





**Brighton & Hove  
City Council**

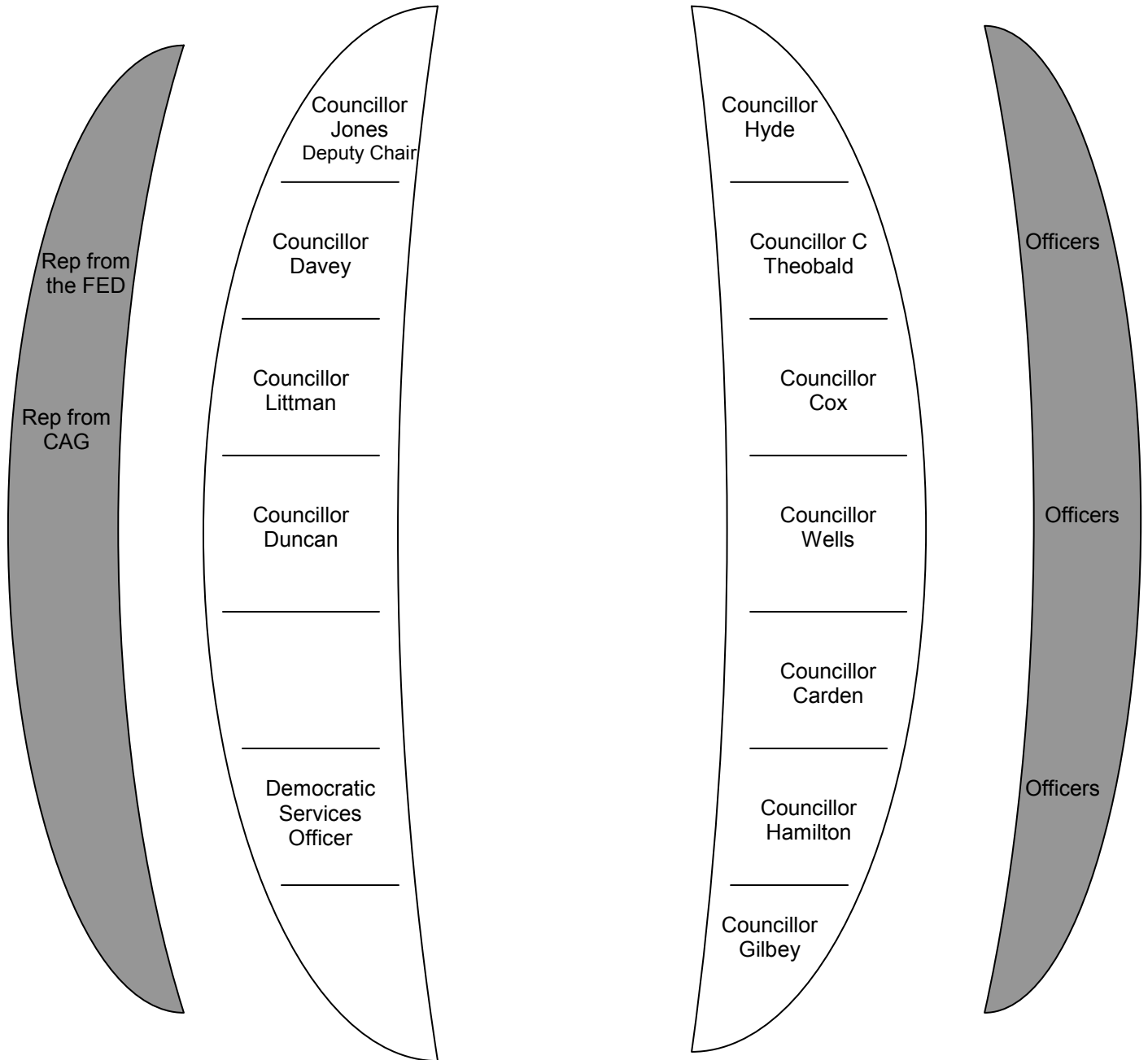
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>8 January 2014</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Duncan, Gilbey, Hamilton, Littman, C Theobald and Wells</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group) and Chris Kift (The FED Centre for Independent Living)</p>
Contact:	<p><b>Ross Keatley</b> Acting Democratic Services Manager 01273 291064 ross.keatley@brighton-hove.gcsx.gov.uk</p>

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	<p><b>FIRE / EMERGENCY EVACUATION PROCEDURE</b></p> <p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</p> <ul style="list-style-type: none"> <li>• You should proceed calmly; do not run and do not use the lifts;</li> <li>• Do not stop to collect personal belongings;</li> <li>• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</li> <li>• Do not re-enter the building until told that it is safe to do so.</li> </ul>

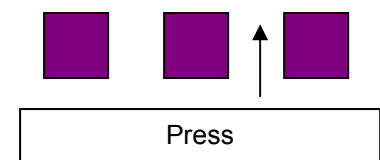
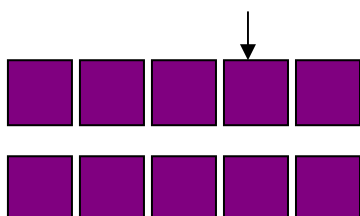
# Democratic Services: Planning Committee

Senior Solicitor	Councillor Mac Cafferty Chair	Head of Development Control	Presenting Officer
------------------	----------------------------------	-----------------------------	--------------------



Public Speaker	Public Speaker
----------------	----------------

Public Seating



## AGENDA

### 124. 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

### 125. MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 11 December 2013 (to follow).

### 126. CHAIR'S COMMUNICATIONS

### 127. PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 31 December 2013.

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

### 129. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

#### MAJOR APPLICATIONS

**A. BH2013/01575 - Enterprise Point & 16-18 Melbourne Street, Brighton - Outline application some matters reserved 1 - 54**

Outline application for the demolition of 16-18 Melbourne Street and the construction of a new 5 storey building comprising 15 no. residential units (including 3 no. affordable). Demolition of the South wing of Enterprise Point, provision of an additional storey on the remaining block and 7 storey extension to the West (front) elevation to provide 1030 sq m of upgraded Class B1 offices on the lower ground and ground floors together with 58 no. residential units. Construction of a new 4 storey building in the South East corner of the site comprising 65 sq m. of community space on part ground floor and 15 no. affordable residential units. (Amended description, plans and documents).

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Hanover & Elm Grove*

## PLANNING COMMITTEE

- B. BH2013/03205 - Park House, Old Shoreham Road, Hove - 55 - 70**  
**Removal or variation of condition**

Application for variation of condition 3 of BH2012/00114 (Demolition of former residential language school and erection of 5 storey block of 71 flats) which states that no cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway be amended to allow boiler flues and rain water pipes to be fixed to the elevations facing a highway.

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Hove Park*

### MINOR APPLICATIONS

- C. BH2013/03162 - Flat 3, 5 Preston Park Avenue, Brighton - 71 - 80**  
**Full Planning**

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*

- D. BH2013/03569 - 11 Welesmere Road, Rottingdean, Brighton 81 - 90**  
**- Householder Planning Consent**

Demolition of existing conservatory and erection of two storey rear extension incorporating roof extensions and installation of rooflights to front elevation.

**RECOMMENDATION – GRANT**

*Ward Affected: Rottingdean Coastal*

- E. BH2013/00937 - 1 Sillwood Terrace, Brighton - Full Planning 91 - 102**

Formation of mansard roof to accommodate one 2no bedroom flat with roof terrace.

**RECOMMENDATION – GRANT**

*Ward Affected: Regency*

- F. BH2013/02905 - 20a Cromwell Road, Hove - Full Planning 103 - 112**

Conversion of outbuilding to form once bedroom dwelling (Retrospective).

**RECOMMENDATION – REFUSE**

*Ward Affected: Goldsmid*

## PLANNING COMMITTEE

- G. BH2013/03492 - Top Floor Flat, 18 Clifton Street, Brighton) - 113 - 118**  
**Householder Planning Consent**

Replacement of existing timber single glazed windows with UPVC double glazed windows (Retrospective).

**RECOMMENDATION – REFUSE**

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

- H. BH2013/03680 - 19 Queens Park Terrace, Brighton - 119 - 126**  
**Householder Planning Permission**

Formation of rear dormer.

**RECOMMENDATION – REFUSE**

*Ward Affected: Queen's Park*

- I. BH2013/03496 - 187 Dyke Road, Hove - Full Planning 127 - 138**

Erection of two storey extension to replace existing single storey extension and terrace.

**RECOMMENDATION – REFUSE**

*Ward Affected: Goldsmid*

### **130. 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**

- 131. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 139 - 140**

(copy attached).

- 132. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 141 - 256**

(copy attached)

- 133. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 257 - 258**

(copy attached).

- 134. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 259 - 260**

(copy attached).

**135. APPEAL DECISIONS**

**261 - 314**

(copy attached).

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

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

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

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

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

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

**WEBCASTING NOTICE**

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

Therefore by entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

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

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

Date of Publication - Monday, 30 December 2013





# **ITEM A**

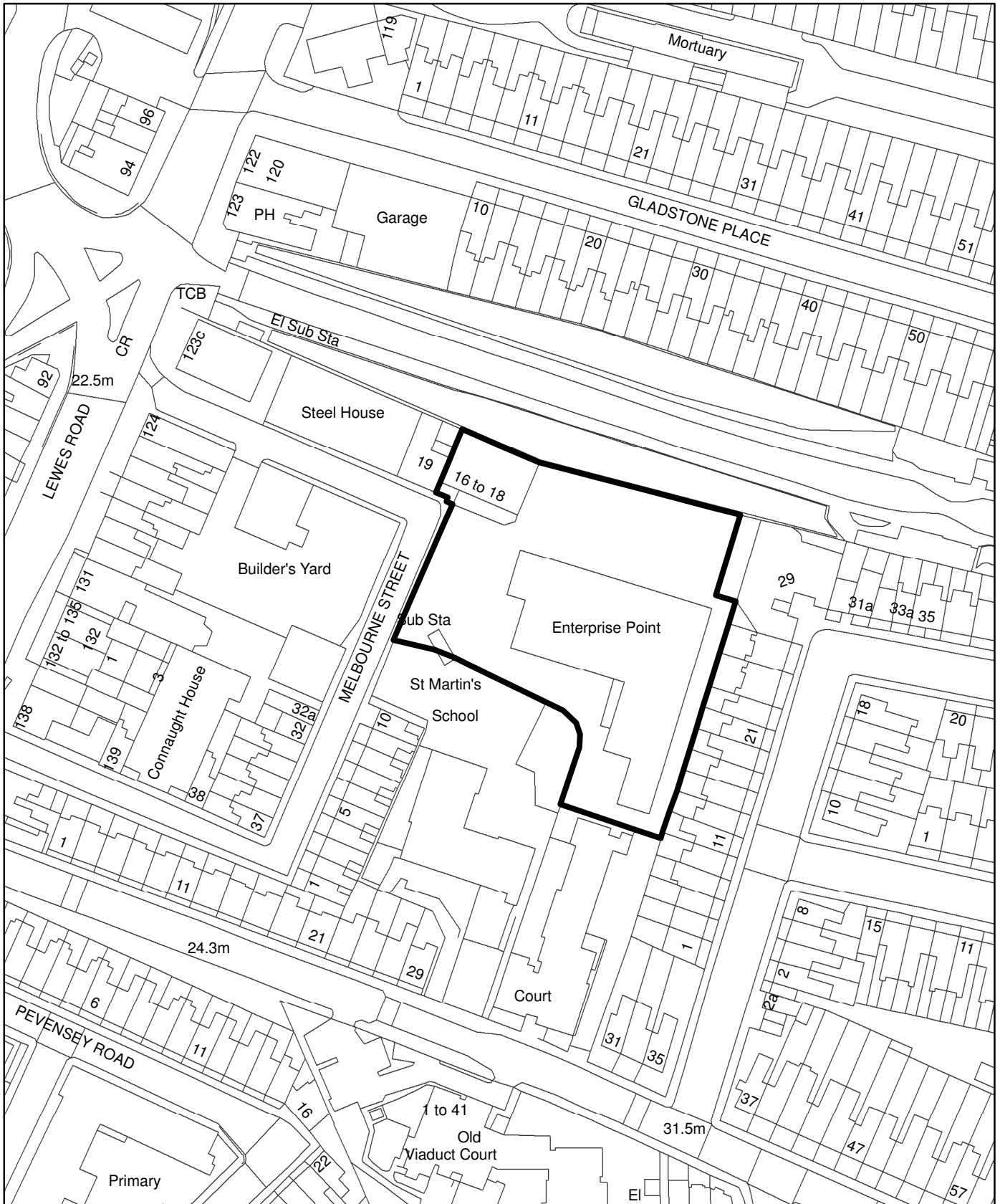
**Enterprise Point & 16-18 Melbourne Street,  
Brighton**

**BH2013/01575**

**Outline application some matters reserved**

**08 JANUARY 2014**

# BH2013/01575 Enterprise Point 7 16-18 Melbourne Street, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/01575</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Outline Application Some Matters Reserved</b>		
<b><u>Address:</u></b>	<b>Enterprise Point &amp; 16-18 Melbourne Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Outline application for the demolition of 16-18 Melbourne Street and the construction of a new 5 storey building comprising 15 no. residential units. Demolition of the South wing of Enterprise Point, provision of an additional storey on the remaining block and 7 storey extension to the West (front) elevation to provide 1030 sq m of upgraded Class B1 offices on the lower ground and ground floors together with 58 no. residential units. Construction of a new 4 storey building in the South East corner of the site comprising 65 sq m. of community space on part ground floor and 15 no. affordable residential units. (Appearance and landscaping to be Reserved Matters)</b>		
<b><u>Officer:</u></b>	<b>Mick Anson Tel 292354</b>	<b><u>Valid Date:</u></b>	<b>12 June 2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>28 November 2013</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Lewis and Co Planning, 2 Port Hall Road, Brighton BN1 5PD</b>		
<b><u>Applicant:</u></b>	<b>Cross Stone Properties, c/o Lewis and Co Planning, 2 Port Hall Road Brighton BN1 5PD</b>		

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site which has an area of 0.8 hectares is located on the eastern side of Melbourne Street. It is characterised by its siting on a steep hill such that there is a change in levels on average of 7.5m or two storeys from the site access on Melbourne Street to a car park deck at the rear (eastern) boundary. Melbourne Street is a one way street accessed by vehicles on the east side of the Lewes Road which turns sharply south and then sharply west again to exit onto the Lewes Road. Pedestrian and vehicular access to the site is from the east section of Melbourne Street. The northern boundary of the site adjoins a heavily wooded tree belt marking the south boundary of Woodvale Crematorium whilst the West boundary of the site abuts the rear of 3 storey residential dwellings in Shanklin Road (Nos. 9 – 29A) which overlook the site. The southern boundary adjoins both Gladstone Court a 4 storey residential block of flats and the playground of St Martin's C of E Primary School. Part of the west boundary abuts 19-20 Melbourne Street, a two storey industrial building in use as a carpentry workshop, whilst on the opposite side of Melbourne Street from

PLANNING COMMITTEE LIST- 08 JANUARY 2014

the site access is Viaduct Lofts, a part 3 and 7 storey residential tower block of flats recently constructed and now occupied.

