passes all six of the tests in the Circular, being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects and should be substituted as originally intended. That condition does however lack an implementation clause which should be added.
7. For the reasons given above it is concluded that the appeal should succeed. The planning permission is varied by deleting the disputed condition and substituting another.

S J Papworth

INSPECTOR



Appeal Decision

Site visit made on 1 October 2013

by S Stevens BSc (Hons), MSc, DipTP, DMS, MCMI, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 October 2013

Appeal Ref: APP/Q1445/D/13/2203885

32 Hill Brow, Hove, BN3 6QH

- 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 S Maggs against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00538, dated 5 April 2013 was refused by notice dated 30 May 2013.
 - The development proposed is extensions to north and south of the existing property.
-

Decision

1. The appeal is allowed and planning permission is granted for two storey extensions to the north and south of the existing building, front and rear gables, rear balconies, creation of a basement level and associated external alterations at 32 Hill Brow, Hove, BN3 6QH in accordance with the terms of the application, Ref BH2013/00538, dated 5 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: Y044-A01, Y054-A02, YO39-A03, Y044-A04; Y044-A05; Y044-A06, Y044-A07; Y044-D01, Y044-D02, Y044-D03 and Y044-D04.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the side elevations.
 - 4) Before the first occupation of the south extension hereby permitted the first floor window on the south elevation shall be fitted with obscured glass and shall be fixed shut and permanently retained in that condition.
 - 5) No development shall take place until a Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites 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.

Procedural matter

2. The planning application form describes the proposed works as extensions to the north and south of the existing dwelling. The plans, Council officer's report and decision letter indicate the proposal is for two storey extensions to the north and south of the existing building, front and rear gables, rear balconies, creation of a basement level and associated external alterations. This description more accurately describes the proposal and this is what I will use.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the area and the existing building.

Reasons

4. The appeal site is within a residential area comprising a mix of two and single storey dwellings on generous plots. The appeal site is located on the southern side of Hill Brow and the land slopes down from the northern side so that properties to the north sit higher than the road whilst those on the south sit at, or below the road level.
5. In January 2013 the Council granted planning permission for the erection of a two storey south extension, a single storey north extension with formation of basement below, front and rear gables, rear balconies and associated external alterations – application reference BH2012/03610. The Council has not submitted any evidence in respect of these elements of the development that have previously been approved and I see no reason to come to a different decision regarding them.
6. The proposal that is the subject of this appeal differs from the approved scheme as it includes a proposed first floor extension over the previously approved garage to the north elevation and a front dormer window. The extension would be sited within approximately 0.5 metres of the side boundary with No 34 which is a bungalow set below and at a slight angle facing away from No 32.
7. Many of the properties on Hill Brow have been extended, altered or replaced with a variety of 'traditional' and 'modern' designs. There is no regular development pattern with some single storey dwellings located close to neighbouring two storey dwellings. There is also a variation in spaces between the dwellings with some built right up to the side boundary. The proposal would not therefore be out of keeping with other developments on Hill Brow or in the nearby area.
8. The proposed extension would also create a more balanced appearance with a hipped roof to match the approved extension to the south. Whilst the size of the resultant property would be larger than some nearby dwellings it would not appear cramped on the site or out of scale with its surroundings. The proposed front dormer window would reflect the overall form of the approved front gables and other similar dormers in the vicinity of the appeal site. I conclude that the proposal would not harm the character or appearance of the property or area. The proposal would not therefore conflict with Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan (LP) and Supplementary Planning Guidance Note 1: *Roof Alterations & Extensions* (SPD) which seek to ensure new development is of a high design and reflects the local character.

9. Concern has been raised that the proposal would cause overshadowing and loss of light to the bathroom of No 34. There would be a minimal loss of day and sunlight due to the orientation of the site and the splayed position of No 32 and 34 and I do not consider the level of harm caused sufficient to justify dismissing the appeal. It is also stated the documents submitted by the appellant are misleading as they do not contain details of the adjoining property. However, the documents submitted and my site visit have provided sufficient information on the relationship of the adjoining properties and the appeal property so that the impacts can be assessed.

Conclusion

10. Having taken into account all matters raised I conclude the proposal would not harm the character or appearance of the existing property or area. The proposal does therefore comply with Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan (LP) and the Supplementary Planning Guidance Note 1: *Roof Alterations & Extensions* (SPD).
11. For the reasons given above I conclude that the appeal should be allowed.

Conditions

12. In addition to the statutory time limit a condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. The Council has also suggested three conditions should the appeal be allowed. In order to protect the amenities of No 30 I will impose conditions requiring obscured and fixed glazing to the first floor window in the south elevation and to restrict any new openings in the side elevations. It is also requested that a condition be imposed regarding the submission of, and implementation of a waste minimisation scheme in accordance with the LP and Supplementary Planning Document 03 *Construction and Demolition Waste*. The proposal involves the creation of a basement level which would involve some excavation *work* and I consider this condition is reasonable to ensure the reuse of waste materials and a reduce in the amount of waste to landfill.

Sarah Stevens

INSPECTOR



Appeal Decision

Site visit made on 21 October 2013

by M Brookes BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 October 2013

Appeal Ref: APP/Q1445/A/13/2198219

17 Albany Villas, Hove, East Sussex, BN3 2RS

- 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 John Scales against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03720 was refused by notice dated 27 February 2013.
 - The development proposed is a rear extension to basement and ground floor level.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the development on the character and appearance of the building and of the Cliftonville Conservation Area.

Reasons

3. The appeal property was constructed as one of a number of substantial, late Victorian semi-detached villas with stuccoed walls in Albany Villas. The villas are of a variety of compatible styles with many shared features, including a general formality and symmetry to their elevations. These features make a significant contribution to the character and appearance of Albany Villas and of the Cliftonville Conservation Area.
4. Although the appeal property now has a large and unsympathetic side extension which adjoins 19 Albany Villas, the symmetry and architectural details of the original front elevations of the pair of houses at 15 and 17 Albany Villas largely remain.
5. The symmetrical form of the original rear elevations is more clearly defined because the extension is well recessed from the main rear walls. These main walls have central projecting bay windows at ground and basement level and are on each side of a recessed shared higher tower. On the boundary line of this shared tower is a projecting wall which runs down from main eaves level and at a lower level projects increasingly from the rear wall as it sweeps down in a curve to a pillar. On the appeal site, this party wall adjoins a small balcony and steps leading down to the garden from the ground floor and projects beyond the furthest part of the building. A separate set of steps leads down from the rear garden to the basement.

6. Alterations to the rear elevation of 15 Albany Villas, including the insertion of new windows and a small bay widow, have disrupted the unity and symmetry of detail of the pair of villas, but have not materially affected the unity and symmetry of its distinctive original form.
7. The proposed development includes an extension at ground floor and basement level over and beneath the existing balcony and a further projection at basement level as far as the party wall pillar.
8. The extension would be to part of the main rear wall of the appeal property and to the whole of the lower part of its recessed tower wall. It would therefore disrupt the symmetry and distinctive form of the rear walls of the original pair of villas. It would also extend close to and beyond the two-storey bay, which is centrally located between flanking sections of plain stuccoed walling and contributes to an attractive and symmetrical section of the rear elevation. The setting of the bay and the symmetry of that section of wall would be significantly harmed. Furthermore, the extension would immediately adjoin and would project above the curved section of the boundary wall. The distinctive form of the wall, which is an attractive feature, would be largely lost as a consequence.
9. All of these consequences of the development would be harmful to the character and appearance of the building. The extended building would also be out of keeping with the adjacent pair of houses at 19 and 21 Albany Villas, which retain the form and detail of their original rear elevations and have a curved boundary wall that is not encroached upon by later development.
10. Although there is substantial landscaping at the end of the rear garden and the proposed extension would not be visible in the street scene, it would be readily visible from other properties, including those at 15, 19 and 21 Albany Villas and would therefore also be harmful to the character and appearance of the Cliftonville Conservation Area.
11. The development would not therefore preserve or enhance the character or appearance of the conservation area. It would not represent a high standard of design that reflects building forms and would not be well sited in relation to the existing building. Consequently, it would conflict with saved Policies HE6 and QD14 of the Brighton and Hove Local Plan 2005. Although the harm to the significance of the conservation area would be less than substantial, the benefit of increased accommodation in the basement and ground floor flats does not constitute a public benefit that outweighs the harm that the development would cause. The development would therefore also conflict with the National Planning Policy Framework.

Conclusion

12. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should be dismissed.

M Brookes

INSPECTOR

Appeal Decision

Site visit made on 17 September 2013

by Kenneth Stone BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 October 2013

Appeal Ref: APP/Q1445/A/13/2199349

Land to the rear of 28 Medina Villas fronting Albany Villas, Hove, East Sussex BN3 2RW

- 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 Chester Ball (Kahair Properties Ltd) against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03905, dated 6 December 2012, was refused by notice dated 1 February 2013.
 - The development proposed is the demolition of existing garage block and erection of a single replacement dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Cliftonville Conservation Area having regard to the scale and design of the development and its effect on the Sycamore tree.

Reasons

3. The Cliftonville Conservation Area is characterised by large grand Victorian villas set in tapering street blocks. The area is predominantly residential with small pockets of Victorian shop frontages along the main routes. The appeal site has its frontage onto Albany Villas but originally formed the rear garden of 28 Medina Villas. Semi detached Victorian villas of varying detail create a strong sense of character and townscape within Albany Villas and the adjacent streets. The scale of buildings with their vertical emphasis, bay windows, low pitched roofs, prominent chimney stacks and consistent use of colour and materials assist in providing a coherent appearance. The street is further defined by robust boundary treatment with substantial piers and brick and flint walls forming the historical means of enclosure, albeit this has been degraded in some locations.
4. The introduction of a modern flat roofed building of the design proposed fails to pay appropriate regard to the form, scale or detailing of the adjacent buildings or street in general. The modern domestic dimensions of the proposed building are out of keeping with the grand scale of the surrounding buildings. This is further emphasised by the visible two storey façade presented to the street

- which is dominated by large glazed openings, a recessed first floor and canopy detailing which all accentuate the horizontal emphasis of the building. I find that this is out of keeping and harmful to the street scene.
5. Given the open nature of the immediately adjoining plots the flank elevations of the proposed building will be readily visible in the street. The sloping rear first floor is inconsistent with and will detract from the simple geometric cube shape of the building and will be clearly evident in the street scene.
 6. The scale and design of the proposed building are consequently clearly out of keeping with the surrounding buildings and appearance of the area and are thereby detrimental to the character and appearance of the conservation area.
 7. The Sycamore tree located to the front of the site holds a prominent position in the street. The appellant's Arboricultural report (ref RG-NDJ-TAAV dated July 2012) identifies the tree as being in '*fair*' condition with an estimated remaining contribution of 20 years. The report at para 3.1 notes '*...this is a significant tree that is prominent in the street...*' I observed that the tree makes a positive contribution to the character and appearance of the area and its loss would have a harmful effect on the character and appearance of the street. I note the concerns raised in the Arboricultural report that the tree is not sustainable due to its growing conditions and location however it is a mature tree and the growing conditions have not significantly impaired its growth or life expectancy and its current condition is described as '*fair*'. The locational concern only arises as a result of the development's design and layout. On this basis and in the absence of a quality building that would otherwise enhance the conservation area I find that the loss of the tree would be harmful to the appearance of the area.
 8. In consequence I find that the proposed development would be harmful to the street scene and out of keeping with the character of the area and would thereby neither preserve nor enhance the character or appearance of the conservation area.
 9. Whilst I have found the scheme harmful to the heritage asset given the limited scale of the proposals I find that this would be less than substantial harm to its significance in terms of paragraph 134 of the Framework. The scheme does provide public benefits in the form of improvements to the appearance of the area including the removal of the existing inappropriate structure and hard surfacing, the re-instatement of the footway, the removal of off road parking and the re-introduction of appropriate boundary treatment. Furthermore I note that there is not an in principle objection to the site for residential use. However none of these matters outweigh the significant harm that I have identified.
 10. Good modern design is supportable in conservation areas and I note the examples referred to in justification for the approach adopted here. However, each application is to be treated on its merits and to my mind there are distinct differences between the appeal scheme and those examples identified not least in terms of the detailed design of the buildings, the relationship with the adjoining buildings, the scale of those adjoining buildings and the position of the sites in the street, such that they are not directly comparable with that before me. Moreover, I note the comments about the evolution of the scheme and pre-application discussions, as well as the Council's comments about

potential alternative approaches; however I must consider and determine the appeal before me.

Conclusions

11. On the basis of the reasons set out I find that the proposal would be harmful to the character and appearance of the area and therefore neither preserve nor enhance the character or appearance of the Cliftonville Conservation Area by virtue of the scale and design of the proposed building and the resultant loss of the Sycamore tree. Consequently the proposals would be contrary to Policies QD1, QD2, QD16 and HE6 of the Brighton and Hove Local Plan 2005 which seek to secure development of a high standard of design compatible with the character of the area, retain existing trees and ensure developments preserve or enhance the character or appearance of conservation areas. This is consistent with the National Planning Policy Framework and in particular paragraphs 56 -64 in seeking high quality design and paragraphs 126 – 141 in seeking development that conserves and enhances the historic environment.
12. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

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: 5 November 2013

Appeal Ref: APP/Q1445/A/13/2197768

Land adjacent 80 Stoneham Road, Hove, East Sussex, BH3 5HE

- 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 Matthew Newbury (Newbury Developments (Brighton) Ltd) against Brighton and Hove City Council.
 - The application Ref BH2012/03504, is dated 29 October 2012.
 - The development proposed is: Proposed new development comprising eight flats over four storeys incorporating roof terraces on top floor.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission was granted for redevelopment of the site in March 2012 for seven flats over three floors. That development is well under way. Further changes to that scheme have been the subject of a separate planning permission (BH2012/03165) granted by the Council in February 2013. Those changes have been included in the appeal proposals. Therefore, the difference between the scheme with planning permission and the proposal before me comes down to the incorporation of a fourth floor to provide an additional two-bedroom flat. I have dealt with the appeal on that basis.
3. During the processing of the appeal, a Unilateral Undertaking was submitted by the appellant to secure a payment to the Council of £6,000 towards sustainable transport.

Main Issue

4. The main issue in this case is the effect of the development on the setting of the former Maynards sweet factory building and on the character and appearance of the area.

Reasons

5. Stoneham Road and the adjoining Alpine Road, which is almost opposite the appeal site, forms part of an attractive residential area, comprised predominantly of two-storey, terraced dwellings, many of which have double height bay windows on the front elevations. Stoneham Road is quite a long street but of fairly limited width, with on-street parking on

either side. The dwellings are sited quite close to the road and have small front gardens. In views towards the appeal site, an industrial unit is visible and forms a visual stop across the end of the road. The former Maynards sweet factory adjoins the appeal site, opposite Alpine Road. The development under construction on the appeal site is attached to the western wall of the former factory.

6. The former factory is an unusual and very attractive building. It has been sensitively converted and is on the Council's local list of important heritage assets. It has three storeys with a converted roof-space. In spite of its size and the traditional brick used on the front elevation, the building has a relatively lightweight appearance due to the amount of glazing on the front facade and the glazed roof. Its strident architectural detailing and size make it a dominant feature in the street scene. Despite its length, it has a balanced appearance with a strong vertical emphasis.
7. The building under construction will have a limited extent of glazing on the front facade and a bulkier, modern appearance. It has a three storey feature on the front which projects beyond the building line of the former factory and dwellings. This feature, although replacing a single storey building previously on the site, appears prominent in views from the east. The proposed additional fourth storey would be set back from the frontage of the building and would not therefore be as prominent in views as the main body of the apartment block. Nonetheless, this addition would be visible from Alpine Road in particular, and would also be seen from Stoneham Road. In the wider area, it would be seen from parts of School Road and from some of the dwellings on Marmion Road.
8. In views from Alpine Road, the fourth storey would be offset from the common boundary with the former factory but would nonetheless be juxtaposed close to the roof structure of the adjoining building. Although the roof of the fourth storey would be lower than the ridge height of the former factory and the proposed living room would be fully glazed, its flat roof design would appear overly bulky and out of keeping with the lightweight appearance of its neighbour. Despite being set back from the frontage, the additional storey would add to the overall mass of the building to an unacceptable degree. It would undermine the predominance of the former factory building in the street scene, contrary to the appellant's claims that the development would respect the massing of that building and appear subordinate. The additional floor would not appear subordinate in views of the buildings from the rear.
9. Being located to one side of the new block, the additional floor would also introduce a lack of balance to the street scene, which would conflict with the harmonious and regular design features of the former factory. Although the design would reflect some of the design details of the former factory, the additional storey would nonetheless appear inconsistent and unsympathetic in its relationship, serving to detract from the local heritage asset.
10. With regard to the area more widely, the proposed additional storey would introduce a scale of development that would be out of keeping with the predominantly residential and domestic scale of the local street scene. Its height and bulk would appear overly large and dominating in relation to the relatively limited width of the adjoining streets. The proposed

additional storey would add significantly to the overall scale of the apartment block and would be at odds with the existing and predominant two storey terraces. It would dominate the street scene in immediate views, as well as in some views from School Road and the properties on Marmion Rd. As a result the development would fail to harmonise with its surroundings, would appear out of context and would detract from the overall character and appearance of the area.