- 2.2 The site comprises two buildings, the main one being Enterprise Point which is a 6 storey L-shaped 1950's style industrial building with roof plant above. The building is set back 18.5 – 20m from the Melbourne Street boundary but with a 5 storey south wing set back up the hill which due to the topography shares the same flat roof as the 6 storey element. There are two west facing main entrances to the building at Lower Ground and Ground floor levels. The site has open car parking on all sides of the building providing 80 spaces. The site has a large open car park on the north side of Enterprise Point and around to the front of the building and there is row of parking spaces alongside the south side of the building as well. At the rear (east) there is deck level parking at 1<sup>st</sup> floor level accessed via a ramp which meanders around the south side of the building. This parking area is at the same level as the rear gardens of the Shanklin Road dwellings.
- 2.3 The majority of the building has permitted use as B1 offices and light industrial uses except where changes of use have been permitted to individual units or floors. The building comprises 3962 sq m. of Class B1 uses and 1717 sq m. of Class D1/D2 uses (Total: 5679 sq m.). The D2 uses were a gym and a martial arts club and a D1 children's play centre, all of which ceased operating some years ago.
- 2.4 The applicant has provided a list of the current occupiers and the space occupied as follows:

Recording Studio	(B2)	736 sq m
Craft Workshop	(B1c)	147 sq m
Storage Unit	(B8)	120 sq m
Computer Consultants	(B1a)	124 sq m
Telemarketing	(B1a)	632 sq m
Screen printing	(B1c)	94 sq m
Photographic studio	(B1c)	93 sq m
Food distribution	(B8)	103 sq m
NACRO Training	(D1)	601 sq m

Total floorspace occupied is:

B1 – 1090 sq m

B2 - 736 sq m

B8 - 223 sq m

D1 - 601 sq m

Total: 2650 sq m or 46%.

- 2.5 The second building on the site is 16-18 Melbourne Street, a two storey industrial unit in the North West corner of the application site, which the applicants have an option to purchase. The building is currently occupied as an extension of a carpentry workshop in No.19-20 Melbourne Street and appears to be used as storage. It has no windows.

**3 RELEVANT HISTORY**

**BN/95/0317/FP** – Part change of use from B1 office to Class D2 Gym/Fitness centre to 5<sup>th</sup> (top) floor. Approved

**BN/95/0318FP** – Construction of a goods lift shaft. Alterations to access and parking layout. Approved

**BN95/0900/FP** – Change of use of 2<sup>nd</sup> floor to judo and martial arts clubs together with ancillary crèche to existing top floor gym. Approved

**BN96/1018/FP** – Use of part of 4<sup>th</sup> floor as a children's play centre. Approved

**BN97/0001/FP** – Use of the fourth floor as a martial arts club, together with ancillary crèche to existing top floor gym (regularisation). Approved

**BH1999/01701/TA** – Installation of equipment cabin on roof with 3 aerials attached, erection of safety rail and fencing. No objection

**BH2004/02853/FP** – Change of use from B1 office to D1 medical services. Approved

**BH2008/00203** – Change of use from light industrial (B1) to create a place of worship (D1). Refused

**4 THE APPLICATION**

4.1 Outline Planning permission is sought for the demolition of 16-18 Melbourne Street and the South wing of the 5 storey Enterprise Point. In place of 16-18 Melbourne Street, the applicants propose a 5 storey residential block of flats whilst in place of the South wing, a detached 4 storey block of residential units is proposed. Enterprise Point itself is proposed to be part refurbished and converted into residential flats retaining B1 Offices at lower ground and ground floors and proposed part one, two, four and seven storey extension to the front including an additional floor on top of the retained part of the building. The Reserved Matters are the appearance of the development and the landscaping.

4.2 The three buildings would be occupied as follows:

16-18 Melbourne Street - 14 x 2bed; 1 x 1 bed unit.

Enterprise Point – 51 x 2bed; 7 x 1 bed; 1030 sq m B1 office.

Affordable block – 2 x 3 bed; 13 x 2 bed; 69.8 sq m Class D1 community space.

16-18 Melbourne Street block

4.3 The proposed replacement block for 16-18 Melbourne St is irregularly shaped but would generally cover the footprint of the existing building. It would extend a metre east onto the car park area whilst part of its north elevation would be sited up to 2.0m away from the boundary and the tree belt to allow daylight to the bedroom windows at the rear and keep a separating distance from overhanging tree branches. Part of the front of the building would also be set back 3.9 metres from the adjoining carpentry workshop at 19-20 Melbourne Street. The entrance lobby to this block would be sited on the back edge of pavement opposite the vehicular entrance to the site and at the corner of Melbourne Street where the road turns sharply south.

4.4 The height of the proposed building measured from the entrance threshold would be 14.4 metres (excluding the one metre high lift overrun). The proposed

elevations are indicative but show a modern approach to the design. The building would have a flat roof with a prominent canopy. There would be a column of windows and balconies to the recessed element, a column of windows above the entrance lobby and another column of windows and balconies centred on the south elevation. The remainder of the elevation indicates a green/living wall. The eastern end of the south elevation is chamfered back from the front. This is seen on the east elevation which features a series of set backs and indicates large windows to bedrooms and living rooms with eastern aspects over the car park. The north elevation facing the tree belt would have some areas of blank elevation except for 2 bedroom windows per floor one with a balcony. The west elevation would be largely obscured by the adjoining workshops and would only have side windows to the bedrooms at the rear and on the south west corner where the building would be more prominent viewed from Melbourne Street.

- 4.5 The ground floor would provide 2 x 2 bed and one single bed wheelchair units as affordable units each with a small area of enclosed private amenity space. On each of the 4 floors above, 3 flats would be arranged with identical layouts each. 2 flats would have southerly aspects with a small south facing balcony and one flat would have an easterly aspect.

#### Enterprise Point

- 4.6 The lower ground floor extension to the existing building would be extended forward between 18.5 - 25 m metres to the back edge of pavement over part of the existing car park to provide B1 offices whose main entrance would be onto the street. To the rear of the offices would be the residential entrance lobby accessed from the south side of the building and to the rear of the lobby the refuse and recycling stores. Behind the stores within the footprint of the current building would be 24 covered residents' car parking spaces including 8 disabled bays.
- 4.7 The extended ground floor would be set back between 1.6 – 3.7 metres from the front entrance below and would provide the remainder of the B1 offices proposed to the front of the building and on north side of the ground floor. The south side of this floor would accommodate 6 flats (including the fourth wheelchair unit in the scheme) all with southerly aspects. The 1<sup>st</sup> and 2<sup>nd</sup> floor as extended would provide residential accommodation only comprising 11 flats per floor. The front elevation is broken up by a series of set backs from the ground floor of 2.3; 3.7 and 9 metres. The 3<sup>rd</sup> and 4<sup>th</sup> floor extensions together with the additional 5<sup>th</sup> floor would be set back a further 5.7 - 7 metres from the two floors below and each floor would accommodate 10 flats making 58 flats in all for this block.
- 4.8 The overall height of the proposed Enterprise Point building would be 23.1m in height measured from the back edge of the pavement on Melbourne Street. This would be 1 metre higher than the current roof plant on the front of the block. The intermediate heights would be 4.2 m high to parapet level of the lower ground floor office, the ground floor would be 7.2m high and the 1<sup>st</sup> and 2<sup>nd</sup> floors would be 13.8m high.

- 4.9 The indicative elevations would be similar in style to the Melbourne Street block. The B1 offices would have a terrace at the front at ground floor level and the flats at first and third floors would also have terraces at the front of the building where the floors set back from below. The offices would be distinguished from the residential floors by large areas of glazing. All of the flats in this building would have balconies and feature large rectangular windows. The proposed flats within the converted part of the building would be set back behind the current facades of the north and south elevations with the glazing removed from the openings so that the balconies would be partially screened by the outer facade. The North West corner of the building as extended would feature curved balconies facing west. The East elevation would have very few windows and there are indications of living/green walls at 1<sup>st</sup> to 4<sup>th</sup> floor levels. The rear (east) façade would have a large projecting triangular bay at 1<sup>st</sup> to 5<sup>th</sup> floor levels with two angled bedroom windows designed to avoid overlooking or privacy issues.
- 4.10 The indicative materials indicate a variety of three main colours and types of materials plus an oxidised copper coloured aluminium cladding to the balconies. The timber effect panelling is an artificial Meteor smooth cladding in a light brown colour with a mock wood grain appearance. The chalk white and cream coloured panelling provides a rough rendered appearance. Window frames would be Anthracite grey aluminium and the roof would be pale grey single ply membrane. Samples of the materials will be on display at the Committee but are not required to be determined but are for information purposes.

Southern block

- 4.11 The Southern block would be accessed via the southern pedestrian route and is sited in the elevated south east corner of the site. All units in this block would be affordable. The entrances to these flats would effectively be 3 metres or one storey above the site entrance at street level. At ground floor level the building would abut the south site boundary with Gladstone Court and would be separated from Enterprise Point on the north side by a minimum of 2 metres. Above ground floor level there would be a separating distance of 7.4m from the façade of Enterprise Point and at least 3m from Gladstone Court. The south east corner of the Affordable block would be cut back in order to avoid cutting across the 45 degree angle of daylighting to adjoining rear windows in Gladstone Court. The rear elevation of the block would be 6 – 6.5m away from the boundary of Shanklin Road dwellings.
- 4.12 The ground floor of the block would comprise 2 x 3 bed units and a 2 bed unit as well as an indoor community space at the southern end of 69.8 sq metres. The ground floor flats and the community space would each have a small private area of garden. The smallest garden would be 22.5 sq m and the largest would be 33 sq m. The Community space would have 16 sq m. The gardens would be enclosed by the retaining walls of Shanklin Road dwellings at the rear. The 1<sup>st</sup> to 3<sup>rd</sup> floor levels of the affordable block would each provide 4 x 2 bed units and each unit would have a west facing balcony looking towards Melbourne Street. The flats would be arranged with the main living rooms and kitchens at the front and east facing bedrooms at the rear. The rear bedroom

windows would project out of the façade and be angled facing south east to avoid mutual overlooking and privacy issues.

- 4.13 To construct this block, the site levels would be excavated by up to almost 3 metres and the block would then be 11.4 m in height measured from the current ground floor entrance level to Enterprise Point. The rear elevation would appear as a maximum of 8.5m in height above the bottom of the existing vehicle ramp which rises up to the deck level parking at the rear of Enterprise Point. The corners of the rear elevation would be inset away from the adjoining Gladstone Court to the south. Its appearance would be similar to the other two blocks featuring a flat roof with an overhanging parapet and two columns of balconies forming an entrance canopy over the two entrances to the flats. The block would have a living/green roof indicated as sedum on the plans.

Site access, circulation and parking

- 4.14 The site currently has two vehicular entrances and exits from Melbourne Street. The proposed scheme would provide a single vehicular access and exit onto Melbourne Street on the north side of Enterprise Point which would be 4.5m wide to meet the Fire and Rescue services requirements. A turning head would be available at the eastern end of the parking area. Access to the existing open parking and to the proposed lower ground floor residents parking underneath Enterprise Point would be from a single entrance. Commercial and some residential refuse/recycling would also be collected via this access. The existing southern vehicular access would be restricted to vehicles and would be a pedestrian and cycle access route only. The main volume of residential refuse and recycling would be accessed for collection via the pedestrian access but it would not be necessary for refuse vehicles to reverse into this area. A suitable boundary treatment fronting Melbourne Street would be a condition of any consent to physically prevent any vehicles from accessing the area and to provide an attractive well defined street frontage.
- 4.15 A total of 153 covered cycle spaces are proposed on site. 20 spaces would be located in the open car park and 20 spaces adjacent to the access to the residential parking. 37 covered cycle spaces for residents would be provided on the southern side of Enterprise Point at ground floor level or at the top of the slope. A further 41 spaces would be located on the south side of the pedestrian access/amenity space. 35 covered spaces for the offices would be provided at ground floor level on an access deck on the north side of Enterprise Point reached from the top of the slope. All of the offices would have a secondary entrance/exit directly onto this deck.

Amenity/Open Space

- 4.16 The Community Space in the Southern block would be accessible directly from the St Martin's School playground across a secure enclosure. At the rear of Enterprise Point proposed communal allotments for the residents of the flats would be provided. They would be sited on the area currently used as deck access car parking at 1<sup>st</sup> floor level. A new pedestrian access to the allotments is proposed between Enterprise Point and the Affordable block.



All of the proposed residential units would either have balconies or a private area of amenity space at the ground floor. A planted area of amenity space would also be provided around the southern side of the site on what is currently the vehicular access adjacent to the school playground. It is intended that this would provide an ecological area of planting to encourage wildlife since the steep slope would not enable a more practical use to be made of the amenity space.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Eight (8)** letters of objection have been received from **5 Melbourne Street; Basement flat, No. 11, No. 13 (2 letters); No.19b; Flat 2, 25 Shanklin Road; 51 Upper Lewes Road; 27 Viaduct Lofts** objecting to the proposals on the following grounds:

- Principle of development acceptable but would be an overdevelopment and intrusive into the small street.
- Plant rooms should not be developed into additional storey.
- No buildings close to the pavement would make street oppressive.
- Loss of views to Shanklin Road properties.
- Additional noise and pollution from additional vehicles. Additional traffic emerging onto the Lewes Road increasing traffic onto the Lewes Road will be unsafe for pedestrians and road users with school children being dropped off in cars.
- The area is currently very noisy like an amphitheatre.
- Additional storey would lose sunlight to building (in Shanklin Road);
- Secure internal ground floor cycle parking, refuse and recycling locations not clear; insufficient outdoor space for trees and shrubbery and inflicts hard landscaping on children and adults misses best guidance for health and well being.
- Overshadowing, loss of light and privacy, overlooking. School playground would be overlooked by flats. Buildings at least 1 or 2 storeys higher than at present and affordable housing will be up against Shanklin Road properties. Daylight report does not mention loss of light on adjoining properties.
- Affordable block is higher than matching buildings in the Covers Yard site. Additional overshadowing would be caused by Enterprise Point.
- Pre-application consultation was very limited and at short notice and at an inconvenient time of day.
- Retaining walls to Shanklin Road properties are not strong enough to withstand construction and demolition works. Should be a structural assessment of all of the properties in the area to make sure chimney stacks are safe.
- Debris and dust from construction would linger for months. Adjoining residents and school children would not be able to go outside. Pets would need to be kept indoors.
- Additional residents would add to the noise in the area from comings and goings.
- There needs to be adequate parking available for proposed residential units.

5.2 **A Petition** accompanying letter from 19b Shanklin Road summarised above with **36** signatures from addresses in Shanklin Road, Melbourne Street and Hartington Road.

5.3 **Two (2)** letters have been received from **10 Melbourne Street, 9 Viaduct Lofts** supporting the proposed scheme for the following reasons:

- Would make the most of a redundant building which would attract squatters, drug users etc and stop it blighting this area. Request that double yellow lines be re-instated outside businesses on Melbourne Street. Area has been improved by the Viaduct Lofts development.

5.4 **Neighbour Re-consultation**

**4** letters of objection have been received from **5 Melbourne Street; Basement 11; 11c Shanklin Road; GFF 10 Gladstone Place**

The following grounds of objection are stated:

- Principle of development acceptable but would be an overdevelopment and intrusive into the small street.
- Plant rooms should not be developed into additional storey.
- No buildings close to the pavement would make street oppressive.
- Loss of views to Shanklin Road properties.
- Additional noise and pollution from additional vehicles.
- Maintain objections to overlooking, loss of privacy despite angled balconies.
- Noise and disturbance once built
- More on-street parking, should remain as commercial.
- Unsuitable for the area.
- Obstruction of view.
- Possible further structural damage to Melbourne Street properties following original construction.
- Lack of fair warning.

5.5 **The Coroner's Office, Woodvale Crematorium**

Comment about (construction) noise over long period of time which would be disruptive and intrusive into Inquests.

5.6 **St Martin's School, Hartington Road**

Support the provision of the indoor and outdoor community space to improve the educational facilities for the school. The space is needed for its Early Help and Intervention Strategy with families within the school community for which there is currently no space. A community room would enable us to develop good relationships with families who need Family Learning and Parenting Skills workshops which will enable pupils to achieve and make more progress at school. The room would also provide a facility for education of children for Intervention Groups.