11. The appellant has referred to the appeal site being brownfield land and in a sustainable location with good public transport links, where the National Planning Policy Framework (the Framework) would support development and where site potential should be optimised. Reference has also been made to a lack of a 5 year housing supply and the benefit that would arise from the additional unit of housing to the local economy, all of which would accord with the presumption in favour of development in the Framework. The Council has offered no evidence in respect of its housing land supply. Nevertheless, the Framework makes it clear that good design is a key part of sustainable development. In addition, it seeks to ensure that development responds to local character and history and adds to the overall quality of the area. Given the impact I have identified on the local heritage asset and the character and appearance of the area, I do not consider that the points in favour of the proposals outweigh the harm that would be caused.
12. I conclude that the development would have a harmful impact on the setting of the former Maynards sweet factory building and on the character and appearance of the area. As such it would conflict with Policies QD1, QD2 and HE10 of the Brighton and Hove Local Plan 2005. Amongst other things, these policies seek to ensure that development demonstrates high standards of design, contributing positively to the environment, that it takes into account the height, scale, bulk and design of existing buildings, and that the design of proposals affecting buildings of local interest, is compatible with their character. Likewise the proposal would conflict with the requirement for good design and for development to add to the overall quality of the area, as set out in the Framework.

Other Matters

13. The appellant has stated that the scheme is financially viable and would be well maintained, thus improving the appearance of the site and the natural surveillance and the security of the area. I have also noted the appellant's points that the development would incorporate level access for wheelchairs, sensitive hard and soft landscaping and lighting, sustainable waste disposal and cycle storage, as well as be built to code 3 sustainable homes standards. However, all of these points are common to the scheme with planning permission and do not therefore weigh in favour of the additional unit. My attention has also been drawn to an existing scheme of contemporary design on the corner of Linton and Stoneham Road. However, I do not consider that scheme comparable, either in terms of its scale or in its relationship with the former factory.
14. I have had regard to the appellant's Section 106 obligation, the purpose of which is to mitigate the transport impact of the development. However, it is not necessary to consider it in detail because the appeal is being dismissed on the substantive issue.

15. A number of concerns have been expressed in letters from third parties, including from the local MP and the Briho Residents' Company on behalf of residents of the former factory. The additional issues raised include that the development would exacerbate parking issues, cause additional loss of light and sense of enclosure and lead to increased activity, noise and disturbance. However, I have no compelling reason to disagree with the Council on these points and none have therefore affected my overall conclusion.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

TL Dow

INSPECTOR

Appeal Decision

Site visit made on 24 September 2013

by Mrs H M Higenbottam BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 November 2013

Appeal Ref: APP/Q1445/C/13/2193426

Land at 14 Kensington Place, Brighton BN1 4EJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Liane Rosemary Wiseman against an enforcement notice issued by Brighton & Hove City Council.
- The Council's reference is 2012/0604.
- The notice was issued on 28 January 2013.
- The breach of planning control as alleged in the notice is: 'Erection of a porch at front elevation without planning permission'.
- The requirements of the notice are: 'Remove the porch from the ground floor front elevation'.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (c), (e) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Appeal on ground (e)

1. The appellant states that the notice was not properly served. The Council sent two recorded delivery letters which included copies of the notice to the appeal site. One was addressed to the appellant and the other to the owner/occupier. The appellant states that these were not received by her. The Council has confirmed that the recorded delivery letters sent to the appeal property were not called for.
2. Section 172 (2) of the Act requires a copy of the notice to be served on the owner and any person having an interest in the land. The appellant has confirmed that she did receive the copy of the notice which was sent to 20 Broad Beach. This was received via the post office forwarding service which had not yet expired.
3. The Council served a section 16 Requisition for Information Notice on the appellant in October 2012. The required information was not returned to the Council. On 17 January 2013 the Council carried out a Land Registry Search to ascertain the title holder's details. This listed two addresses for the appellant, the appeal property and 20 Broad Beach Shoreham-by-Sea. The Council then sent copies of the notice by recorded delivery addressed to the appellant at both properties and one addressed to the owner/occupier at the appeal property.

4. The appellant was able to make an appeal against the notice and has not been prejudiced by not receiving a copy of it at the appeal site. Therefore even if the appellant was not served with the notice at the appeal site, she has been able to appeal and there is nothing to suggest that she, or anyone else, was disadvantaged by any deficiency in service. I will therefore exercise my powers under section 176(5) of the Act to disregard any deficiency which may have occurred.
5. The appeal on ground (e) fails.

Appeal on ground (c)

6. In appealing on ground (c), the burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that the matters stated in the enforcement notice do not amount to a breach of planning control.
7. The appellant claims that the works which have taken place to the porch are a repair and therefore do not require planning permission. Section 55(2)(a) of the Act excludes from the definition of development the carrying out for the maintenance, improvement or other alteration of any building of works which, amongst other things, do not materially affect the external appearance of the building.
8. There is clear evidence that a porch did exist at the premises. However, this porch was demolished. A photograph dated August 2012, submitted by the Council, clearly shows that the previous porch was demolished and at that date no porch existed on the front elevation of the appeal property. The porch that was subsequently erected, and which is the subject of the notice, is therefore not a repair but a new porch. This new porch materially affected the external appearance of the building. I therefore find that the porch is development within the meaning of the Act.
9. The appellant has also referred to the ground floor plan which is listed in the planning approval (reference BH2012/02823) for the demolition of the existing rear kitchen and erection of a single storey rear extension at the appeal property. This plan has a hand-written note saying "renew existing porch". However, no further details are given on the drawings and no reference to a porch is included in the description of the proposed development or on the planning permission itself. In my view, the planning permission cannot be construed as also permitting the construction of a replacement porch.
10. Whilst Article 3 of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO) grants planning permission for porches that meet certain criteria, an Article 4 Direction has been made which makes the GPDO permission inapplicable in this case. As the Council has not granted planning permission for the porch, it follows that it does not have planning permission and therefore represents a breach of planning control. The appeal on ground (c) cannot succeed.

Appeal on ground (a)

Main issue

11. The main issue in this case is the effect on the host property and whether or not the porch preserves or enhances the character or appearance the CA within which the property is located.

Planning policy

12. The development plan includes the Brighton and Hove Local Plan 2005. The most relevant policies are LP Policies QD14 and HE6. Policy QD14 requires that extensions are well designed and detailed in relation to the property to be extended, the adjoining properties and the surrounding area. Policy HE6 requires that proposals within a CA preserve or enhance its character or appearance.
13. Paragraph 215 of the National Planning Policy Framework (the Framework) advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. I find no significant conflict with the Framework in respect of any of the development plan policies cited in this case. I will therefore give them full weight insofar as they are relevant to the appeal.

Reasons

14. The appeal site is within the North Laine Conservation Area (CA). The CA comprises a mix of land uses including shops and residential. Building heights vary generally between 2-3 storeys. Most of the buildings date from the 19th Century with a number of 18th Century buildings as well. The dominant materials within the CA are painted render and slate roofs.
15. Buildings on the east side of Kensington Place comprise a uniform terrace, fronting directly onto the road, with small lightwells to the basements. Those on the west side of the road, were developed earlier, and are generally set behind small front gardens. The west side buildings have some design differences from one another and comprise a series of small terraced and individual developments. The general scale and architecture, as well as use of render and hung sash windows and other formal architectural features, unite the western side of the road and result in a cohesive appearance.
16. A number of porches have been erected in the past, prior to the Article 4(2) Direction, on the west side of Kensington Place in a variety of architectural forms and there is no dominant type of porch design. The previous porch at No 14 was simple and low key, albeit it was not particularly attractive. However, the porch the subject of the notice is visually top heavy with a large lead detailed flat roof. It also appears to extend closer to the string course, which is likely to be due to the increased bulk of the roof compared to the previous porch roof. However, I accept that the leadwork colour will weather in time.
17. Whilst the appellant states that the porch was constructed on the footprint of the previous porch, the photographs show that the porch and the leadwork in particular are bulkier than that of the previous porch and there is less space between the top of the porch and the string course on the front elevation of the host property. This reduction in space between the porch roof and the string course results in an awkward relationship and detracts from the simplicity of the style of the front elevation. Furthermore, the lead detailing and general roof structure fails to respect the character and appearance of the host building. The replacement porch appears as a top heavy and unsympathetic design at the front of the property which is prominent in the street scene. As such, I find that it detracts from the character and appearance of the host

property and harms the character and appearance of the North Laine Conservation Area. This is contrary to LP Policies QD14 and HE6.