5.7 **Brighton & Hove Archaeological Society**

Comment The Brighton & Hove Archaeological Society do not believe that any archaeological deposits are likely to be affected by this development. However, it is possible that if it is a listed building then there are likely to be implications.

**5.8 Conservation Advisory Group (CAG)**

No objection on conservation grounds

**5.9 Environment Agency**

Comment Planning permission could be granted as submitted if conditions to cover the following are included:

- A remediation strategy to deal with risks associated with contamination and a verification report that the works set out in the remediation strategy were carried out.
- A condition to deal with unsuspected contamination would be required and;
- A condition restricting infiltration of surface water drainage into the ground to protect the aquifer;
- No piling for foundations using penetrative methods without consent and;
- A scheme to dispose of surface and foul water drainage to be submitted to the Local Planning Authority

**5.10 UK Power Networks**

Comment: The existing electricity sub-station is held under a lease and forms part of the electrical network. The plans indicate that a new building will be placed in close proximity of the existing site and therefore it is assumed excavations will take place in close proximity to substation site. To maintain the integrity of substation site, the developer will need to serve a party wall notice to this office as stated by the Party Wall Act 1996. The new build will also restrict access rights to the substation site.

**5.11 Southern Gas**

No objections

**5.12 East Sussex Fire and Rescue Service**

Comment: Due to its height, the development is likely to require the installation of fire fighting shafts and dry riser installations in order to satisfy building regulations. Access for vehicles and for hydrants for water supplies should be considered at an early stage to avoid necessitating plan changes. Recommend that a full water sprinkler provision is included in the plans.

**5.13 Natural England**

Comment: Application is unlikely to result in significant impacts on statutory designated sites, landscapes or species. Local Planning Authority should take account of potential impact on a Biodiversity Action Plan on the site, a Local Nature Reserve and to incorporate features into the design which are beneficial to wildlife. Site does not appear to be in or within the setting of a nationally designated landscape.

**5.14 Southern Water**

Comment: Southern Water can provide water supply and foul sewage disposal to the proposed development. Applicant will need to ensure that long term maintenance arrangements exist for SUDS. Request a condition requiring details of foul and surface water sewerage disposal.

**5.15 Sussex Police**

Comment: Pleased that Design and Access has identified crime prevention measures incorporated into the design and layout. Access to lower ground floor and ground floor car parking will need to be gated. Stairwells from car park will also need to be controlled and recommend access door from reception to bin stores in Enterprise Point. Proposed covered cycle stores should have dawn until dusk security lighting.

**Internal:**

**5.16 Access Officer:**

Original response

Objection: Handrails should extend 300mm beyond top and bottom of stairs. Please confirm level entry to all balconies. All units should have floor zone drainage to enable level entry showers to be fitted in future. Development should have 4 wheelchair units to meet policy HO13 of the Local Plan. Wheelchair units need to be at entrance level and have access to two lifts to ensure continuity of service. At least 4 dedicated parking spaces to serve wheelchair units.

Revised comments:

- Handrails on common stairs should extend 300mm beyond top and bottom risers. The landings still seem to be shown with around 1m clearance between the handrail and the wall but, when the handrails are extended 300mm as required, the travel space will be reduced to around 700mm.
- As mentioned previously, there should be 300mm clearance at the leading edge of all doors at the entrance level of each unit. The problem still exists on the revised plans.
- There are several bathrooms that do not have the necessary 1100mm clear space in front of the WC.
- Please confirm level entry to balconies.
- All units should have floor zone drainage to accommodate a future level entry shower.
- Three units designed for wheelchair users have now been shown on the ground floor of the small block (1053-P-199 P21) and one on the Ground Floor of Enterprise Point (1053-P-200 P21). The units shown are still not suitable for wheelchair users because none of them have the required 1700mm x 1100mm space, open on a long side and clear of normal circulation routes to store and charge an electric wheelchair or scooter. The unit in the North West corner does not have the necessary 1500mm wide x 1800 deep space inside the entrance door. None of the four units has the required 450mm transfer seating space at the end of the bath.

## PLANNING COMMITTEE LIST- 08 JANUARY 2014

- Access to the tap end of the bath is obstructed by the basin in two of the units.
- Note also that it is normally preferable to have a level entry shower fitted from the outset in these units rather than a bath.
- It would also be expected that the occupants of the wheelchair accessible units would have equal and independent access to all communal and amenity spaces available to other residents.

### Final Comment

All issues now resolved except:

- Lifetime homes - Still a couple of doors where the issue of 300mm clearance not addressed
- Wheelchair accessible units – Confirmation of level entry showers to be provided.
- Disabled parking bays need adjustment to meet guidance on 1.2m safety zone.

### 5.17 **City Clean:** Comment

Need further clarification from the developers on the following:

- Doors – they look to be double doors but smaller than some others on the plan. Need confirmation of the width?
- Parking – what is the planned parking arrangements along Melbourne Street? We would need to make sure that emptying and access to the vehicles wasn't blocked
- The kerbside emptying point will need dropped kerbs to safely wheel bins to the vehicle which are not blocked by parked cars.

A total of 19 bins will be needed for a weekly recycling and refuse collection. As a result 59sqm floor space will be needed to accommodate the bin footprint, manoeuvrability and future proofing. I understand that the recycling will now be incorporated with the residential refuse store, which we approve. The bin store to kerbside collection is at a satisfactory trundle distance. Residents in 16-18 Melbourne Street distance is too far (estimated 55m?) to use the shared main bins store. The guidance sets out a maximum of 35m for residents to travel. A separate recycling and refuse store is needed here. (3528L of waste per week, 3 bins and 9sqm floor space needed). The affordable housing (top corner) will have a distance greater than 35m to use the main bin store. It would also be too far for City Clean to access (>25m). We cannot ask residents to wheel bins due to the gradient of the slope and associated H&S risks. This does present a problem and a possible option would be to move the bin store further up, reducing the travelling distance. However, this would require refuse and recycling vehicles to reverse up and into the site to access the store.

### Revised Comments

- Good to see a refuse store for 16-18 Melbourne Street residents closer. If they are sharing this with commercial use, there will need to be a divide for residential and commercial waste. Commercial waste must be paid for and any of this waste put in residential will classed as fly-tipping. Secondly, if residents

put their waste with the commercial, the business will need to pay for disposal costs through their own contract. In our experience, not separating the store area will cause on-going issues which should be designed out now. A caged area with clear 'household' and 'trade' signs would suffice. I would suggest a key code is used to for access to each area.

- Attached is the revised waste calculator which shows the floor space needed for each section. Note the Enterprise Point and Affordable housing section would require 52sqm but only 45.4sqm is provided.

**5.18 Ecology: Comment**

In summary, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. Opportunities for wildlife enhancements should be sought where possible to help the Council address its duties and responsibilities under the National Environment and Rural Communities Act 2006 and NPPF. There is minimal existing biodiversity interest on site and a low risk of bats or nesting birds being present. Throughout the development, the planting scheme for the landscaping should use native species of benefit to wildlife.

Revised comments

NPPF states that “the planning system should contribute to and enhance the natural and local environment by....minimising impacts on biodiversity and providing net gains in biodiversity where possible....” (paragraph 109). The nearest site is Woodvale, Extra-mural and Downs Cemeteries SNCI to the north. As a precaution, demolition of buildings should take place outside the bird nesting and bat breeding season (March – September). If any sign of protected species is discovered, works should stop and advice sought from a qualified ecologist. It is noted that landscaping is reserved for subsequent approval but there are two main areas for soft landscaping along the southern and eastern boundaries. It is recommended that the landscaping scheme should include natural/semi natural areas and low maintenance wildflower areas to maximise the potential for biodiversity. It is also noted that green walls and roof are proposed. A brown/bio-diverse roof would be most beneficial to wildlife. Throughout the scheme the planting scheme should use native species beneficial to wildlife. The site offers further opportunities for enhancement including the provision of bird and bat boxes. Given the proximity to Woodvale, sparrow and swift boxes and general purpose bat boxes are recommended.

**5.19 Economic Development Team: No objection**

No adverse comments to make and requests a contribution towards the Local Employment Scheme through a S106 of £54,890 in accordance with the developer contributions interim guidance and a commitment to use 20% local employment during construction phases of the development.

Revised comments

The senior economic development officer has no adverse economic development comments to make and requests a contribution through a S106 agreement for the payment of £54,300 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 demolition and construction phases of the development.

**5.20 Environmental Health: Comment**

In summary, further works are necessary and as such there is insufficient information on which to make an informed comment.

Revised comments

Recommend Approval, subject to conditions to deal with noise, potentially contaminated land, a lighting scheme and a section 106 agreement.

The applicant's reports indicate that the predominant noise source is road traffic noise from Lewes Road. A condition is necessary to agree both the facade glazing and any necessary ventilation for residential properties with Western facades. Having a baseline noise survey will also allow any further final designs to ensure that external plant is capable of operating at such a level as to not cause a problem to other residents. This may be achieved using conditions to ensure that the requisite protections are in place.

Would strongly recommend that the local planning authority restrict the proposed use to B1 (a) offices to prevent the creep into other B1 uses towards a position where this might not be compatible with residents above.

Noted also that the site is immediately adjacent a primary school, which will have sensitive receptors (school children) and will need careful management during any construction stages. For this reason, request that a Construction and Environmental Management Plan (CEMP) be secured as part of a section 106 agreement. Such a condition or undertaking within the section 106 would be an obligation for the final developer to apply for a section 61 agreement under the Control of Pollution Act 1974 which would detail the methods, techniques, times and best practical means that the construction stages would be operating against. Would also expect to see an assessment of significance under BS5228:2009 with any such Section 61 application and an acknowledgement of all sensitive and other receptors.

There are no hours of use listed for the office uses. As such it would be prudent to ensure a commensurate level of protection in terms of soundproofing between the residents at first floor.

The contaminated land report indicates that further works are necessary to fully characterise the site and ensure that sufficient protection and mitigation measures are in place to protect the end users of the site. This will allow intrusive investigation to take place and it is expected that a scheme of representative and targeted sampling is agreed which assesses both historic uses and indeed those of the end users of the site in line with the conceptual site model. This may be achieved through bespoke or tailored conditions.

Whilst a site report may have good site coverage, there is always the danger of identifying unexpected findings during the construction stages, and as such it is strongly advised that a discovery strategy is applied.

Not seen any information within the application with regards to lighting and how the development will be lit and maintained, when it will be lit and who this might impact both in terms of the build and other receptors around this. As part of any submission would expect to see a professional lighting report with details of luminaires, hours, lux contours on both the horizontal and vertical luminance and an appreciation of where the various receptors are located.

**5.21 Education: Comment**

Seek a contribution towards education infrastructure for school age children that the development would generate. Following the revised proposals this should be £195,321 in respect of nursery, primary and secondary education. The closest Primary School is St Martin's C of E Primary School which has no surplus capacity. Of 6 other primary schools close by, only two have some capacity in Years 4-6. I note the letter of support that you have received from the school regarding the provision of a community space within the development. While I can fully understand why the school would want such a facility this would in no way add to the number of school places within the city, which is the purpose of seeking education contributions. Consequently I do not consider that the proposal can be seen as replacing part of the education request. Consequently I think that it is entirely appropriate to request a sum of money for nursery primary and secondary education in respect of this development. It is expected by the Department for Education 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 2,940 primary places available and currently there are 2,776 children on roll. This gives an overall surplus of just 6%. A development of 82 residential units will eat into this surplus capacity leaving parents with no choice whatsoever.

**5.22 Heritage: No comments**

**5.23 Housing: Comment**

In line with Policy HO2 of the Local Plan, the scheme should provide 40% affordable housing on this site which equates to 32 units. Would expect 10% (3) of the affordable units to be fully wheelchair accessible. Currently have 16,345 people on the Housing Register waiting for affordable rented housing and 726 people on low cost home ownership waiting list.

**Revised Comment**

Further to the submission of the District Valuer's (DV) report we would prefer 40% affordable housing to be provided on this scheme however the DV suggests this is not viable and so the Housing Team is prepared to consider a lower number.

It is understood that the scheme will provide 20.5% affordable housing which equates to 18 units. The three wheelchair homes of which two will be 2 bed homes and one will be a 1 bed home will be for affordable rent. The remaining 15



units will be for intermediate tenure and will include some three bedroom homes with gardens.

**5.24 Public for 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. It is suggested that the public art element for this application is to the value of £38,500

**5.25 Planning Policy: Comment**

The emerging City Plan Policy CP3 allocates Melbourne Street Industrial Area for employment-led mixed use development in order to help to deliver the overall City Plan strategy of meeting housing and employment needs in the city to 2030. Viability testing has indicated the difficulty of re-providing a similar level of employment floorspace alongside residential development on this site. However further clarification is sought on the amount of employment floorspace that will be provided for on site.

The acceptability of the overall scale and massing of the housing development alongside the re-provided employment floorspace needs to be considered against relevant Local Plan and emerging City Plan policies.

The applicant needs to more fully address the policy requirements for loss of indoor sports facility and open space requirements.

**Revised comment**

The introduction of residential uses on a safeguarded employment site to enable modern employment floorspace needs to be considered as an exception to Policy EM1 of the adopted Brighton & Hove Local Plan. However the submitted City Plan Policy CP3 (currently at examination stage) allocates Melbourne Street Industrial Area for employment-led mixed use development in order to help to deliver the overall City Plan strategy of meeting housing and employment needs in the city to 2030 and can be afforded significant weight.

Whilst providing cheap accommodation for small firms, the building is not fully occupied and is in need of modernisation. Viability testing has indicated the difficulty of re-providing a similar level of employment floorspace alongside residential development on this site. Although there is a significant loss of employment floorspace, evidence has been provided to justify this and the current overall level of employment provided by the site is not expected to diminish.

The scheme will provide 88 residential units of which 18 units (20%) will be affordable housing. Evidence has been submitted by the applicant to justify this level of affordable housing provision against the policy tests.

The acceptability of the overall scale and massing of the housing development alongside the re-provided employment floorspace needs to be considered against relevant Local Plan and the Submission City Plan Part One policies.

**5.26 Sustainability:**

Comment Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. The application has met some of sustainability policy as set out in Local Plan SU2 and SU16 and SPD08, but some aspects have not been addressed. Some aspects of policy are not referred to in the application rather than a lower standard being sought. Therefore the applicant should be encouraged to submit further information to address these omissions. Under supplementary planning document SPD08 major new built development is expected to achieve BREEAM 'excellent' and 60% in energy and water sections with residential achieving Code for Sustainable Homes (CfSH) Level 4. New dwellings delivered in an existing building would be expected to be assessed under BREEAM Domestic refurbishment. The scheme includes some positive measures addressing sustainability: reuse and conversion of existing building; Code Level 4 for new dwellings; BREEAM Domestic Refurb 'excellent' for dwellings built into existing development; passive design, solar shading on south, east and west faces; green walls (79m<sup>2</sup>) green roof (190m<sup>2</sup>), 10 trees to be planted. Additionally, there may be allotments proposed as part of landscaping and submitted in future and this would be welcomed. Ways in which local sustainability policy has not been addressed includes: commitment to undertake BREEAM assessments for the commercial units; use of renewables (SU2); information about water efficiency; sustainable waste management; feasibility for rainwater harvesting or greywater recycling; facilities for composting; use of Considerate Constructors scheme.

**5.27 Sustainable Transport: Comment**

Clarification sought on pedestrian access from Melbourne Street. SPG04 requires a cycle space to be provided for every dwelling plus 1 per 3 for visitors. For B1 offices, 1 space for every 200 sq m is required. The minimum standards for disabled car parking are 1 per 100 sq m of B1 office and 1 per 10 residential units. However Department for Transport advice suggests 5% of total parking should be set aside for disabled bays. Bays should be hatched. There should be one space per wheelchair user residential unit. There are not considered to be any significant servicing requirements for the offices which should be possible in the parking area. Clarification of the refuse collection should be sought. Applicant is proposing reinstatement of the footway which is acceptable and should reinstate a safe pedestrian footway. The Highway Authority requests that the applicant enters into a S278 agreement to carry out the works to be secured by a S106 agreement. Clarification of how the north car park access would operate required. Outside of the CPZ, maximum parking standards are 1 space per dwelling plus 1 per 2 for visitors. For the office use it would be 1 per 30 sq m of gross floor area.

If permission is granted conditions should be included covering retention of car parking for occupants only, details of cycle parking to be approved, a parking management scheme to be approved including allocation of spaces and details of disabled parking bays to be approved. A Construction and Environmental Management Plan should include details of contractors' routes, movements, hours of work, construction compound, measures to reduce impact of vehicles on highway and liaison with residents. Details of a Travel Plan required to be submitted within 3 months of occupation.

Revised comments

For this revised development scheme of 88 residential units the minimum cycle parking standard is 88 cycle parking spaces for residents and 29 spaces for visitors (117 in total). While for the B1 element of the building the minimum cycle parking standard is 5 spaces. A total of 123 cycle parking spaces (62 Sheffield stands) are required. The applicant is proposing 2 disabled spaces for the office element which the Highway Authority have already accepted in principle as it is in line with guidance contained within the Department for Transport (DfT) produced TAL 5/95 Parking for Disabled People.

The residential element would now provide 8 disabled spaces which now meets the minimum standards contained within SPG04. All disabled spaces are designed to the necessary standard and this aspect is therefore deemed acceptable by the Highway Authority. One minor point could be raised to improve access through the car park, is that the parking spaces are realigned to ensure that they do not block any doors from the car park to the main building. This could be achieved by aligning the 1.2m clear zone to the side of each bay with any doors. This would help prevent any cars being parked in a location that restricts access to these doors.

In relation to the southern access point the applicant has proposed a wall with gates which is set into the site approximately 20m. The Highway Authority could not support this arrangement. Previously the Highway Authority requested that access arrangements should be provided that design out the potential for this route being used by vehicles. This arrangement does not prevent this and the Highway Authority would have concerns that this area would allow vehicles to access this area and potentially reverse out onto the highway. This would not be acceptable especially as the site is adjacent to a school. The Highway Authority would therefore recommend that further details of boundary details are secured via condition and that the applicant provide a suitable treatment that prevents vehicular access.

Overall, the Travel Plan Framework is acceptable, if more care is taken to tailor the Plan to Brighton & Hove. A commitment to inform future business occupiers of the requirement to engage in the Travel Plan process and to develop their own Travel Plans should be contained in the document. A condition requiring a detailed Travel Plan be submitted for approval within 3 months of occupation should be attached to any consent.

Final Comment

The applicant is proposing 153 cycle parking spaces which would meet the minimum cycle parking standards in SPG04 and is deemed acceptable by the Highway Authority. The applicant has now included appropriate road markings including centre lines and give way markings on the car park access. This is deemed acceptable.

Recommendation:

No objections. The previously suggested conditions and S106 contributions should be included on any permission granted.

## 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
TR4	Travel Plans
TR7	Safe Development
TR13	Pedestrian Network
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste

## PLANNING COMMITTEE LIST- 08 JANUARY 2014

SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
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
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
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HO19	New community facilities
EM1	Identified employment sites (industry and business)
HE6	Development within or affecting the setting of conservations areas.

### Supplementary Planning Guidance:

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

### Supplementary Planning Documents:

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

### Planning Advice Notes

PAN05:	Design guidance for the storage and collection of recyclable materials and waste
PAN06:	Food growing and development

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

DA3	Lewes Road
CP3	Employment Land

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application are the loss of employment floorspace, the provision of affordable housing, the scale, height

and design of the proposed development, the potential impact on adjoining residential properties, providing for the demands for travel and provision of amenity and open space and landscaping.

**Planning Policy:**

- 8.2 The application site is part of the Melbourne Street Industrial Area which is allocated in the adopted Brighton & Hove Local Plan as an EM1 site which are primarily identified for industrial and business use under Use Classes B1 (b) (c) and B2. The site is allocated in Submission City Plan Part One within the Lewes Road Development Area under policy DA3 where the strategy is to further develop and enhance the role of the Lewes Road as the City's academic corridor. One of the priorities is to encourage the development of housing, employment floorspace and community facilities. The site has also been more specifically allocated in the under Policy CP3.4 as an employment-led mixed use site including the Melbourne Street Industrial Area where the policy states that in order to secure good quality modern employment floorspace the council will allow employment-led mixed use development. There should be no loss of employment floorspace.
- 8.3 Paragraph 4.36 of the supporting text states that where a net loss of employment floorspace is being proposed then other considerations will be taken into account such as site constraints and opportunities for more efficient use of the site, the need for environmental improvements, access arrangements (improved access and circulation), safeguarding the amenity of surrounding users and occupiers, the quality of employment being offered and the density of jobs.
- 8.4 The characteristics of the site in terms of providing employment space are mixed in terms of its qualities. Enterprise Point itself is an old building in need of modernisation and provides a mix of unit sizes. Circulation inside the building is difficult including very small lifts. It has no modern heating and cooling system often resulting in windows being required to be left open which neighbours have referred to as creating general background noise which emerges. This was evident and audible on site visits. However, the building does provide cheap accommodation for small firms and single person operators but given the age and quality of the building, the income generated means that refurbishment is not viable as confirmed by the District Valuer. Access and circulation is reasonable however for these types of business occupiers. Although Melbourne Street is a narrow one-way street with two tight bends, there is plenty of parking and delivery space on site for small delivery vehicles which are the more common deliveries. The building however is only about 60% occupied and some of the occupiers do not conform to the permitted B1 use class. The applicant considers that some of these unauthorised uses now have Established Use rights but no evidence of this has been supplied and no Certificates of Lawfulness have been applied for. The floors that were occupied by D2 Recreation businesses are empty and have been for over a decade. The quality of the employment offer is mixed with some high skilled individual jobs such as photographers and artists but there are others such as telesales that generally provide casual work in the building for 100 people. One of the occupiers is the charity NACRO who provide 4 full time and 4 part time jobs but

they occupy a large space of 600 sq m required for the clients that benefit from the training opportunities.

- 8.5 The applicants have provided a full schedule of the current occupiers, employee numbers and the floorspace occupied by each firm. There are 128 full time and 28 part time jobs currently in the building. These jobs occupy a floorspace of 2784 sq m which calculates at an average of between 18 – 21 sq m per person dependant on how the part time posts are accommodated. This figure is distorted by the Recording studio and NACRO who require a lot of space but only employ 4 full time staff each and 20 part time in total. Rocket UK Marketing meanwhile is very space efficient and employs 100 people in a cumulative total of 632 sq metres across the building. The applicants quote a figure of 19 sq m per employee and estimate that the proposed B1 office floorspace could accommodate 54 full time workers. The floorspace ratio per employee is higher than 19 sq m according to the latest Homes and Communities Agency Guide (2010) which indicates that serviced offices would accommodate 1 employee per 10 sq metres.
- 8.6 At officer's request, the applicant has supplied an updated comparison study which illustrates what might be the numbers employed on site if it was fully occupied by the permitted users. This produces a theoretical total of between 152 – 180 jobs depending on whether the vacant floorspace was used as B1 office or B1 light industrial. It is a material consideration that units on the top floors have been vacant for between 11 -14 years so this higher figure is unlikely to be achieved. The applicants have also provided a theoretical figure for the new B1 office floorspace of around 132 jobs which is similar to the existing floorspace if one disregards the vacant top two floors with permitted use for D2 Sports and Recreation with some B1. The actual number of jobs will depend of course on how individual businesses use the space however an upgraded and reconfigured employment floorspace is likely to be more attractive to future occupiers.
- 8.7 The Planning Policy Team has commented that the application could be considered as an exception to policy EM1 but Policy CP3.4 of the City Plan can be given significant weight. The purpose of Policy CP3.4 is to achieve the provision of modern employment floorspace and additional housing through a more effective and efficient use of the sites. The applicant has now provided the additional information to seek to justify the net loss of B1 floorspace to address paragraph 4.36. The provision of modern flexible office accommodation that could be occupied more efficiently than the current building is welcomed. The Economic Development Officer has supported the proposal for this reason but has requested contributions towards training schemes and a 20% target of local construction workers to be agreed by the applicants. Although the new B1 offices could not accommodate the same number of jobs as the current building could potentially, account has been taken of the fact that the current building actually employs very few B1 employment jobs and has been partly vacant for many years. The applicant has provided a comparison between the current occupying businesses and employee numbers and the potential numbers of employees using the latest Homes and Communities Agency Employment Densities Guide that could occupy the 1030 sq m of floorspace. There are 128 full time and 31 part time employees in the building and if the vacant B1 a, b or

c and D2 Leisure floorspace could be filled then that might rise to 152-180. The new floorspace could accommodate 132 B1 office jobs at a ratio of 1:10 sq m per employee. Therefore the difference in potential job numbers lost is not as great as might be predicted. The option of refurbishing the building would be unviable as confirmed by the District Valuer at the options appraisal stage and so the building would probably continue to deteriorate and become less attractive to potential occupiers except at very low rents on short leases. It is considered therefore that a good case has been made for allowing an exception to policy EM1 of the Local Plan. The scheme would improve the townscape and environmental aspect of the site in the wider context notwithstanding some of the neighbours' objections. Neighbours consulted do however appear to accept the principle that the site needs to be redeveloped. Finally, with respect to policy CP3 some interim conclusions have been issued by the appointed Inspector convening the examination of the City Plan Part One (submission document). The Inspector has indicated that the Council should rigorously reassess whether this policy should be modified to allow for loss of employment land to housing where an employment or mixed use development is not viable. In this instance the scheme proposed is viable and acceptable in that respect.

Policy HO13 requires new dwellings to be built to lifetime home standards where they can be adapted to meet the needs of people with disabilities without major structural alterations. A proportion of new dwellings should also be built to wheelchair standards. The applicant is proposing 4 wheelchair units, 3 in the ground floor of the Melbourne Block and one on the ground floor of Enterprise Point which is accessible by lift. This would meet the 5% policy requirement for schemes of 10 units or more. Following modifications, these 4 units would all comply with the standards and guidance for wheelchair units. The layout of all of the units would also enable sufficient space and circulation to be adapted as well as the communal areas in the buildings.

**Affordable Housing:**

- 8.8 Policy HO2 of the Local Plan and CP20 of the City Plan seek a 40% element of affordable housing on 'windfall sites' and where 15 or more units are proposed however the current proposal would provide only 20.5%. At the pre-application stage, a financial options appraisal of different scenarios was carried out by the District Valuer to determine how the site could be redeveloped or refurbished. It was established as mentioned above that refurbishment was not viable and nor was a policy compliant employment led mixed redevelopment with 40% affordable housing provision. Only a housing led redevelopment would be viable but it would be unable to provide 40% affordable housing and only if there was a loss of B1 office contrary to policy EM1 and CP3.
- 8.9 The proposals to provide 15 intermediate and 3 social rented (wheelchair accessible) affordable housing units would be short of the policy requirement by 20%. The applicant has updated the Viability Assessment for this scheme which demonstrates that the current proposals could only provide 20.5% (18) affordable units with a small deficit.
- 8.10 The proposals have been modified significantly in terms of the mix of units following negotiations. By consolidating all of the proposed B1 office space into



Enterprise Point instead of spreading it across all 3 buildings, it has also been possible to provide 2 x 3 bed family units with private gardens in the affordable block by extending the ground floor footprint modestly. The application originally proposed 12% affordable housing but by re-arranging the accommodation as described and extending the ground floor footprint of the buildings more efficiently and increasing the overall floorspace but modestly reducing the employment floorspace by 300 sq m, the scheme could now provide 20% affordable housing including 3 wheelchair accessible social rented units with private amenity space that were not previously proposed. It has also enabled 2 x 3 bed units to be provided and 4 of the affordable units would have private gardens. The mix of affordable units would not meet the CP20 policy compliant mix of 30% 1 bed; 45% 2 bed and 25% 3 bed but providing a greater proportion of 3 bed units would reduce the overall number of units given the constraints of the site and would affect the viability of the development proposal.

- 8.11 The District Valuer has assessed the proposal on this basis and has agreed that 20.5% affordable is the maximum percentage of affordable units that would be viable. It has been agreed with the applicant however, that the usual 3 year time limit for implementation of any planning consent would be reduced to 2 years to reflect the fact that the proposal does not comply with policies HO2 or CP20 and that it is only acceptable as a departure from policy in the current economic circumstances. A condition would also be attached which places a ceiling on the maximum gross internal floorspace of the proposed residential units. The Planning Policy Team have accepted the District Valuer's assessment and consider that the criteria in policy HO2 should be applied where the policy target could be applied more flexibly. It is considered that some of these criteria are applicable, in particular the financial viability, the accessibility to local services and facilities and the need to achieve a successful housing development. The development has a high density and it is not considered that the site could accommodate the quantum of housing needed on site to achieve 40% affordable without severely prejudicing the amenity of neighbours and the townscape. The site has excellent access to local retail, transport and community services however the values of the built properties in this location would make it difficult to achieve the returns at this point in time needed to provide a policy compliant development. The development would however provide 70 residential units which are of a character and size that would provide accommodation that is modest and at the more affordable end of the housing market for rent or purchase.

**Design:**

- 8.12 The indicative elevations of the buildings propose a modern design to the development which has been strongly influenced by the existing Enterprise Point building as well as the recently constructed 'Viaduct Lofts' development on the opposite (west) side of Melbourne Street. The elevational appearance would be a Reserved Matter however.
- 8.13 The scale of the 6 storey Enterprise Point has dominated its residential neighbourhood for many years since it was constructed and is still clearly visible from the Vogue Gyrotory and Lewes Road to the west. At the time of construction of Enterprise Point, the railway viaduct on the line serving Kemp

Town traversed through the site itself in front of Enterprise Point and would have obscured it. The 7 storey Viaduct Lofts now also dominates the neighbourhood as well and can be seen more prominently in the foreground from the Lewes Road corridor and from the Round Hill Conservation Area. Similar long views of Enterprise Point on the Lewes Road corridor are not visible since it is set back to the east more whilst other potential longer viewpoints are obscured by the Sainsburys supermarket on the Vogue Gyratory and the heavily wooded Woodvale Crematorium to the north. The current building would be defined as a 'mid rise' tall building under SPG 15 (Tall Buildings) standing at 19.8 metres excluding roof plant but the SPG makes it clear that extensions to tall buildings are also subject to the criteria. The two proposed new buildings would not be defined as tall buildings being below 18 metres. The building would be considered as significantly taller than its surroundings by definition since apart from itself and Viaduct Lofts; there are no other tall buildings within 100 metres of the site. (Sainsburys Lewes Road supermarket is almost 150 metres away). Significantly taller buildings should be located along the 'corridors' listed in SPG15 being a linear zones defined around transportation routes. The list includes the Lewes Road which the site is within 80 metres of. The principle of a tall building here is acceptable provided that the assessment of its impact has been carried out which the applicant has done.