Appeal on ground (f)

18. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (section 173(4)(a)) is to remedy the breach of planning control which has occurred. The second (section 173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In the notice, the subject of this appeal, the Council has not, unfortunately, specifically indicated which of those two purposes it seeks to achieve.
19. The reason for issuing the notice concerns the effect of the porch on the host property and the CA. However, because the notice requires the porch to be removed rather than seeking a reduction in the size of the porch or an alteration to its design to address the adverse effect on the amenity of the area, the purpose of the notice must be to remedy the breach of planning control by restoring the land to its condition before the breach took place ((section 173(4)(a)). The evidence is clear that in August 2012 the previous porch had been demolished and the porch the subject of the notice is a new porch. Thus, the requirement is to remove the porch.
20. The appellant states that the renewed porch is the same footprint and covers the same door opening. She also states that the only real difference is the lead that has been used to create an upstand to the edge over the door which could be removed. It is stated that the lead flashing is fixed to the same chase in the house wall. No other lesser steps are put forward by the appellant.
21. In my view, the removal of the upstand would not result in a sympathetic porch design and would therefore not overcome the harm that I have identified above. The photographs and what I saw on site, show that even if chased in at the same point it has, somehow, resulted in a bulkier form than the porch which previously existed. The requirements of the notice are not in my view excessive and the lesser steps put forward by the appellant would not overcome the objections to it. As such, the appeal on ground (f) fails.

Conclusion

22. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal decision

23. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Hilda Higenbottam

Inspector

Appeal Decision

Site visit made on 17 September 2013

by Kenneth Stone BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 November 2013

Appeal Ref: APP/Q1445/A/13/2198904
79 Hove Park Road, Hove, East Sussex BN3 6LL

- 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 Spencer Orman against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00334, dated 31 January 2013, was refused by notice dated 4 April 2013.
 - The development proposed is the erection of a new house on land to the rear of 79 Hove Park Road and fronting Hove Park Way.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on the character and appearance of the area, the sustainability of the proposed development with reference to the Code for Sustainable Homes and the accessibility of the proposed building with regard to its suitability as a Lifetime Home.

Reasons

Character and appearance

3. The area is characterised by predominantly detached two storey houses in reasonably large plots. There is no discernable prevailing design of house, with a wide variety in terms of style, materials and finishes visible in the surrounding streets. Within Hove Park Way and in particular where it approaches the junction with Hove Park Road the elevated rear garden of 79 holds a particularly prominent position in the street scene. This associated with the flank boundary treatment opposite result in an enclosed entrance to the street. Beyond this the properties front the street in a pleasing uniform building line with lower boundary enclosures and mature landscaping providing for a more open aspect.
4. The position of the proposed house in front of the relatively uniform frontage building line of this side of Hove Park Way will be readily visible in the street. The L-shaped footprint will expose the flank wall of the projecting element well in advance of any of the neighbouring frontages. The shape and design of the property associated with its elevated nature and forward positioning would

result in a development that would intrude into the street scene. This would be at odds with the regular pattern of development making the proposed dwelling appear unduly prominent – an impact which would be accentuated by the location of the site at the point where the street changes to its more open character. This would be detrimental to the appearance of the street scene.

5. Whilst I note the comments about the design seeking to create a visual link between the building line of Hove Park Way and the flank wall of 79 I do not find merit in that approach given the distinctly different positions and orientation of those buildings in their relative streets. Consequently this does not address or mitigate the harm that I have identified.
6. The plot width and separation of the proposed building from the neighbouring buildings retains a sense of space compatible with the surrounding area and I do not find this to be detrimental to the character or appearance of the area. Similarly whilst the plot size may well be limited in depth this would not be readily evident in views from the street. It would thereby not result in a detrimental impact except insofar as it dictates the forward positioning of the house in the street.
7. In conclusion I find that the siting of the house forward of the regular building line to be unduly prominent and thereby detrimental to the character and appearance of the area contrary to policies QD1 and QD2 of the Brighton and Hove Local Plan 2005 (LP) which seek to secure development of a high standard of design compatible with the character of the area. This is consistent with the core planning principles and paragraphs 56 – 64 in the National Planning Policy Framework (The Framework) which place great emphasis on quality in design.

Sustainability

8. LP policy SU2 states planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials provided that they are otherwise in accordance with the development plan policies. The main objective of the policy is to help to deliver sustainable development which is wholly consistent with meeting the challenge of climate change as set out in paragraph 93 of The Framework. Additionally, the Brighton and Hove City Council Local Development Framework Supplementary Planning Document 08 'sustainable building design' (SPD) was adopted by the Council in June 2008. Whilst it does not form part of the Development Plan for the area it is nevertheless a material consideration.
9. The application details indicated an aim to achieve Code for Sustainable Homes Level 4 and this would meet or exceed that of the current Building Regulations and relevant national sustainability requirements. The proposals would thereby be consistent with Policy SU2. The SPD however suggests that for small scale development Code Level 3 would be appropriate but that for development of Greenfield sites a Code Level of 5 would be required. 'Greenfield land' is defined by reference to the definition of 'previously developed land'. However, the SPD was adopted before the change in the definition of 'previously developed land' to exclude 'private residential gardens'. It is therefore not clear if the intention of the SPD was to introduce this higher Code level threshold for small scale development on residential gardens.

10. The absence of an adopted Development Plan policy setting a requirement for a higher standard and the advice in The Framework that supplementary planning documents should not be used to add unnecessarily to the financial burdens on development add weight to my conclusion that it would not be appropriate to require the development to achieve Code Level 5. In this regard I therefore find that the development in achieving Code Level 4 would demonstrate a high standard of efficiency in the use of energy water and materials and would be sustainable.

Lifetime homes

11. The Council have concluded that the internal layout of the development is satisfactory and that a weather protection canopy could be addressed by a condition. I see no reason to differ from those conclusions. Moreover the provision of an external power source to allow for a future external stair lift to be fitted would partially address the issue of access by disabled or less agile occupiers without the need for structural alterations to the house. The steeply sloping access to the bottom of the external stairs would however make it difficult to access the stairs. The appellant's suggested alteration to the design of the stairs to reduce the slope and provide for a level platform at the foot of the stairs would be minor in nature and would not significantly affect the appearance of the development. On this basis I am satisfied this could reasonably be secured by the imposition of a suitably worded condition. With the benefit of these conditions I conclude that the development would provide satisfactory arrangements for access of the development. In consequence the scheme would thereby result in development that could be adapted to meet the needs of people with disabilities without major structural alterations and would be consistent with Lifetime Homes standards and Policy HO13 of the LP.

Overall Conclusions

12. The proposal would make a small contribution to local housing targets and would be in a sustainable location. Moreover I have found no development plan conflict in relation to the issues of sustainability and access. Nevertheless the benefits of the scheme do not outweigh the significant harm that I have identified to the character and appearance of the area. For the reasons given above I therefore conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR



Appeal Decision

Site visit made on 12 November 2013

by S Holden BSc MSc CEng TPP MRTPI FCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 November 2013

Appeal Ref: APP/Q1445/D/13/2206287

4 Powis Grove, Brighton, BN1 3HF

- 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 Matthew Hyde against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02227 was refused by notice dated 9 September 2013.
 - The development proposed is alterations to front entrance and gate.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The original application was for planning permission and conservation area consent for demolition in a conservation area. I note that the Council advised the appellant that conservation area consent was not required but sought written permission to amend the application to 'show just the householder consent'. It would appear that this was provided and the Council determined the proposal as an application for planning permission. The scheme was more fully described as 'relocation and widening of front entrance to facilitate vehicle crossover, formation of hard standing and dropped kerb' on both the decision notice and the appeal form.
3. The appellant has raised concerns about the process and the Council's handling of the application, particularly as the wall is not listed and he was not aware of any special articles (such as Article 4) that applied in this case. Whilst I appreciate the appellant's concerns, it is open to him to challenge the Council's interpretation of the legislation and to apply for a Certificate of Lawfulness of Development under Section 192 of the Town and Country Planning Act 1990, as amended. However, these are not matters before me in the context of a Section 78 appeal, which is confined to a consideration of the planning merits of the scheme as described and determined by the Council. Similarly, suggestions for amending the scheme to overcome the Council's objections are not for me to consider as part of this appeal. My role is to determine the appeal in the light of the evidence as presented and current planning policies.

Main issue

4. The main issue is whether the alterations to the front entrance would preserve or enhance the Montpelier and Clifton Hill Conservation Area.

Reasons

5. Powis Grove lies immediately to the east of Powis Square within the Montpelier and Clifton Hill Conservation Area, which is characterised by mid-Victorian high quality housing of squares, crescents and terraces of pale painted stucco. This favoured area contains a wealth of listed buildings, some pleasant open spaces and a varied and highly attractive townscape. Powis Grove comprises mixed development of detached and semi-detached two and three-storey houses. The buildings are set back from the road and substantial brick and flint walls interspersed with pillars enclose most of the front gardens. These boundary walls are an important unifying feature of this part of the conservation area, as they are in the surrounding streets.
6. Nos 4 and 5 are detached villas of similar scale and design. In 2004 an opening in the wall at No 5 was approved to enable part of the front garden to be used as hardstanding for a vehicle. The appeal proposal seeks to provide a similar facility for No 4 by partly demolishing and re-building the boundary wall to form a 3.5m wide opening towards the right hand side of the frontage. This larger gap would replace the smaller pedestrian entrance that already has planning permission, Ref: BH2012/00194. Some material would then be removed from the front garden in order to enable the provision of an area of hardstanding.
7. Government policy in respect of the historic environment is set out in the National Planning Policy Framework. The Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. Any harm, which is less than substantial, must be weighed against the public benefit of the proposal. The Council's Local Plan also places great emphasis on preserving and enhancing the distinctive features of the city's many conservation areas. This is supported by a Supplementary Planning Document 9: *Architectural Features*, adopted in 2009 (SPD), which sets out detailed advice and guidance about the retention, restoration and enhancement of Brighton and Hove's historic environment. This approach is consistent with national policy and the SPD is therefore a material consideration to which I can attribute significant weight.
8. The SPD has a clear policy stating that permission will not be granted for the partial demolition of a boundary wall in a conservation area. This is because the removal of walls disrupts the rhythm of features that are important within the street scene and can significantly alter the sense of enclosure of the street. Such changes, combined with the loss of vegetation and front gardens and the creation of hard surfaces on which to park vehicles, can be harmful both visually and environmentally. From my observations on the site visit I consider that the boundary walls are a significant heritage asset within the Montpelier and Clifton Hill Conservation Area. They are therefore worthy of retention and protection in order to preserve the character and appearance of the area.
9. In this context the creation of a wider opening at No 4 would significantly disrupt a section of a wall that is one of the distinctive features of this short street. It would reduce the sense of enclosure and privacy that currently characterises this Victorian villa. The additional width of the opening would make it materially different to the more modest proposal for a pedestrian entrance and it would also result in the loss of a brick pier. Whilst the harm to an individual section of wall may appear to be less than substantial, I consider

that the incremental and cumulative loss of these original features adversely affects the conservation area and the heritage asset as a whole.

10. As heritage assets are irreplaceable, any harm requires clear and convincing justification. I appreciate that the appellants have undertaken improvements to their home, which have enhanced the appearance of the building. These are to be welcomed. However, there would be no public benefit arising from the removal of the wall that could be weighed against the harm that would be caused to the appearance of the street scene, particularly as the house would retain access to a garage from Clifton Hill.
11. On my site visit I saw that several other houses in Powis Grove have garages and entrance driveways. However, some appear to have been in place for many years; others served to illustrate the visual harm that can arise from the removal of the boundary walls. Whilst I note that the highway authority did not raise an objection to the creation of an access, this assessment would have been based on a consideration of the safety aspects of the scheme, rather than its visual appearance. It does not diminish the harm that I have identified to the conservation area.
12. I therefore conclude that the proposal to relocate and widen the front entrance at No 4 would be harmful to the Montpelier Road and Clifton Hill Conservation Area, which would be neither preserved nor enhanced. The proposal would be contrary to saved Policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan, all of which require high quality design and detailing, that enhances the positive qualities of the local neighbourhood, especially in areas protected for their historic interest. It would also fail to comply with the more detailed advice and guidance of SPD9. The core principle of the Framework to conserve heritage assets in a manner appropriate to their significance adds weight to my conclusion.
13. I appreciate that the appellant feels disadvantaged because other properties have implemented similar changes in the past. However, this is not a justification for permitting alterations that I have found to be harmful when assessed against current planning policies.
14. I therefore find nothing to alter my conclusion that the appeal should be dismissed.

Sheila Holden

INSPECTOR

Appeal Decision

Site visit made on 30 October 2013

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 November 2013

Appeal Ref: APP/Q1445/D/13/2205523

70 Windmill Drive, Brighton, East Sussex BN1 5HJ

- 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 Smithson against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02220, dated 28 June 2013, was refused by notice dated 5 September 2013.
 - The development proposed is the removal of existing balcony to rear flat roof, increase in size of flat roof area and installation of new guarding to form balcony with improvements to protect privacy of adjacent properties.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing balcony to rear flat roof, increase in size of flat roof area and installation of new guarding to form balcony with improvements to protect privacy of adjacent properties at 70 Windmill Drive, Brighton, East Sussex BN1 5HJ in accordance with the terms of the application, Ref BH2013/02220, dated 28 June 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 approved plans numbered 02-0613, 02-0613a, 02-0613b, 02-0613c, 02-0613e, 02-0613j, 02-0613n and 02-0613o.

Procedural matter

2. It is noted that the drawings referred to on the Council's Decision Notice dated 5 September 2013 are different from those in the Planning Officer's Report, namely the drawings numbered 02-0613 ending in d, k and p. It is understood that the incorrect plans on the decision notice relate to a concurrent planning application (ref: BH2013/02218) and it is the plans ending in e and j, that correctly relate to this appeal. For the avoidance of doubt, I have considered the current proposal with regard to the drawings before me ending in e and j and not d, k or p.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the host dwelling and wider area and on the living conditions of neighbouring occupiers in terms of loss of privacy.

Reasons

Character and appearance

4. The appeal dwelling is a detached house located in a residential area of Brighton. To the rear there is an existing single storey rear extension, the width of which spans across the rear entire elevation. Above the single storey extension there is a timber balcony with timber balustrade, which covers approximately two thirds of the extension's roof. The last third of the roof is formed of an obscured lean to style glass roof, underneath which is currently used as a study. The study is located on the western side of the extension and does not currently have a balcony element above it.
5. The existing balcony is not readily visible from the public realm, with views towards it mainly from the rear gardens of nearby dwellings. Within the locality, there are examples of balconies further afield to both the front and rear of dwellings. There have been a number of rear alterations to dwellings in the area, for example No 68 to the west, has a large dormer in its roof form and single storey rear extension, and No 72 to the east adjoining the site has a single storey rear extension.
6. As such, there is not a uniform character or appearance to the rear elevations of dwellings along this part of Windmill Drive. It is, therefore, unlikely that the introduction of 1.8 metre high obscured glazed screens on either side of the proposed balcony, would detract from the appearance of the dwelling or wider area. Accordingly, the proposal would not harm the character or appearance of the locality or the host dwelling.