- 8.14 The proposed additional storey would not be higher than the existing clutter of prominent roof plant and aerials on the existing building so the impact on the skyline in longer views compared to the existing building would be negligible. The proposed lift overrun would not be noticeable in distant views. From short to medium viewpoints, the additional storey would be visible for example from Bembridge Street and Shanklin Road but would replace the existing roof plant in the view. It is considered therefore that the proposal would comply with the criteria set out in QD4 (Strategic Impact).
- 8.15 The relationship of the scale of Enterprise Point with the street scene would be the most significant factor in considering its impact due to the proposed height and scale. The height of Viaduct Lofts is currently 0.5m above the roof height of Enterprise Point but as proposed the new roof of Enterprise Point, where it is set back into the site, would be a maximum of 2.0m above Viaduct Lofts. The footprint of the building would come forward to the back of pavement but the building would step down in stages as described in Section 4 above. Viaduct Lofts (granted consent on appeal) sits on the back edge of pavement and has an overwhelming impact on the scale of development in the street scene. Negotiations for this proposal have resulted in a proposal to bring the lower ground floor coming forward more in line with the terrace of houses (1 –10 Melbourne Street) to the south in order to provide improved definition to the street scene and the site as a whole which currently suffers from poorly defined streetscape. The submitted scheme featured steps behind a 3 metre high solid retaining wall up to the ground floor offices which would have provided very poor visual interest at pedestrian level. The offices would now have their entrances and large glazing areas at street level which would enhance the street scene and define the function of the building better. Following negotiations, the 1<sup>st</sup> and 2nd floors on the west elevation would have an

increased glazing content and reduction in blank frontage which would improve its appearance in the street scene. The main bulk of the building formed by the 7 storey extension would be 8 metres forward of the existing building but still set back 10 metres from the site boundary and then would drop down 3 storeys in one step. The current building appears above the roof profile of 1-10 Melbourne Street but the proposal would result in a bigger impact in the street scene. The upper floor set backs negotiated at pre-application stage however would significantly reduce the building's impact and avoid the creation of a canyon effect coupled with Viaduct Lofts. The upper floor set backs and the indicative variety in material profiles and colours would help to break down the bulk of the building and provide some coordination through the floor levels in contrast to the somewhat plain two dimensional block opposite. The visual appearance of the west elevation of Enterprise Point seen from Melbourne Street (west) would be enhanced in comparison to the existing elevation and seen in the context of Viaduct Lofts which would still dominate in the foreground, it is considered that the proposed indicative appearance of Enterprise Point would enhance the current focal point of this vista.

- 8.16 The scale of the proposed Affordable block is in keeping with the scale of the surrounding buildings. It would be 5.5m lower than the current south wing of Enterprise Point which would be demolished which, it is considered, would be an improvement to the massing on site, would be less dominant and would improve the relationship with those dwellings in Shanklin Road that currently face directly onto the south wing at present. The gap between the south wing and Gladstone Court would however be infilled by the southern end of the affordable block. In terms of the scale of the affordable block in relation to adjoining buildings, it would be in keeping with the scale of development since the flat roof would be at the same datum level as the upper ground floor rear roof profile of Shanklin Road houses whilst their main ridge height would be 6 metres higher. There would therefore be a clear stepping down the hill of the new development. In respect of Gladstone Court to the south which has a pitched roof, the flat roof of the affordable block would line up with the eaves height of Gladstone Court.
- 8.17 The proposed replacement building at No.16-18 Melbourne Street would appear as two storeys higher than the adjacent two storey building at No.19-20 which has a pitched roof. The flat roof would be 5.5m higher than the ridge height of No.19-20. This building would only be visible from Melbourne Street viewed east and north but in each street scene it would be scene in the context of the 6 and 7 storey Enterprise Point and Viaduct Lofts which now frame these views. There is a small window in the east gable of No.19-20 which would be blocked out but it serves only storage space in the roof. It is understood that the applicant has negotiated with the adjoining owner to enable the upper floors of this part of the building to be brought forward to improve the outlook for proposed flats at the rear and to protect the tree belt hence. Consequently the frontage does not immediately abut the adjoining gable end in the street scene and is set back when viewed from Melbourne Street looking north which would reduce the bulk and scale of the building in the street scene whilst the tree belt behind would provide a softened setting behind the outline of the new building. Viewed from the Lewes Road limited views would be possible due to the large

showroom building on the corner and workshops in the foreground whilst views from the back of the building would be obscured by the tree belt in Woodvale Crematorium. It is considered that the proposed scale of development would comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

8.18 The indicative elevations would provide an acceptable level of visual interest in the street scene with stepped setbacks in the profile of the building, a variety of window types and balcony sizes to avoid overly regimented facades. The east side of the southern façade does feature a blank façade but this would be only be apparent from close up and not prominent in the street scene being obscured by Enterprise Point. The windows would be limited here to avoid privacy issues with facing windows on the north side of Enterprise Point but the proposed green wall would soften this façade. A key improvement has been the bringing forward of the lower ground floor and the entrance of the building to the street frontage to be more prominent and provide more visual interest at street level and improve security by design. The proposal is considered to comply with policy QD5 of the Brighton & Hove Local Plan in this respect.

8.19 The indicative materials and colours require further consideration in the Reserved Matters submission. Given the scale of the development proposed and the darker colours used on the recently built 'Viaduct Lofts' which is 7 storeys in height, it is considered that in order to mitigate the density of development in the Melbourne Street area, lighter colours would be preferable. A mix of complementary colours is also acceptable in principle to help break up the larger elements and to also avoid the manner in which Enterprise Point itself currently dominates the local skyline. However the proposed colours of the balcony's which appears as a Jade green colour are not considered to complement the other proposed colours or the tone of the area and needs further consideration. The very smooth timber effect 'Trespa' panelling lacks a depth of texture which in large expanses could result in a somewhat unnatural and unbroken expanse of façade for the exterior of a building.

**Impact on Amenity:**

8.20 The main issues required to be assessed under amenity would be impact on the outlook and privacy of existing residents, daylighting and sun lighting to existing adjoining residents as well as adequate daylighting to the new residents. Noise and disturbance issues have also been considered.

8.21 The applicants have submitted a sunlight/daylight report which has been updated to cover the impact of all three buildings on neighbours as well as assessing daylight levels for the proposed flats. The main issue with the 16-18 Melbourne Street block would be daylighting to the new units. Amended plans have now resulted in the north elevation being pulled away to enable a minimum daylight level to be gained where the habitable rooms face the tree belt. Using the BRE guidance on Average Daylight Factor (ADF) where bedroom windows require a minimum of 1% ADF, the lower ground floor bedrooms would now achieve 1.4% and 2.04% respectively. All other windows in this proposed block would have south or east facing aspects with unobstructed views and would meet the guidance.

- 8.22 In respect of Enterprise Point itself, those units where the daylight levels might be below standard were assessed being mainly the lower floors on the east facing and north east facing elevations. Only two rooms were found to be below standard being open plan living/dining room and kitchens. However if the living/dining room element was assessed separately they would comply with the minimum guidance of 1.5% ADF.
- 8.23 There are 7 properties in Shanklin Road (Odd nos.17 – 29) which currently have their outlook directly obstructed by the top four floors of Enterprise Point. Some of the properties are single dwellings whilst others have been converted to flats. The separating distance is 18.5-19 metres to the main rear facades and in most cases 17 metres to the rear additions that usually accommodate kitchens, bathrooms and utility rooms. Of these 7 dwellings, 3 properties (Nos. 17-21) would have a slightly improved outlook following the demolition of the south wing. Although the Affordable block would be constructed 5 metres nearer than the demolished south wing, the Affordable block would be 2 storeys lower than now. No. 21 would benefit from the 5 metre gap created between Enterprise Point and the Affordable block as well as the reduction in height compared to the current situation. Properties that do not currently achieve the minimum BRE guidance on daylighting would not be impacted upon significantly and in some cases there would be a marginal improvement.
- 8.24 The additional floor on top of Enterprise Point would mainly affect Nos. 23 – 27 the most as they would face directly onto the retained building. A revised daylight report has assessed these properties by comparing the Vertical Sky Component (VSC) before and after the development. The BRE Guidance states that VSC should be a minimum of 27% and that a development should either not result in the value falling below 27% or it should retain 80% of its former value. Most of the windows in these properties currently exceed the 27% VSC guideline. Where there are windows which do not they tend to be glazed doors at lower ground level which access the gardens and the low daylight levels are due to their own or neighbouring rear additions and extensions and not due to Enterprise Point. No.23 Shanklin Road would have one window that would fall below 27% but would still be more than 80% of its former value. The remainder would not have a discernable loss of daylight. No 25 would have a glazed door at garden level which dropped just below 27% but the loss would not be discernible again. Most windows would still remain above 27%. The windows to No.27 would retain all of its daylight above recommended minima and the loss of daylight would be well within acceptable limits.
- 8.25 The affordable block would have more potential impact on those properties which currently enjoy unobstructed outlooks at present being Nos. 11, 13 and 15 (in part). The rear east façade would be 5 metres nearer than the South wing to be demolished and would be 11 metres from the rear additions and 13 metres from the main rear elevations of Shanklin Road dwellings. The flat roof of the proposed Affordable block would be 6 metres above the rear garden level of the dwellings whilst most of these dwellings have fences and walls erected on top of the retaining walls so that the proposed first floor would have no additional impact on daylighting. The lower ground floor (garden level) of the

facing dwellings typically has a glazed door and a small window serving a kitchen or utility room at this level. The ground floors of the properties have rear additions with smaller windows serving bathrooms typically and one larger window to the main façade which have limited outlook due to the rear additions and extensions carried out. The rear additions are 0.5m higher than the proposed flat roof. The first floor level of the properties would have unobstructed views out across the top of the living/green roof of the proposed Affordable block.

- 8.26 Existing and resultant daylight levels have been assessed as part of the application. The windows to No.11 currently comfortably exceed the minimum guidance of 27% and all of the windows would do so if the development took place with no perceptible reduction in daylight. The bigger reductions would be to the door and window at garden level but daylight would still be above acceptable limits. Nos. 13 and 15 similarly would have some loss of light at ground and garden levels but it would be negligible with one kitchen window at No 15 dropping fractionally below the minimum standard but with no discernible loss. It is a window which would have been most impacted upon already by a 2 storey extension to the property.
- 8.27 It is considered therefore that whilst there would be a few windows in Shanklin Road that may be affected by a reduction in daylight, the loss would not be significant and in the majority of instances daylighting would still be above minimum acceptable levels. There would also however be some dwellings which would benefit from the demolition of the South wing and so the proposal is considered to be acceptable in terms of its impact on daylight to adjoining dwellings.
- 8.28 Gladstone Court to the south of the Affordable block has a blank north facing façade and then a stairwell set back with small windows facing north which appear to serve corridors and the stairwell. The east facing façade has rear windows at the corner on 4 floors which mainly serve bedrooms and one kitchen window at ground floor level. The separating distance between the blocks would be 3 metres and the new block would extend 4 metres beyond the rear façade of Gladstone Court. These windows immediately abut the stairwell extension and it this relationship which would currently have an adverse impact on the daylighting each room receives. The proposals have been modified to cut back the Affordable block to create a 45 degree angle of light for these windows and it should be considered that these 2 flats and one maisonette have their main living rooms outlook on the west facing side with unobstructed views and thus benefit from the maximum VSC possible. It is not considered therefore that the proposal would cause an unacceptable loss of daylighting to adjoining occupiers.
- 8.29 The Shanklin Road properties have east facing gardens but as with the daylighting, they do not currently enjoy significant sunlight neither due to Enterprise Point and Gladstone Court until the afternoon due to their orientation. An assessment was carried out for 21<sup>st</sup> March spring equinox which illustrates that the rear gardens of Shanklin Road properties would benefit from sunlight from 1pm which is the same as at present when the sun is almost at its highest

and shines through the gap between the houses and Gladstone Court. Some of the houses at the northern end of the terrace would then be in shadow from 4pm. By 6pm all of the gardens of the houses would be in shadow. At the summer equinox, sunlight hours would increase and for those houses behind the South wing proposed for demolition, they will benefit from more sunlight later in the afternoon when the sun is higher in the sky.

- 8.30 It is considered therefore that the proposal would be acceptable in terms of its impact on daylighting and sunlight and would not be contrary to policy QD27.

**Open Space and Recreation; Landscaping:**

- 8.31 Landscaping for the scheme will be a reserved matter. The applicants have indicated landscaping either side of the pedestrian access south of Enterprise Point and around the corner of the site and in front of the Affordable block adjacent to the school playground which would amount to 128 sq m. Tree planting should be required close to the pedestrian entrance to enhance the street scene. They have been requested to identify the landscaped area for natural and semi natural planting to encourage wildlife and this would be deducted from the S106 financial contributions for open space under that typology. An indicative landscape scheme has been submitted which the County Ecologist has commented upon. A full landscaping scheme would be required as part of the reserved matters planning application. Other strips of land have been indicated for landscaping as well where possible.
- 8.32 The applicants have also proposed an area for on site allotment space of 168 sq m behind Enterprise Point at first floor level where the deck level parking is currently. As the plot would be east facing it is not ideal in terms of maximising sunlight but it is considered that it would enhance the scheme on site. The indicative landscape plans indicate high fences sub-dividing the plots which would cause overshadowing and inhibit growth of planting so details of the layout and specification for constructing the plots would be required as a condition. In accordance with SPGBH9 the total requirement cannot be met on site and off site contributions would still be required for a further 199 sq m of allotment space.
- 8.33 Additional financial contributions towards off site open space and recreation would be required in accordance with Policy HO6 of the Local Plan and the Council's SPGBH9 and the applicants have agreed a contribution of £257,883.
- 8.34 Enterprise Point includes 1700 sq metres of indoor leisure and recreation space within Class D2 for which previous permissions have been granted including a Gym/Fitness suite on the top floor, children's play centre on the 4<sup>th</sup> floor and a martial arts club on the 2<sup>nd</sup> floor. The 2<sup>nd</sup> floor is now occupied by NACCRO (Class D1) and the Telemarketing company (Class B1) neither of which would fall within a Class D2 use. All of the D2 occupiers have left and the units on the 4<sup>th</sup> and 5<sup>th</sup> floors are vacant. Policy SR21 would not permit loss of indoor recreation except where all of the following conditions are met. It would need to be demonstrated that there is an excess of provision in the area, the facilities are to be replaced by improved facilities and in a location accessible by a choice of public transport. The applicants have provided evidence that the units

have been marketed in the past as have all of the units whenever vacant but there has been no demand. All of the leisure operators who previously occupied the premises went out of business. The main issue in trying to re-occupy the units for leisure uses has been the lack of a street presence. The applicant states that the gym that occupied the top floor continued rent free for a while until they could no longer cover the owner's maintenance expenses. They also point to a contribution towards recreation being required but this would be in order to meet demand generated by the development in accordance with SPGBH9. Other material considerations cited are that the gym has been vacant for 15 years and a recent appeal decision in respect of St Andrew's Day Care Centre, St Andrew's Road where an Inspector allowed an appeal on the grounds that the site had been vacant for a long time. NPPF paragraph 70 states that planning policies should guard against the loss of valued facilities and services. Whilst the St. Andrew's application was refused under HO20 and not policy SR21, Part 8 of the NPPF considers policy on Class D1 and D2 uses under 'Promoting Healthy Communities' uses. Paragraph 74 of the NPPF refers to protecting sports and recreational buildings unless an assessment has been made which show that the building is surplus to requirements. In this particular case the building was not intended for indoor recreation use and is not well suited for modern indoor recreation uses due to its high rise nature and the cramped lifts and internal layout. The length of vacancy and marketing also does not suggest that it would suit an indoor leisure use despite the demand in the City demonstrated by the Open Space and Recreation Study to inform the City Plan. It is considered therefore that an exception to policy SR21 can be made taking account of these material considerations.

**Ecology/Nature Conservation:**

- 8.35 The County Ecologist has commented on a draft landscape scheme produced by the applicants in response to the Planning Authority's request to provide on site ecological planting. The species chosen are mostly non-native and ornamental but would benefit wildlife except a few which the Ecologist considers should be resisted as they have no wildlife benefits. Annex 7 of SPD07 provides a list of appropriate species. It is considered that suitable species can be agreed as part of a planning condition as landscaping is a Reserved Matter. Green walls are welcomed and should be on the building facades to enhance wildlife opportunities. The proposed green roof on the affordable block would be beneficial but more details are required as the Ecologist advises that a bio diverse roof would be most beneficial rather than a sedum roof as indicated on the plans. There are no natural or semi natural areas proposed on site which should be addressed. No bird or bat boxes are proposed either but the Ecologist would recommend sparrow and or swift boxes and general purpose bat boxes. However a deduction of the natural/semi-natural open space contribution has been agreed on the basis of 128 sq metres proposed provision on site. In view of the Ecologist's comments, a condition requiring 128 sq m of provision should be attached to any outline consent.

**Sustainable Transport:**

- 8.36 The Transport Policy Officer has commented that the proposal is unlikely to result in an increase in trip generation and so there would not be a need to seek a commuted sum towards sustainable transport measures. The site currently



provides 80 car parking spaces but as result of the proposals there would be 54 parking spaces for residential and business occupiers of Enterprise Point with the exception of the 10 disabled bays (8 residential and 2 offices). Some residents have objected on the grounds that there would be additional traffic however by reducing the on site parking spaces there would be fewer vehicles on site. The reduction in B1 office space and replacement by residential flats would also result in less commuter parking associated with the business occupiers as well fewer delivery and servicing trips in the daytime whilst a maximum of 24 residents vehicles would commute back and forth elsewhere in a day.

- 8.37 Office parking would be allocated to the open parking on the north side of Enterprise Point and residential in the lower ground floor with direct access from within the lobby of the flats above. Occupiers of the wheelchair units in 16-18 Melbourne Street block could access the indoor parking spaces via an external door into the Enterprise Point block opposite. Both the residential and office parking spaces are below the maximum permitted under SPGBH4. The Transport team have requested that new residential occupiers be provided with 2 years free membership of the City Car Club to mitigate any potential overspill car parking on street. There are few opportunities for convenient on street parking in this location. A Travel Plan is also required to include Bus discount vouchers, cycle purchase vouchers amongst other information to be secured by a S106 agreement. A Travel Plan Framework has been submitted with the application which the Highway Authority considers to be broadly acceptable but requires further detail to be more relevant to this location. This can be secured by condition of any consent.
- 8.38 Following revisions, the applicants have increased by 43, the proposed covered cycle parking spaces to 153 on site including visitor spaces which would now satisfies the standards for this proposal according to SPGBH4.
- 8.39 The applicants will be required to enter into a S278 agreement to re-instate parts of the footway in front of the site where the access and egress are proposed to be narrowed. Conditions will be imposed requiring details of cycle parking, disabled parking to be provided and a parking management plan.
- 8.40 The Highway Authority are now satisfied with the proposed site layout and provision of vehicle and cycle parking subject to suitable management and conditions and agreements to secure sustainable transport measures as outlined above and would accord with policies in the Brighton & Hove Local Plan and SPGBH4 (Parking Standards).

**Sustainability:**

- 8.41 In accordance with policy SU2 of the Local Plan and SPD08, the development should achieve Code for Sustainable Homes Level 4 (CSH4) for the new residential and for the conversion of Enterprise Point to residential no additional net CO<sub>2</sub> emissions for the development and BREEAM Domestic Refurbishment. The applicant has stated that they would seek to attain CSH4 which can be conditioned. For the new build office use 60% in energy and water within overall BREEAM excellent would be secured by condition. The converted

B1 office space should achieve no additional net CO2 emissions, reduction in water consumption and no surface water run off. The revised plans now include a green roof on the affordable block, and green/living walls to the north façade of Enterprise Point and the South façade of 16-18 Melbourne Street. The Enterprise Point south elevation will enable solar shading due to the set back of the external walls of the flats behind the existing façade to create balconies. The applicant is proposing allotments at the rear of Enterprise Point at first floor level. It is considered that in the absence of any pre-construction assessment that appropriate conditions should be applied to ensure that Policy SU2 and SPD08 is adhered to if outline consent is granted.

**Waste Management:**

- 8.42 Following discussions and comments with City Clean on site, the applicants have now provided an acceptable area of residential space of 70.3 sq m exceeding the requirement of 64 sq m on site for domestic refuse/recycling in suitable locations for access by residents and the collection services. An additional area of 9 sq m required for commercial waste is also proposed which is acceptable. Residents would be able to access the domestic stores from the north and south side of Enterprise Point. Domestic waste collection vehicles would not need to access the site but would be within acceptable “trundle” limits. A dropped kerb sufficiently wide for a standard 1280 litre communal bin would need to be retained on the pedestrian access to the site. Occupiers of the Affordable block would be required to carry waste to the central store which is conveniently located on the pedestrian route out of the site. This would be similar to the citywide arrangements for street communal bins. The plans show how the secure separation of the residential and commercial storage can be achieved to prevent access and potential fly tipping into the commercial waste bins which should be secured by condition.

**Other Considerations:**

**Community Space/Education Contribution**

- 8.43 The applicants have proposed a community space following discussions with St. Martin’s CE Primary School to be available for the school as additional space for education. There are no details submitted with the application as to how or when it would be used although a later letter of support from the Head Teacher has provided some information in that it would provide extra space for additional teaching needs but it also indicates that it would provide a facility for its Early Help and Intervention Strategy with families within the school community for which there is currently no space. The applicants have not considered whether it would be available as a facility for new residents of the scheme. The design of the access would enable secure access either directly from the school or from the residential flats using different gates.
- 8.44 The Council’s Head of Capital and Education Projects was not made aware of the proposed community space and would still require a commuted sum towards additional classroom provision to be provided on a strategic basis where there are local schools in the catchment area with a shortage of classroom capacity. A local school identified that has site capacity for extensions to buildings in order to increase the school roll, must be able to

provide an additional classroom for each year group to enable a cohort to progress through the school. Whilst there is no objection in principle to the community space being provided, the developer has been requested to provide the full financial education provision. The Environmental Health Officer has sought assurances about the use of the community space including the outside space which would be 16 sq m in order to avoid potential noise and disturbance to adjoining residents. A condition requiring additional soundproofing between the space and the residential flat above is recommended and a condition restricting the hours of use of the outside space.

## **9 CONCLUSION**

- 9.1 The proposed development site is within the policy DA3 area which encourages housing, employment and community uses. The proposed mixed development of residential whilst retaining 1030 sq of employment floorspace is considered on balance to be acceptable as an exception to policy. The applicant has demonstrated by submitting a viability assessment that a policy compliant scheme which was employment led and conformed to policy EM1 of the Brighton & Hove Local Plan and policy CP3.4 of the Submission Brighton & Hove City Plan would not be viable. This has been confirmed by the District Valuer. It is considered also that the retained B1 office floorspace designed and laid out to a modern specification would be capable of accommodating a similar if lower number of jobs than exist in the existing building. The proposal would provide 88 residential units which would make a significant contribution to the housing needs in the City including a 20% proportion of affordable units. This has been negotiated up from a figure of 12% since submission. Whilst this affordable housing provision is lower than the policy requirement of 40%, it has been demonstrated again that a scheme which provided the full requirement would not be viable. Policy CP20 allows for the policy to be applied more flexibly and consideration can be given to the costs of the development. The location, character and age of the building and the character of occupation has been a factor in influencing the form of a viable development proposal and this has been taken into account in consideration of the proposals. It is considered that based upon the particular circumstances of the proposals, a 20% affordable provision would be acceptable.
- 9.2 The scale of the development is considered to be acceptable and takes account of the existing Enterprise Point building which dominates the locality. The development of Viaduct Lofts opposite has also influenced the character of development in the vicinity however it is considered that this proposal would not have as overwhelming an impact on the locality as that development as it would involve the demolition of the south wing and the extension to Enterprise Point would be set back from the street frontage. The impact of the Melbourne block would be mitigated by its siting in front of the belt of very mature trees in the adjacent Woodvale Cemetery and would be 5 storeys compared to the 7 storey Viaduct Lofts. The Affordable block would largely replace the south wing of Enterprise Point but would break up the massing of built form that currently exists. The daylight and sunlight assessment demonstrates that on balance the impact on adjoining occupiers would not be unacceptable with some properties that would benefit from a small improvement to their daylight whilst others would

have a minor negative impact but not significant enough to be unacceptable. The proposed design and layout of the development has been improved to provide safer and more convenient circulation for resident and business occupiers, access to useable amenity space, cycle and refuse storage. The proposals would therefore meet policies TR1, HO5, QD1, QD2, QD3, QD4, QD5, QD6, QD7, QD15, QD16 and QD27 of the Brighton & Hove Local Plan.

9.3 The proposals would include car parking and cycle parking provision which would meet the Council's standards as set out in SPGBH4 and the applicant has agreed to fully fund the S106 contributions towards sustainable transport. The proposals would therefore comply with policy TR1 of the Brighton & Hove Local plan. The layout of the transport provision on site is satisfactory and there would be opportunities to improve access and circulation on site and in Melbourne Street. The site would have a single point of access for motor vehicles and the amenity space provision on site would provide a separate and safe area of amenity space for the residents. The proposals would provide areas of private amenity space for ground floor units whilst all other flats would have balconies and there would also be an area allocated for residents' allotments. It is considered therefore that the provision of private and communal amenity space would be satisfactory and would meet policy HO5 of the Brighton & Hove Local plan.

9.4 The applicants have agreed to fully meet the planning obligations generated by this development proposal in respect of transport, education, employment, recreation and public art as well as providing a Construction and Environmental Management Plan thus complying with policies QD28, QD6, HO6 and TR1 of the Brighton & Hove Local Plan.

The proposals are therefore considered on balance to be acceptable and would result in the regeneration of this site currently comprising an ageing building that is less and less attractive to businesses on a site which makes no contribution to the visual amenity of the area, the wider Cityscape nor the public realm. The proposal would provide 88 additional residential units to the supply of housing which is much needed in the City.

## **10 EQUALITIES**

10.1 The development would provide a policy compliant number of wheelchair accessible residential units and all of the residential units would be designed to Lifetime Homes standards. The numbers of disabled parking bays proposed for residential and business occupiers is acceptable and would be sited in suitable locations.

## **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

### **11.1 Heads of Terms**

- Education Contribution of £195,321
- Local Employment Contribution of £54,300
- Recreation Contribution of £257,883
- Artistic Component contribution of £38,500
- Enter into a S278 Highways Agreement

PLANNING COMMITTEE LIST- 08 JANUARY 2014

- Contribution towards a Car Club Membership Scheme for 2 years for residents.
- Contribution towards Cycle loans and Bus Vouchers for residents.
- Construction and Environmental Management Plan

11.2 Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of two years from the date of this permission or one year from the approval of the last of the reserved matters as defined in condition 3 below, whichever is the later.

**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	1053-P-001	P7	25.09.13
Existing Site Sections A;B;F	1053-P-002	P4	25.09.13
Existing Site Sections D&I	1053-P-003	P4	25.09.13
Site Location Plan	1053-P-005	P2	25.09.13
Proposed Site Plan	1053-P-006	P3	13.12.13
Existing Site Plan	1053-P-010	P6	25.09.13
Survey Data	1053-P-011	P1	17.05.13
Existing LGF Plan	1053-P-099	P4	25.09.13
Existing GF Plan	1053-P-100	P4	25.09.13
Existing 1 <sup>st</sup> -4 <sup>th</sup> Floors	1053-P101	P4	25.09.13
Proposed LGF Plan	1053-P-199	P24	13.12.13
Proposed GF Plan	1053-P-200	P24	13.12.13
Proposed FF Plan	1053-P-201	P25	13.12.13
Proposed 2F Plan	1053-P-202	P8	13.12.13
Proposed 3F Plan	1053-P-203	P17	13.12.13
Proposed 4F Plan	1053-P-204	P24	13.12.13
Proposed 5F Plan	1053-P-205	P18	13.12.13
Existing East & West Elevations	1053-P-251	P4	25.09.13
Existing N & S Elevations	1053-P-252	P4	25.09.13
Proposed N & S Elevation	1053-P-255	P21	13.12.13
Proposed E & W Elevation	1053-P-256	P25	13.12.13
Prop/Exist Elevations Melbourne St.	1053-P-257	P5	13.12.13
Arch's Impression Ex-View from Melbourne St	1053-P-258a	P1	21.10.13
Arch's Impression Prop-View from Melbourne St	1053-P-258b	P1	21.10.13
Arch's Impression Ex-view from Lewes Rd	1053-P-259a	P1	21.10.13
Arch's Impression Pr-view from	1053-P-	P1	21.10.13

PLANNING COMMITTEE LIST- 08 JANUARY 2014

Lewes Rd	259b		
Arch's Impression Ex-view from Bembridge St	1053-P-260a	P1	21.10.13
Arch's Impression Pr-view from Bembridge St	1053-P-260b	P1	21.10.13
Arch's Impression Ex-View from Shanklin Rd	1053-P-261a	P1	21.10.13
Arch's Impression Pr-View from Shanklin Rd	1053-P-261b	P1	21.10.13
Comparative Exist – Prop Section 1	1053-P-262	P4	13.12.13
Comparative Exist – Prop Section 2	1053-P-263	P4	13.12.13
Comparative Exist – Prop Section 3	1053-P-264	P5	13.12.13
Comparative Exist – Prop Section 4	1053-P-265	P6	13.12.13
Section through Melbourne Block	1053-P-270	P2	13.12.13
Schedule of accommodation	1053-P-800	P18	13.12.13

3. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within one year from the date of this permission:
- (i) appearance;
  - (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.
4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
- Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
5. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
- Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
6. The 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.

11.3 Pre-Commencement Conditions:

7. No development shall 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. The affordable housing shall be provided in accordance with the approved scheme which shall include 15 units in the Affordable block and 3 wheelchair units in the Melbourne block:
  - i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
  - iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
  - iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

For the purposes of this condition 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.

**Reason:** To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

8. Should the sum total of Gross Internal residential floor area (excluding any communal areas such as entrance halls, staircases and lifts) exceed 5839 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:
  - 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.

## PLANNING COMMITTEE LIST- 08 JANUARY 2014

- iv 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.
9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details in accordance with a timetable agreed in writing with the Local Planning Authority.  
**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.
10. 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. 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 or which adjoin but overhang the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
12. No development shall commence until details showing the type, number, location and timescale for implementation of bird boxes suitable for swifts and sparrows and general purpose bat boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.  
**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.

13. No development shall take place until details of a scheme to provide a dropped kerb to the highway sufficient to enable refuse/recycling containers to be collected from the kerb side by refuse vehicles shall be submitted to and approved in writing to the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.  
**Reason:** To ensure the satisfactory and safe collection of refuse/recycling can take place from the site without the need for refuse vehicles to enter the site.
14. No vehicular access or parking on site on the south side of Enterprise Point shall be permitted at anytime. Measures to restrict this shall be incorporated into the boundary treatment required under Condition 9 to be submitted to the Local Planning Authority in writing for approval. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.  
**Reason:** In order to ensure that a satisfactory area of private amenity space hereby approved is provided and can be used safely for the enjoyment of the occupiers of the development and to comply with policies HO5 and QD27 of the Brighton & Hove Local Plan
15. 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.
16. The development hereby permitted shall not be commenced until details of secure gated control to the residential car parking underneath Enterprise Point hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details of access controlled systems between the car parking areas and the residential lobby to Enterprise Point shall also be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.  
**Reason:** To ensure that the site is secure and to reduce opportunities for crime to take place and to comply with policy QD7 of the Brighton & Hove Local Plan.
17. Unless otherwise agreed in writing by the Local Planning Authority, none of the new build residential development shall commence until a Design

## PLANNING COMMITTEE LIST- 08 JANUARY 2014

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.