Living conditions

7. During my site visit, I observed the existing balcony and wider context of the area from both the rear garden of No 70 and from the existing timber balcony. At present, given the lack of any obscure or oblique side screening, it is possible to look into the rear gardens of both Nos 68 and 72. To the west, No 68 has a single storey rear extension with a window in its flank wall. Direct views from the existing balcony into this room, which is a dining room/kitchen area, and towards the patio area in the rear garden of No 68 are currently possible from the existing balcony.
8. The appellant states that the existing balcony was constructed well in excess of four years ago. Furthermore, the Council said in an email that the balcony 'does not have historic consent but...may have been in situ for some time, quite likely longer than the four years beyond which we can take any action to have it removed.' That email also suggested that the appellant could apply for a lawful development certificate. He has not done so, and it is not for me to formally determine the lawfulness of the existing balcony. However, the Council conceded that it is likely to be immune from enforcement action. My own observations of the apparent age of the balcony are consistent with that view and the Council has not taken any action. In these circumstances it is appropriate for me to judge the impact of the appeal scheme against the impact of the existing balcony.
9. Whilst the proposed balcony would extend to a width that would cover the whole of rear elevation of the appeal property, it would provide obscured glazed screens at either end of the balcony. This would improve the existing

situation, where no screening is currently provided. It would mitigate the current level of overlooking, thus helping protect the privacy of adjoining neighbours by channelling views from the balcony towards the end of the gardens rather than into the immediate rear garden areas. Furthermore, although the floor area of the balcony would be increased, I have been provided with no compelling evidence that the intensity of its use would be any greater than at present or that this would result in a material level of harm to the occupants of the adjoining dwellings. Accordingly, I do not consider that the proposal would result in a materially harmful loss of privacy for the occupiers of adjoining dwellings.

10. I conclude, therefore, that the proposal would accord with policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 and the Supplementary Planning Document 12 - Design guide for extensions and alterations, 2013, which amongst other aims, seek to ensure that developments are well designed in relation to the property and the surrounding area and would not result in a significant loss of privacy to neighbouring properties.
11. I am mindful that planning permission has recently been granted in 2013 (ref BH2013/02218) and in 2001 (ref 2001/01320/FP). However, I have not been presented with drawings or further details of these schemes and how they relate to the present appeal. I am, therefore, only able to afford these earlier permissions limited weight in the determination of the present appeal.

Conditions

12. I have had regard to the advice in Circular 11/95. It is necessary that the development should be carried out in accordance with the approved plans for the avoidance of doubt and I have imposed a condition accordingly. Given that the proposed drawings detail the materials proposed, which would differ from those of the existing dwelling, a matching materials condition is not necessary.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

Appeal Decision

Site visit made on 11 November 2013

by G J Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 November 2013

Appeal Ref: APP/Q1445/A/13/2202896

First floor flat, 17 St Lukes Road, Brighton, East Sussex, BN2 9ZD

- 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 G Gaffney against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03871, dated 3 December 2012, was refused by notice dated 4 February 2013.
 - The development proposed is a new dormer to rear of property to add to current room in the roof, and interior en-suite bathroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area, including the setting of the nearby listed building.

Reasons

3. The appeal dwelling occupies the upper floor and internal roof space of a mid-terrace building. The dwelling faces other dwellings at the rear, but because it is at the end of a block, its rear elevation is highly visible from the public realm, specifically from St Luke's Terrace. Visibility of the rear of the site from Freshfield Street is limited.
4. Several of the homes within this short terrace have undertaken modifications to their rear elevations, including the addition of roof dormer extensions. In particular, the rear elevations of 15, 19 and 21 St Lukes Road have been significantly altered. When viewed from St Luke's Terrace, the original roof slopes are visible only on 13 St Lukes Road, and the appeal property. The Council's adopted SPD guidance on alterations and extensions¹ notes that roof dormers should not unbalance the building or disrupt the continuity of a group, and that full-width box dormers are an inappropriate design solution that will not be permitted.

¹ SPD 12 Supplementary Planning Document – Design Guide for Extensions and Alterations (adopted 20 June 2013). This has replaced the earlier *Supplementary Planning Guidance 01* referred to within the Council's evidence.

5. The proposal incorporates a box dormer similar to those on the adjoining properties at Nos. 19 and 21. It would not comply with the guidance offered in the SPD, by virtue of its size, which would cover the full length and almost the full height of the rear roof slope, and its resultant impact on the building. Whilst the construction of the dormer would lead the rear elevation to appear similar to some of its neighbours, it would result in the loss of one of the last remaining vestiges of the original terrace's rear roof slope. The original roof shape is an important contributor to the character of the terrace, and little of the original slope remains visible in the row. As such, the total loss of the slope on this property would be detrimental to the character of the dwelling and the surrounding area.
6. I appreciate that the adjoining houses have carried out works similar to that proposed. The Council has advised that many of the works in the area were undertaken as Permitted Development, or are unauthorised. The full details of these works are not available to me, and in any case have decided this case on the basis of the evidence before me.
7. The site is visible from the entrance of the listed building. However the site and the listed building are separated by St Luke's Terrace and are not visible in the same close views. As such, the two locations are spatially separated at a sufficient distance that the appeal proposal would not detrimentally impact on the setting of the listed building.
8. The proposed development would provide some benefits in terms of upgrading the steep internal staircase, and also provide some sustainability benefits in terms of the reuse of materials. However, this is not sufficient to outweigh the harm that the proposed development would have on character and appearance. I therefore conclude that although the proposed development would preserve the setting of the listed building, it would have a detrimental effect on the character and appearance of the host dwelling and surrounding area. It would not comply with *Brighton & Hove Local Plan (2005) Policy QD14*, under which planning permission for extensions and alterations to existing buildings will only be granted if the development is well designed, sited and detailed in relation to the property and surrounding area, amongst other factors. The development would also not comply with the SPD, for the reasons set out above, or the strategic design aims of the *National Planning Policy Framework*.

Conclusion

9. While I have found that the proposed development would not result in harm to the setting of the listed building, this would not outweigh my concerns on the effect of the proposal on the character and appearance of the host dwelling and surrounding area. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Rollings

INSPECTOR

Appeal Decisions

Site visit made on 11 November 2013

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 November 2013

Appeal A: APP/Q1445/A/13/2200060

'The Mesmerist', 1 - 3 Prince Albert Street, Brighton BN1 1HE

- 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 InnBrighton Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00815, dated 14 March 2013, was refused by notice dated 7 May 2013.
 - The development proposed is replacement of existing ground floor windows with bi-fold windows to North and bi-fold doors to East elevations.
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Appeal B: APP/Q1445/E/13/2200061

'The Mesmerist', 1 - 3 Prince Albert Street, Brighton BN1 1HE

- 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 InnBrighton Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00816, dated 14 March 2013, was refused by notice dated 8 May 2013.
 - The works proposed are replacement of existing ground floor windows with bi-fold windows to North and bi-fold doors to East elevations.
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Decisions

1. I dismiss both appeals.

Main Issue

2. In both appeals this is the effect of the proposals on the significance of the listed building and its setting within the Old Town Conservation Area.

Reasons

3. The building is listed Grade II for its group value along with others in the terrace. Local Plan Policy HE1 on listed buildings requires proposals not have an adverse effect on the architectural or historic character and appearance of the interior or exterior of the building or its setting, with proposals reflecting the scale, design, materials and finishes of the existing building. This policy is in line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy QD10 seeks shop-fronts that respect the style, proportions, detailing, colour and materials of the

parent building and surrounding shop-fronts and buildings. The Council have published Supplementary Planning Document 02 "*Shop Front Design*" which states that thick, bulky mullions and transoms should be avoided except in some large scale frontages. With regard to the conservation area, the aims of Policy HE6 are consistent with Section 72(1) of the 1990 Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

4. It appears from evidence supplied by the appellant that the building has undergone changes, probably even the rebuilding referred to. The arrangement of the shop-fronts appears traditional but may not be very old. As a result it is not possible to say that the proposed alterations would affect historic fabric. Paragraphs 128 and 129 of the National Planning Policy Framework make clear the need to identify the significance of the heritage asset. In this case, much of the significance of the designated asset of the listed building is its value as part of a group that defines the corner to the open space by the Town Hall and rounds the slight bend in Prince Albert Street to terminate at Black Lion Street. The location of this part of the building at that open corner position raises the significance of these shop-front windows and the corner panes between.
5. The present windows are attractive for their simplicity, through the use of slender mullions and their lack of openings maintains the flow of solid building around the prominent corner. The proposed thicker mullions would disrupt the proportions of the glazing and when open there is a risk of views across the corner reducing the beneficial effect of the building rounding the corner. Hence the proposal would cause harm to the proportions of the building and the group in which it stands, and as a result, would fail to preserve the character and appearance of the conservation area.
6. It does appear to be a fact that opening windows and doors have been used nearby, as set out by the appellant and Pizza Express as one example is very close. However, as detailed above, there are aspects of this corner location and the existing detailing of the mullions, that militates against a similar arrangement being successful on this part of the appeal building.
7. The proposal would fail the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990, and would not accord with the aims of the Local Plan policies and the Supplementary Planning Document previously cited, which are also material considerations in the listed building appeal.
8. With regard to the Framework, the harm to the two designated heritage assets is less than substantial in each case, and paragraph 134 states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The building is in a beneficial use, and appears, from third party representation, to be well attended. There would, as the appellant states, be some benefits to the vitality of the area through open doors and windows, although noise breakout would need to be controlled. On balance however, that benefit does not outweigh the harm identified. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR



Appeal Decision

Site visit made on 12 November 2013

by S Holden BSc MSc CEng TPP MRTPI FCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2013

Appeal Ref: APP/Q1445/D/13/2206432
15 Shaftesbury Road, Brighton, BN1 4NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Evans against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02290 was refused by notice dated 28 August 2013.
 - The development proposed is demolition of existing single storey rear extension, erection of new single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing single storey rear extension and erection of a new single storey rear extension at 15 Shaftesbury Road, Brighton BN1 4NE, in accordance with the application Ref: BH2013/02290, dated 2 July 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 materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development shall not be carried out other than in complete accordance with the following approved plans: 3439.EX.01 and 3439.PL.01.

Main issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host property and the surrounding area.

Reasons

3. Shaftesbury Road is characterised by three-storey Victorian terraced houses with paired two-storey rear outriggers. It is located within a densely developed part of the urban area of modest houses on small plots. The houses in Shaftesbury Road back on to a similar terrace that fronts Viaduct Road.
4. No 15 already has a substantial flat-roofed single storey extension that projects some 3.5m beyond the existing rear outrigger. The proposal seeks to demolish this extension and construct a replacement that would span the full width of the house. It would be a contemporary design with bi-folding timber doors and two roof lanterns within its flat roof.

5. The rear elevations of these terraced houses are characterised by the pairs of two-storey outriggers, which can be seen on the Ordnance Survey map to provide a strong sense of rhythm and uniformity to the area when viewed in plan form. However, it is apparent when looking out and around from No 15 that numerous small-scale alterations have been undertaken at the rear of the surrounding houses, including single storey extensions. The presence of boundary fences, vegetation and the other domestic paraphernalia in the back gardens reduces the visual impact of these changes at ground level. Nevertheless, at first floor and roof level the sense of rhythm and uniformity has been retained, thus largely preserving the overall appearance of these Victorian buildings.
6. At the immediately adjoining property, No 17, the gap between the outrigger and the boundary wall has been in-filled by an extension with a mono-pitched roof. The sidewall of this extension has created a sense of enclosure for the occupants of No 15. The view from the main living room is tunnel-like with its own deep extension to one side and the boundary wall with No 17 on the other. This also renders the small external space less usable, although this area currently has a raised deck that receives some sunshine due to the orientation of the house.
7. The proposed extension would occupy the full width of the house, filling the existing gap between the house and the boundary with No 17 and wrapping around the original outrigger. It would therefore further erode the original floor plan of this modest terraced house. However, although the proposal would be wider, it would also be both shallower and lower in height than the extension it would replace. Its flat roof would sit below the stand-up walls on either of the property's side boundaries. Its reduced projection and height would make it less dominant than the existing extension, which is large and bulky and bears little or no relationship to the form of the original dwelling. I am therefore not persuaded that in this case the loss of the gap between the existing house and the boundary with No 17 would be harmful, or that the proposal as a whole would be out of scale with the houses on either side.
8. The position of the extension, entirely to the rear of the property, would ensure that it would not be visible from any of the surrounding streets. It would be seen from the upper floors of some of the adjoining properties, particularly those that back onto the site. However, such views would be seen in the context of this densely developed urban area. The restricted height of the proposal, combined with existing extensions on the neighbouring houses, would mean that the proposal would not be visible from the ground floor rooms. There might be some limited views over the boundary fences, but this would, if anything, be an improvement on the existing situation. In this context I consider that the size and scale of the proposal would not adversely affect the terrace as a whole.
9. The Council has also expressed concern about the relationship of the flat roof of the extension with the pitched roof of the existing extension on the outrigger of No 13. There would be a difference in the heights, which could result in an awkward connection between the two buildings. However, in my view the existing arrangement, with different roof forms and different depths is not entirely satisfactory. With the proposal the depths of the extensions beyond the outriggers would be unified and the reduction in height of the structure at No 15 would represent an improvement over the current situation.

Furthermore, views of the anomalous connection would only be apparent from close quarters and I note that the Council rejected an earlier scheme where the height of the extension would have been comparable with that at No 13. In view of the eclectic mix of rear elevations at ground floor level in the area, I consider this issue is an insufficient reason to withhold planning permission, particularly as the height of the proposed extension would be comparable with that of the infill at No 17.

10. The Council has a Supplementary Planning Document: *Design Guide for Extensions and Alterations*, which was adopted in June 2013 (SPD12). It is therefore a material consideration to which I can attribute significant weight. The SPD provides advice and guidance on extensions of all kinds, including terraced dwellings with outriggers, such as the appeal property. It advises that infill extensions should not normally extend beyond the rear wall of the outrigger or wrap around the rear elevation. The aims of this advice are primarily to preserve the plan of the original building and to protect the living conditions of neighbours, by preventing loss of light and reducing the likelihood of an increased sense of enclosure. The SPD also emphasises the importance of retaining symmetry and continuity within terraces at roof level and where elevations are visible from the street. It advises that designs such as the contemporary addition of the appeal proposal are best located at ground floor and on elevations that cannot be seen from the street.
11. Notwithstanding the principles that it advocates, the guidance recognises that proposals must be considered on their individual merits and will depend on the design, the land levels of adjoining properties and the presence of other infill extensions. In this case the original plan of the house has already been compromised by the presence of the existing extension at No 15 and the infill that has been undertaken at No 17. The proposal would not be visible from any public viewpoints and, as it is only single storey, it would not harm the continuity or integrity of the upper part of the building or the original form of the terrace as a whole. I am therefore satisfied that the appeal proposal would comply with key aspects of SPD12 and not result in a material conflict with its underlying aims and objectives.
12. For these reasons I conclude that the proposed extension would not be harmful to the character and appearance of the host property or the surrounding area. It would comply with saved Policy QD14 of the Brighton & Hove Local Plan, which requires development to be high quality and respects its setting.
13. I will therefore allow the appeal, subject to conditions. In addition to the standard time limit a materials condition is required in the interests of the appearance of the development. It is also necessary that the development should be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have accordingly imposed a condition specifying the plans.

Conclusion

14. For the reasons given I conclude that the appeal should succeed, subject to conditions.

Sheila Holden

INSPECTOR

Appeal Decision

Site visit made on 12 November 2013

by S Holden BSc MSc CEng TPP MRTPI FCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2013

Appeal Ref: APP/Q1445/D/13/2206339

34 Lustrells Vale, Saltdean, Brighton, BN2 8FE

- 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 I Still against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01963 was refused by notice dated 23 August 2013.
 - The development proposed is part two storey, part single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Lustrells Vale runs in north-west to south-easterly direction, joining Bishopstone Drive to the north and Lustrells Crescent to the south-east. However, the north point on the location plan submitted with the application appeared to be incorrect. I have therefore used the Council's references to the orientation of the existing dwelling, as I am satisfied that these are correct.

Main issue

3. The main issue is the effect of the proposed extension on the character and appearance of the host property.

Reasons

4. Lustrells Vale is characterised by detached chalet bungalows with two uniform roof designs. The first type, of which No 34 is one, has a steeply pitched roof with full gable ends, whereas the second type, of which its neighbour at No 36 is one, has half-hipped gable ends. Both types have accommodation at first floor level served by front facing, flat-roofed dormer windows.
5. No 34 currently also has a conservatory at the rear and an attached single storey garage on the elevation facing No 36. The proposal is to replace the existing conservatory with a part single-storey part two-storey rear extension. The single-storey element would be to the rear of the garage whilst the two-storey element would span the existing dwelling but be set in from the northern flank wall by approximately 0.5m, whilst being flush with the southern elevation. It would have a steeply sloping roof at right angles to that of the host property and include a barn-style hipped end.