18. Unless otherwise agreed in writing by the Local Planning Authority, no conversion works to provide residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'pass' as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

19. Unless otherwise agreed in writing by 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.

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

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

21. 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.

22. 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.

(i) 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, unless otherwise agreed in writing, 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.

c) 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 (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

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) (b)

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

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

PLANNING COMMITTEE LIST- 08 JANUARY 2014

writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants

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

26. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.  
**Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
27. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
**Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
28. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.  
**Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
29. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.  
**Reason:** To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
30. None of the flats with west facing habitable room windows in the main extension to Enterprise Point shall be occupied until a scheme for the sound insulation and ventilation measures for those flats has been approved by the Council and implemented by the Developer. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.  
**Reason:** To safeguard the amenities of the occupiers of the residential accommodation hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

31. 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.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9; QD25 and QD27 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

32. Prior to occupation of the development hereby approved plans and detailed drawings showing the boundary treatment, access and circulation arrangements, security and management of the external space leading to and from the community space shall be submitted to the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.

**Reason:** In the interests of the security of the site and the occupants and to comply with policy QD7 of the Brighton & Hove Local Plan.

33. Prior to occupation of the development hereby approved plans and detailed drawings showing the proposed allotments to be provided at the rear of Enterprise Point. Details shall include, means of enclosure, details of plot division, provision of planters and soil, a mains water supply, storage facilities for rainwater, compost material, tools and equipment and a Management plan. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.

**Reason:** To ensure the satisfactory provision of secure and well managed allotment facilities for the residents of the development hereby approved and to comply with policy HO6 of the Brighton & Hove Local Plan.

34. The development hereby permitted shall not be occupied until the scheme for the secure storage of refuse and recycling for both residential and commercial occupiers has been fully implemented in accordance with plans hereby approved and made available for use. The refuse and recycling facilities shall thereafter be retained for use by the occupants of the development 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.

35. Prior to the first occupation of the development hereby permitted the redundant vehicle crossover to the site frontage on Melbourne Street shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

36. Prior to the first occupation of the development hereby permitted a Scheme of Management of the vehicle parking for both residential and commercial occupiers of the development hereby approved shall be submitted to and be approved in writing by the Local Planning Authority. The submitted scheme shall include details of how each car parking space will be allocated and any necessary measures to ensure that each car parking space is secured for the use of its allocated owner. The approved scheme shall be implemented prior to the first occupation of the building and thereafter retained at all times. The scheme shall include details of how the parking spaces area hereby approved shall be clearly marked out and distinguished on site from those parking spaces allocated to flats in 29/29A Shanklin Road under planning consent ref: BH1997/00794/FP  
**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
37. Unless otherwise agreed in writing by the Local Planning Authority, none of the New build 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.
38. Unless otherwise agreed in writing by the Local Planning Authority, none of the Converted residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
39. 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 '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.

40. The development hereby permitted shall not be occupied until details of the disabled car parking provision for the occupants of, and visitors to, the development as indicated on the plans have been submitted to and approved in writing by the Local Planning Authority. Details shall include measures to avoid potential conflict between the use of the spaces and doorways into the parking area. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

#### 11.5 Post-Occupation Conditions

41. 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.

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

42. All residential units hereby approved shall be constructed with deck level access to the associated private outdoor amenity space including balconies.

**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.

43. The Party Walls/Floors between the commercial units and the residential units should be designed to achieve a sound insulation value of 5dB better than Building Regulations 2010 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 occupiers of the residential accommodation hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

44. 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 or any subsequent guidance issued before construction commences. In addition, there should be no significant low frequency tones (below 250 Hz) 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.

## PLANNING COMMITTEE LIST- 08 JANUARY 2014

45. No servicing to or from the B1 offices premises shall occur except between the hours of 07.00 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.
46. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
47. No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building within the curtilage of the site without the prior written approval of the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
48. The ground floor community space hereby approved shall only be used for teaching purposes by St Martin's CE Primary School and shall not be available for external hire or be used for other related school activities such as after school clubs.  
**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.

### 11.6 Informatives:

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



submitting a viability assessment that a policy compliant scheme which was employment led and conformed to policy EM1 of the Brighton & Hove Local Plan and policy CP3.4 of the Submission Brighton & Hove City Plan would not be viable. This has been confirmed by the District Valuer. It is considered also that the retained B1 office floorspace designed and laid out to a modern specification would be capable of accommodating a similar if lower number of jobs than exist in the existing building. The proposal would provide 88 residential units which would make a significant contribution to the housing needs in the City including a 20% proportion of affordable units. This has been negotiated up from a figure of 12% since submission. Whilst the affordable housing provision is lower than the policy requirement of 40%, it has been demonstrated again that a scheme which provided the full requirement would not be viable. Policy CP20 allows for the policy to be applied more flexibly and consideration can be given to the costs of the development. The location, character and age of the building and the character of occupation has been a factor in influencing the form of a viable development proposal and this has been taken into account in consideration of the proposals. It is considered that based upon the particular circumstances of the proposals, a 20% affordable provision would be acceptable.

The scale of the development is considered to be acceptable and takes account of the existing Enterprise Point building which dominates the locality. The development of Viaduct Lofts opposite has also influenced the character of development in the vicinity however it is considered that this proposal would not have as overwhelming an impact on the locality as that development as it would involve the demolition of the south wing and the extension to Enterprise Point would be set back from the street frontage. The impact of the Melbourne block would be mitigated by its siting in front of the belt of very mature trees in the adjacent Woodvale Cemetery and would be 5 storeys compared to the 7 storey Viaduct Lofts. The Affordable block would largely replace the south wing of Enterprise Point but would break up the massing of built form that currently exists. The daylight and sunlight assessment demonstrates that on balance the impact on adjoining occupiers would not be unacceptable with some properties that would benefit from a small improvement to their daylight whilst others would have a minor negative impact but not significant enough to be unacceptable. The proposed design and layout of the development has been improved to provide safer and more convenient circulation for resident and business occupiers, access to useable amenity space, cycle and refuse storage. The proposals would therefore meet policies TR1, HO5, QD1, QD2, QD3, QD4, QD5, QD6, QD7, QD15, QD16 and QD27 of the Brighton & Hove Local Plan.

The proposals would include car parking and cycle parking provision which would meet the Council's standards as set out in SPGBH4 and the applicant has agreed to fully fund the S106 contributions towards sustainable transport. The proposals would therefore comply with policy TR1 of the Brighton & Hove Local plan. The layout of the transport provision on site is satisfactory and there would be opportunities to improve access and circulation on site and in Melbourne Street. The site would have a single point of access for motor vehicles and the amenity space provision on site would provide a separate and safe area of amenity space for the residents. The proposals would provide

## PLANNING COMMITTEE LIST- 08 JANUARY 2014

areas of private amenity space for ground floor units whilst all other flats would have balconies and there would also be an area allocated for residents' allotments. It is considered therefore that the provision of private and communal amenity space would be satisfactory and would meet policy HO5 of the Brighton & Hove Local plan.

The applicants have agreed to fully meet the planning obligations generated by this development proposal in respect of transport, education, employment, recreation and public art as well as providing a Construction and Environmental Management Plan thus complying with policies QD28, QD6, HO6 and TR1 of the Brighton & Hove Local Plan.

3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
5. The applicant is advised that 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](http://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](http://www.brighton-hove.gov.uk)).
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](http://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](http://www.brighton-hove.gov.uk)).
7. A formal application for connection to the public sewerage system 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](http://www.southernwater.co.uk))

The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main.

## PLANNING COMMITTEE LIST- 08 JANUARY 2014

The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

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

8. The applicant is advised that the details of external lighting required by Condition No.23 above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).

9. 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. 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. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the

## PLANNING COMMITTEE LIST- 08 JANUARY 2014

management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.

10. The EA recommends that where contamination could affect drainage designs the Local Planning Authority should see the developer cross referencing any contamination assessments with the drainage proposals.
11. The applicant is advised that having a planning application in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the Council receive a complaint, it is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and it is quite feasible to have numerous planning consents in place and for this to still occur.
12. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
13. You are advised that the existing substation Melbourne Street 523655 which lies partly within the application site is currently held under a lease dated the 20<sup>TH</sup> July 1967. The substation site currently forms part of the electrical network which supplies the existing units at Melbourne Street and the local adjacent residential properties. The development hereby approved would be placed in close proximity to the existing sub-station site and therefore prior to any works taking place in close proximity to the sub-station, the developer should contact UK Power Networks, Operation Property and Consents, Energy House, Hazelwick Avenue, Crawley, RH10 1EX. To maintain the integrity of the substation site, the developer may also be required to serve a party wall notice as stated by the Party Wall Act 1996 to UK Power Networks at the above address. The development would also restrict the access rights of UK Power networks to the substation site as shown in brown on its plan d.655bdg.20 and as indicated on the plans hereby.
14. 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 should be submitted to and approved in writing by the Local Planning Authority as part of the Reserved Matters for approval of the appearance of the development.
15. The landscaping scheme to be submitted as part of the Reserved Matters 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. The scheme shall include suitable details of the area of planting on site proposed as natural/semi natural landscaping

PLANNING COMMITTEE LIST- 08 JANUARY 2014

and low maintenance wild flower areas which shall be at least 128 sq metres in area and the area designated for allotment space being 198 sq metres in area.



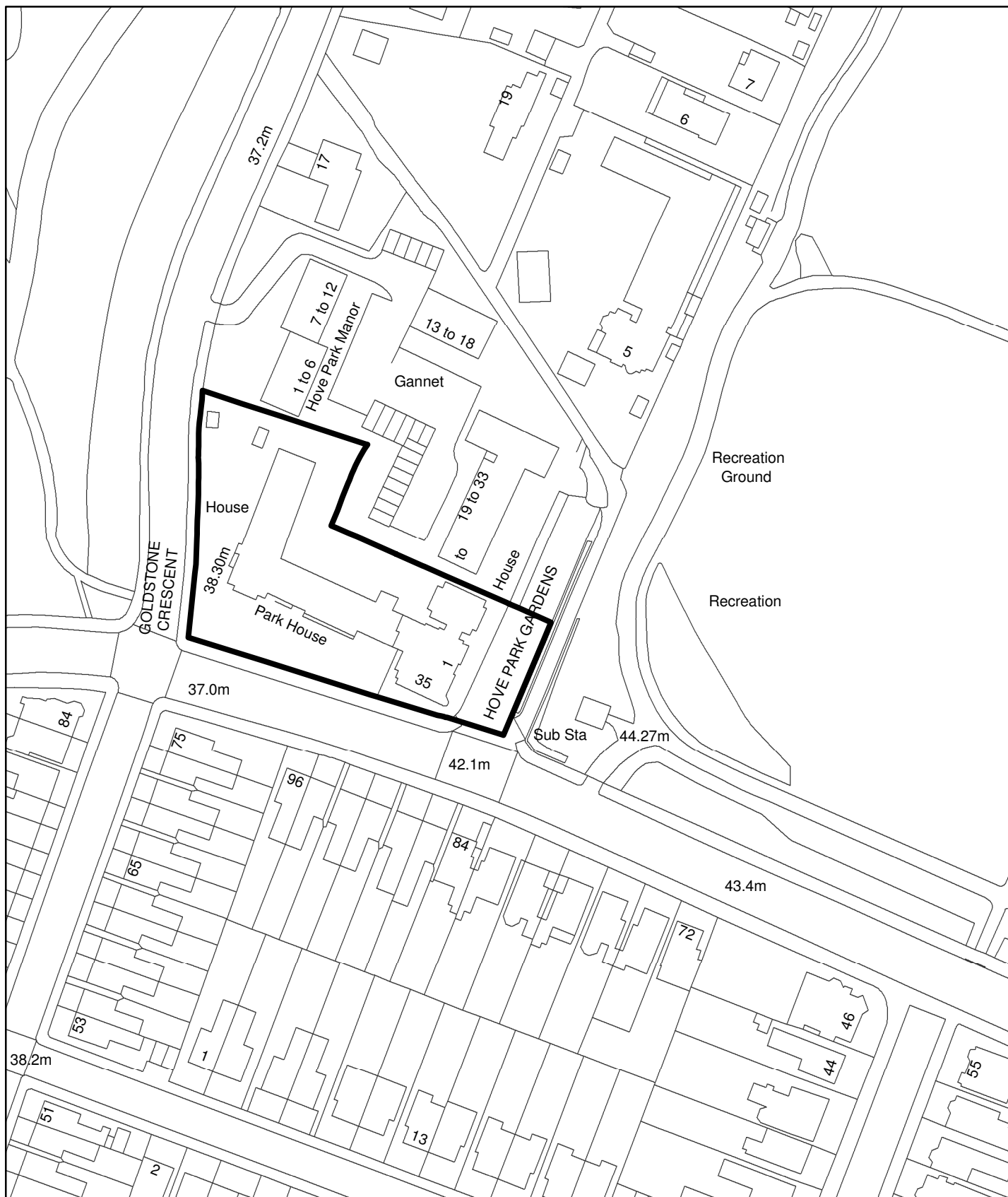
# **ITEM B**

**Park House, Old Shoreham Road, Hove**

**BH2013/03205**  
**Removal or variation of condition**

**08 JANUARY 2014**

# BH2013/03205 Park House, Old Shoreham Road, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/03205</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Park House Old Shoreham Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 3 of BH2012/00114 (Demolition of former residential language school and erection of 5 storey block of 71 flats) which states that no cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway be amended to allow boiler flues and rain water pipes to be fixed to the elevations facing a highway.</b>		
<b><u>Officer:</u></b>	Christopher Wright, tel: 292097	<b><u>Valid Date:</u></b>	23 September 2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	23 December 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Architects Plus, Tubs Hill House, London Road, Sevenoaks TN13 1BL		
<b><u>Applicant:</u></b>	Denne Construction, Denne Court, Hengist Court, Borden, Sittingbourne ME9 8FH		

## 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 Deed of Variation to the S106 Agreement, and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a prominent corner site on rising land in between Hove Park and Hove Recreation Ground. The site is bounded on three sides by Goldstone Crescent, Old Shoreham Road and Hove Park Gardens, and backs onto the Hove Park Manor and Gannet House flat development and associated parking and garaging. The site is 0.35 hectares in area and was formerly occupied by a residential language school.
- 2.2 The site is not situated in a Conservation Area.

## 3 RELEVANT HISTORY

**BH2013/01019:** Application for approval of details reserved by condition 18 of application BH2013/00584. Approved 25 June 2013.

**BH2013/00584:** Application for removal of condition 14 of application BH2012/00114 (Demolition of former residential language school and erection

of 5 storey block of 71 flats incorporating basement car park and surface car parking to provide 71 parking spaces, including landscaping and other associated works) which states that no development shall take place until the precise details of the canopy shelters including materials, scale and design, over the surface disabled parking spaces hereby approved, have been submitted to and approved in writing by the Local Planning Authority. Approved after Section 106 Signed 24 May 2013.

**BH2013/00262:** Application for variation of condition 3 of BH2012/00114 (Demolition of former residential language school and erection of 5 storey block of 71 flats) which states that no cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway be amended to allow boiler flues and rainwater pipes to be fixed to the elevations facing a highway. Refused 7 May 2013.