6. This proposal is a revised scheme following the dismissal of an appeal relating to a larger extension, Ref: APP/Q1445/D/12/2185749. In coming to her conclusions on that scheme my colleague considered that the depth of the proposed extension, at 3 metres, would not be disproportionate when compared with the existing dwelling. Her concerns related firstly, to the overall size and design of the extension, which included an incongruous central flat roof and secondly, to the visibility of the flank elevations of the extension from the wider street scene.
7. The current proposal has sought to address both these matters. However, the combination of the proposed width and depth of the two-storey element gives rise to the need for a large, tall and bulky roof. It would take the form of a half-hipped gable with its eaves some 0.7m below those of the existing dwelling, but its ridge would be only 0.3m below that of the existing dwelling. The proposal would therefore not appear subordinate to the host property because, in addition to its overall bulk, its ridge would be insufficiently below that of the main house. Consequently, the proposal would dominate and overwhelm the original form of this modest chalet bungalow. I accept that the flank walls of the proposal would not be seen from the public realm. However, the depth and height of the extension, with its large tiled roof, would be visible from neighbouring gardens from where it would appear bulky and incongruous.
8. In addition, there would be an awkward juxtaposition between the two-storey element and the single-storey extension to the rear of the garage. The existing rear elevation of the garage is flush with that of the host dwelling. However, its flat roof is significantly below the eaves. Therefore, in order to link the single-storey element to the rest of the proposed extension it would need to be 0.8m taller than the existing garage. Not only would this add to the domination of the rear elevation by the proposal, but the additional height would also be visible from the street in the immediate vicinity of the appeal site. I consider this would appear odd, even though in longer views the proposed flat roof would be obscured by the bulk of the host property and its immediate neighbours. These factors add to my concerns about the overall width, height and bulk of the proposal and demonstrate that the proposal as a whole would be out of proportion with the original dwelling.
9. The Council has recently adopted a Supplementary Planning Document: *Design Guide for Extensions and Alterations*, June 2013, which advises that extensions should not dominate or detract from the original building, but play a subordinate 'supporting role' that respects the design, scale and proportions of the original building. For the reasons set out above I consider that the proposal would be contrary to this advice and would be too large and bulky to be successfully integrated into the existing building.
10. I note that the Council does not have details of any planning history for the substantial two-storey rear extension on the adjoining property, No 36. However, its roof reflects the proportions and eaves level of the host property and it does not occupy the full width of the original dwelling. I appreciate that the presence of this extension has caused the appellant to believe that a scheme of the scale proposed could be acceptable for his property. However, I consider the appeal scheme is significantly different and cannot be directly compared with what has been constructed at No 36. In any event my role is to consider the proposal afresh on its individual planning merits in the light of current planning policies.

11. For the reasons set out above I conclude that the proposed extension would be harmful to the character and appearance of the host property. It would fail to comply with saved Policies QD1 and QD14 of the Brighton & Hove Local Plan, which requires development to be well designed and detailed in respect of the host dwelling and adjoining properties.
12. I appreciate that the current proposal has addressed some of the concerns identified with the previous scheme. Its reduced size and different roof form would ensure that it would not be harmful to the wider street scene and there would be no adverse effects for occupants of the adjoining properties. However, these positive factors do not diminish the harm I have identified to the character and appearance of the host property.
13. I also understand that the family would prefer to extend their existing home rather than move house. However, these personal needs are likely to be short term when compared with the life of the dwelling. They are therefore insufficient to set aside harm to the character and appearance of the building. Having considered these, and all other relevant matters raised, I find nothing to alter my conclusion that the appeal should be dismissed.

Sheila Holden

INSPECTOR

Appeal Decision

Site visit made on 11 November 2013

by Susan A F Simpson LLB Solicitor (N-P)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 November 2013

Appeal Ref: APP/Q1445/D/13/2206223

26 Shirley Street, Hove, BN3 3WJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Jude Archard against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01374 was refused by a notice dated 29 July 2013.
 - The development proposed is a single storey rear/side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear/side extension at 26 Shirley Street, Hove, BN3 3WJD in accordance with the terms of the application ref BH2013/01374 dated 24 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 drawings entitled (i) existing details at 26 Shirley Street, Hove, April 2013, A1 sized drawing and (ii) proposed plans at 26 Shirley Street, Hove, April 2013, A1 sized drawing;
 - 3) The roof area of the 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;
 - 4) 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;
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or other openings shall be formed in the flank eastern elevation of the development without the prior written approval of the local planning authority.

Main issues

2. The main issues in the appeal are the effect of the development upon the character and appearance of the host dwelling and neighbouring residents' living conditions at 24 Shirley Street with specific reference to outlook, overshadowing and daylight.

Policy

3. The Council has referred to policies QD14 and QD27 of the Brighton & Hove Local Plan 2005 (Local Plan) which seek, amongst other things, to ensure that extensions and alterations to buildings are well designed, sited and detailed in relation to the property to be extended and the surrounding area and that development does not result in a material or significant loss of amenity to neighbouring residents.
4. Although not referred to in the planning officer's report, the Council has forwarded, at appeal stage, copies of its supplementary planning guidance on extensions and alterations. Of these, I note that the Supplementary Planning Document (SPD12) which is entitled "*design guide for extensions and alterations*" has been the subject of public consultation and recently adopted by the Council on 20 June 2013. As such it forms a material consideration in the determination of this appeal. My attention has not been drawn to any specific sections within SPD12 but I note that sections 3.1 and 3.2 deal with rear and side extensions respectively.

Reasons

Character and appearance

5. No 24A (a garage with floor space above) has been incorporated as part of No 26 and the premises comprise part of a terrace of properties fronting onto Shirley Street. It has a rear two storey "*outrigger*" element - attached to which is a single storey extension. On my visit and from the photographic evidence submitted by the Appellant, it is clear that the original plan forms of No 26 and some of its neighbours have been altered over the years.
6. In the case of the appeal dwelling, this includes the existing single storey extension and a covered way that was formerly attached to the garage at No 24A. The Council states that the covered way did not benefit from planning permission but it does not refute that it had been in existence for over 20 years. Even though most of this structure has now been demolished, its existence for this length of time warrants recognition and consideration in the determination of this appeal.
7. The extension would not be visible from the street and only limited views of it would be obtained from neighbouring properties. However, the Council is concerned about the depth and "*wraparound*" nature of the extension. I accept that it would be a generous enlargement of the habitable floor space, but it has been carefully designed to fit neatly into the area associated with former covered walkway thereby infilling this space up to the side boundary.
8. Thereafter, the development would extend further beyond the rear of the former covered walkway and the single storey extension (that is to be demolished) but not significantly so. Overall, I consider the development would remain a subordinate addition and would not significantly alter the plan form of the premises as it has evolved over a period of time.
9. Reference is made to the loss of garden space that would occur as a result of the development. However, this is a generous plot and sufficient useable garden space would remain to not only provide a good standard of amenity for the occupants of No 26 but also ensure that its size would be comparable to that of many of the terraced houses along Shirley Road. Overall, I conclude

that the proposal is well designed and sited in relation to the existing dwelling and, as such, there would be no conflict with the provisions of policy QD14 of the Local Plan and the supporting guidance in SPD12.

Living conditions

10. It is stated that the total length of the development along the eastern boundary with No 24 would be in the region of approximately 6.7 m. Although the Council refers to the mutual boundary between the two properties comprising a 1.3 m wall, on my visit I saw that a fence approximately 2 m in height had been erected.
11. The height of the extension would not appear to be materially higher than the roof of the former covered walkway or the height of the existing fence. Further, in the light of the Council's conclusion regarding the acceptable screening provided by the 1.8 m brick wall with trellis above along the boundary with No 28, I consider the boundary treatment with No 24 would have an equally effective screening effect.
12. Overall, from the evidence before me, I am satisfied that there would not be a material loss of daylight or overshadowing to the habitable rooms of the neighbouring property that are located nearest to the site. Also, although the outlook from the windows serving these rooms may change as a result of the proposal, it would not be to the extent of being oppressive or overbearing.
13. I conclude that the development would not result in a material or significant loss of amenity to neighbouring residents of No 24 and, so, would not be in conflict with policies QD14 and QD27 of the Local Plan.

Conditions

14. I have considered the Council's suggested conditions in the light of the advice contained in Circular 11/95 (*Use of conditions in planning permissions*). In addition to the time limiting condition, a condition requiring matching materials to be used in the construction of the extension is reasonable and necessary in order to secure a satisfactory form of development that integrates well with the host building. In order to protect the privacy of neighbouring residents, a condition preventing the flat roof from being used as a sitting out area is necessary. For the same privacy reason, exceptional circumstances exist to warrant the suggested removal of permitted development rights relating to windows in the eastern elevation of the extension in case the boundary treatment with No 24 was at any time to be removed. 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 will be imposed.

Conclusion

15. I have taken into account all the other matters that have been raised but find that none alter my conclusion that, for the reasons given above, the appeal should succeed.

S A F Simpson

INSPECTOR