**BH2013/00102:** Application for approval of details reserved by condition 12 of application BH2012/00114. Approved 16 April 2013.

**BH2012/03511:** Application for approval of details reserved by condition 20i)(a) of application BH2012/00114. Approved 15 March 2013.

**BH2013/00112:** Application for approval of details reserved by condition 13 of application BH2012/00114. Approved 14 March 2013.

**BH2013/00216:** Application for approval of details reserved by condition 19 of application BH2012/00114. Approved 25 February 2013.

**BH2012/04090:** Application for approval of details reserved by condition 15 of BH2012/00114. Approved 4 February 2013.

**BH2012/03778:** Application for approval of details reserved by condition 16 of application BH2012/00114. Approved 24 January 2013.

**BH2012/03671:** Application for approval of details reserved by condition 21 of application BH2012/00114. Approved 16 January 2013.

**BH2012/03519:** Application for Approval of details reserved by condition 17 of application BH2012/00114. Approved 7 January 2013.

**BH2012/03510:** Application for approval of details reserved by condition 18 of application BH2012/00114. Approved 27 December 2012.

**BH2012/03518:** Application for approval of details reserved by condition 11 of application BH2012/00114. Approved 20 December 2012.

**BH2012/00114:** Demolition of former residential language school and erection of 5 storey block of 71 flats incorporating basement car park and surface car parking to provide 71 parking spaces, including landscaping and other associated works. Approved on 18 April 2012. **Development has commenced on site.**

Condition 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.*

**BH2009/01464:** Demolition of former residential language school and erection of part 4 storey and part 5 storey block of 72 flats. Refused on 11 November 2009. Appeal dismissed by decision letter dated 1 April 2010.

**BH2008/03640:** Demolition of former residential language school and erection of 5 storey block of 72 flats. Refused on 2 March 2009. Appeal dismissed by decision letter dated 1 April 2010.

**3/95/0150(F):** Conversion of existing roof space into 14 study bedrooms plus ancillary WCs and showers and fire escape. Approved on 30 May 1995.

**3/94/0480(F):** Removal of window to be replaced with door and steps down to garden from canteen and to provide security bars to ground floor windows overlooking Hove Park. Approved on 7 September 1994.

**3/92/0361(CN):** (Amended) Outline application for the demolition of the existing buildings and redevelopment of the site for 47 sheltered residential units and associated car parking. Objection to county council proposal.

**3/92/0360 (CN):** (Amended) Outline application for the demolition of the existing buildings and redevelopment of the site for 32 flats and associated car parking. Objection to county council proposal.

**3/92/0159 (CN):** Outline application for the demolition of the existing buildings and redevelopment of the site for 47 sheltered residential units and associated car parking. Objection to county council scheme lodged 23 April 1992.

**3/92/0158 (CN):** Outline application for the demolition of the existing buildings and redevelopment of the site for 32 flats and associated car parking. Objection to county council proposal lodged 23 April 1992.

**3/89/0744:** Outline application for the demolition of Park House and erection of sheltered housing development. Adverse comments.

#### **4 THE APPLICATION**

4.1 The application seeks permission for the variation of condition 3 of application BH2012/00114 to which the decision notice dated 18 April 2012 refers in order to allow for boiler flues and rainwater pipes to be fixed to the elevations of the new building which front the highway.

##### 4.2 Rainwater pipes

In order to drain the upper roofs and the balconies the applicant proposes to position rainwater pipes behind the balcony columns.

##### 4.3 Boiler flues

The proposal is to position 8 boiler flue outlets on the elevation fronting Old Shoreham Road. Two flues on each of the four storeys would be tucked into the corner where the brick bay projections and balconies extend away from the façade of the main building.

4.4 The flues are proposed to be positioned adjacent to the balconies which have 900mm wide front support piers. The support piers in front of the balconies would stand 1.5m in front of the proposed flue outlets.

4.5 The boiler flues are proposed to be circular and 100mm in diameter.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

5.1 **Neighbours: Nine (9)** letters of representation have been received from **86, 88, 92, Flat 1 94 (x2), 96 Old Shoreham Road; 37 and 57 Goldstone Crescent; 6 Hove Park Gardens**, objecting to the application for the following reasons:-

- Not high quality modern development.
- Not a positive contribution to character and appearance of the development.
- Contrary to policy QD1.
- Visually intrusive within the elevations.
- Already concerned about right to light.
- Will make building more unsightly.
- Futuristic factory.
- Visible steam from flues in the winter.
- Will encourage residents to affix TV aerials and satellite dishes.
- External view should remain as approved.
- Visual amenity will be diminished.

## **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) March 2012

#### Brighton & Hove Local Plan 2005:

- QD1 Design quality of development and design statements  
QD27 Protection of Amenity

#### Supplementary Planning Document:

- 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 proposal to vary the condition and allow the proposed boiler flues and rainwater pipes on the elevations of the building which face a highway would compromise the appearance of the development and lead to a detrimental impact on visual amenity.

### 8.2 **Appearance and Visual Amenity:**

Condition 3 attached to BH2012/00114 stated:

*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.*

- 8.3 The reason for imposing condition 3 was to safeguard the appearance of the building and in turn the visual amenity of the local area.
- 8.4 In view of the scale of the development, including the height of the building and the length of the facades, the attachment of cables, wires, aerials, pipework, meter boxes and flues, could have the potential to create a cluttered and untidy appearance that detracts from the style and integrity of the original building design. The condition was therefore imposed to protect the appearance of the property and avoid unsightly additions and alterations to the external elevations.
- 8.5 Rainwater pipes  
The proposed rainwater downpipes would be on the front elevation of the building, but situated behind, and in the middle of the 900mm wide brick columns which support the balconies of the building. As such, the downpipes would only be visible from views from the side rather than visible from the front.

8.6 Boiler flues-

Application BH2013/00262 proposed the installation of 28 flues on the street fronting elevations and this scheme was refused due to the position and overall number of boiler flues which were considered to have a detrimental impact on the external appearance of the building. The current scheme has reduced the number of boiler flues proposed to 8. Of the 71 flats formed by the development, 63 will not have boiler flues that would be visible from the street. However, 8 of the 71 flats are proposed to have discreetly sited boiler flues on the elevation fronting Old Shoreham Road.

8.7 The current scheme is an improvement on the previous scheme and it is not possible to route the 8 flues internally due to safety and maintenance reasons. This is because, all flue conduits must be accessible and it is not possible to route the flues internally through units under separate ownership. The 8 flues would be sited on the main walls set back from the front edges of the balconies which project 1.5m out from the face of the main walls. The flues are considered to be discreetly sited and would not detract from the character and design of the building.

**9 CONCLUSION**

9.1 The positions and number of boiler flues proposed on the Old Shoreham Road elevation would not have a significant adverse impact on the external appearance of the development and the rainwater pipes are similarly considered appropriately sited and will not have a detrimental impact on the appearance of the building.

9.2 The wording of condition 3 is altered accordingly. Condition 2 is amended to reflect the changes proposed in this application.

**10 EQUALITIES**

10.1 N/A

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions

- 1) Not used
- 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	Y023-001		17 January 2012
Site Location Plan	Y023-001	A	17 January 2012
-1 Level Floor Plan	Y023-010	F	17 January 2012
01 Level Floor Plan	Y023-012	D	17 January 2012

PLANNING COMMITTEE LIST- 08 JANUARY 2014

02 Level Floor Plan	Y023-013	D	17 January 2012
03 Level Floor Plan	Y023-014	E	17 January 2012
04 Level Floor Plan	Y023-015	E	17 January 2012
06 Roof Plan	Y023-017	B	17 January 2012
Proposed Elevations 1	Y023-020	E	17 January 2012
Proposed Lighting Plan	Y023-050		17 January 2012
Landscape Plan	OHP-ND-001		17 January 2012
Landscape Plan	OHP-ND-002		17 January 2012
Landscape Plan	OHP-ND-003		17 January 2012
Landscape Plan	OHP-ND-004		17 January 2012
Arboricultural Drawings	J37.82/01	B	17 January 2012
Tree Removal & Protection Plan	J37.82/03		17 January 2012
00 Level Floor Plan	Y023-011	G	20 March 2012
05 Level Floor Plan	Y023-016	F	20 March 2012
Proposed Elevations 2	Y023-021	E	20 March 2012
Lower Ground Floor Reference Plan (flues and downpipes only)	12657/WD/01	C2	16 Dec 2013
Ground Floor Reference Plan (flues and downpipes only)	12657/WD/02	C2A	16 Dec 2013
First Floor Reference Plan (flues and downpipes only)	12657/WD/03	C2A	16 Dec 2013
Second Floor Reference Plan (flues and downpipes only)	12657/WD/04	C2A	16 Dec 2013
Third Floor Reference Plan (flues and downpipes only)	12657/WD/05	C2	18 Sep 2013
Fourth Floor Reference Plan (flues and downpipes only)	12657/WD/06	C2	18 Sep 2013
Fifth Floor Reference Plan (flues and downpipes only)	12657/WD/07	C2	18 Sep 2013
Elevations Sheet 1	12657/WD/55	C2A	18 Sep 2013

- 3) No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 4) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

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

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

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

- 6) 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) Notwithstanding the drawings submitted, the development shall provide for a minimum of 7 disabled accessible parking spaces and these 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 adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

- 8) The windows and other openings to the rooms fronting Goldstone Crescent, Old Shoreham Road and Hove Park Gardens within the development hereby permitted, shall not be glazed other than with glazing which meets or exceeds the standard required for satisfactory attenuation of external noise cited in the approved PPG24 Noise Assessment Final Report received on 17 January 2012.

**Reason:** In order to safeguard the amenities and living conditions of future occupiers of the development and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 9) The development shall be implemented in accordance with the programme of archaeological work and the written scheme of investigation approved by the Local Planning Authority on 27 December 2012 under application ref. BH2012/03510.

**Reason:** To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with policy HE12 of the Brighton & Hove Local Plan.

- 10) The development hereby permitted shall be implemented in accordance with the Arboricultural Method Statement approved on 20 December 2012 under application ref. BH2012/03518.

**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) The development hereby permitted shall be implemented in accordance with the recommendations as set out in the Badger Method Statement Report approved on 7 January 2013 under application ref. BH2012/03519.

**Reason:** In the interests of nature conservation and the safeguarding of a protected species and their habitat and in order to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.



- 12) The development hereby permitted shall be implemented in accordance with the Drainage Strategy Layout approved on 16 January 2013 under application ref. BH2012/03671.  
**Reason:** To ensure that the proposed surface water drainage scheme does not cause the mobilisation or introduction of pollutants into the ground and to comply with policies SU3, SU4 and SU11 of the Brighton & Hove Local Plan.
- 13) The development hereby permitted shall be implemented in accordance with the details as set out in the External Building Fabric Assessment by RBA Acoustics approved on 4 February 2013 under application ref. BH2012/04090.  
**Reason:** In order to safeguard the amenities and living conditions of future occupiers of the development and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 14) The piling of the development hereby permitted shall be implemented in accordance with the details set out in the CFA Piling Technique Statement approved on 16 April 2013 under application ref. BH2013/00102.  
**Reason:** To ensure that the method of foundation construction does not result in the deterioration of groundwater quality and in order to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.
- 15) The development hereby permitted shall be implemented in accordance with the external materials samples approved on 14 March 2013 under application ref. BH2013/00112 and shall thereafter be retained as such.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 16) The development hereby permitted shall meet the Code for Sustainable Homes Code Level 4 in accordance with the Interim Certificates issued at Design Stage by STROMA Certification x 71, approved on 25 February 2013 under application ref. BH2013/00216.  
**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) The development hereby permitted and visibility splays shall be implemented in accordance with the Vehicle Crossover Licence Plan Access Road ref. C1131, approved on 24 January 2013 under application ref. BH2012/03778) and the visibility splays shall thereafter be maintained as such for the lifetime of the development.  
**Reason:** In order to safeguard inter-visibility between motorists and pedestrians, in the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions-

- 18) No development shall commence until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme. The development shall be implemented in accordance with the approved details.

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

- 19) 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.

- 20) (i) The development hereby permitted shall be carried out in accordance with the details in the contaminated land remediation scheme submitted to and approved by the Local Planning Authority on 15 March 2013 under application ref. BH2012/03511.

(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). If during development contamination not previously identified is found to be present at the site, no further development, unless otherwise agreed in writing by the local planning authority, shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for a method statement to identify, risk assess and address the unidentified contaminants.

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

### 11.3 Pre-Occupation Conditions-

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

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

- 22) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until 4 x bird and 4 x bat roosting boxes, which should be made from 'Woodcrete' or equivalent, and fixed securely to the external walls of the building, have been provided.

**Reason:** In the interests of nature conservation and enhancement of the biodiversity of the site and in order to comply with policy QD17 of the Brighton & Hove Local Plan.

- 23) 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.

- 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.

#### 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 Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The proposed development is acceptable in principle and the amount of affordable housing provision, together with the unit sizes and tenure split reflects and responds to housing need in the city. The form, siting, design and external finishes together with the detailed landscaping scheme are considered appropriate to the site context and would not have a detrimental impact on the character and appearance of the local area on this prominent corner site. The siting and layout of the development in relation to existing neighbouring

buildings is such that there would be no significant adverse impact on amenity by way of overlooking or an overbearing impact. The proposal seeks to achieve a high level of sustainability meeting Level 4 of the Code for Sustainable Homes and makes adequate provision for transport demand generated by the development and also provision to mitigate the impact of the development on both protected trees and protected species and their habitats.

3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

4. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites:  
[www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and  
[www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html).

5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).

6. The above condition on land contamination has been imposed because the site is known to be, or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. The phased risk assessment should be carried out in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).

7. The applicant is hereby reminded of their duty to observe the requirements of the Wildlife and Countryside Act 1981, including a duty to conserve bats, and that no clearance of vegetation suitable for nesting birds should take place during the bird nesting season taken as 1<sup>st</sup> March until 31<sup>st</sup> July without the supervision or authorisation of a qualified Ecologist.

8. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development, and for connection to the water supply. Please contact Atkins Ltd., Anglo St. James' House, 39A Southgate Street, Winchester, SO23 9EH (telephone 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).



# **ITEM C**

**Flat 3, 5 Preston Park Avenue, Brighton**

**BH2013/03162  
Full planning**

**08 JANUARY 2014**

# BH2013/03162 Flat 3, 5 Preston Park Avenue, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250



<b><u>No:</u></b>	<b>BH2013/03162</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Flat 3 5 Preston Park Avenue Brighton</b>		
<b><u>Proposal:</u></b>	<b>Conversion of first and second floor maisonette to form 2no self-contained flats incorporating rooflights to front and rear elevation and flat roof.</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	18 September 2013
<b><u>Con Area:</u></b>	Preston Park	<b><u>Expiry Date:</u></b>	03 February 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	LF Architecture Ltd, Monkyn Pyn, Thornwell Road, Wilmington BN26 6RL		
<b><u>Applicant:</u></b>	D Golding, Second Floor, 5 Clifton Mews, Clifton Hill, Brighton BN1 3HR		

This application was deferred from Planning Committee on 11 December 2013 to amend the site location plan.

## **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: Fourteen (14)** letters of representation have been received from **4a; 5b (Yew Tree House); Flat 1, 5; Flat 2, 5 & Flat 1, 6 Preston Park Avenue**, objecting the application for the following reasons:

##### Initial submission:

- 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

Following Amendments:

- The revised bin store is in the same position as refused by the appeal inspector
- Four bins is not more discrete than two as existing
- The cycle stand will require removal of planting
- Insufficient room to access the stand adjacent to parked cars
- The cycle stand is a security risk by attracting burglars/thieves
- The cycle stand is on lane belonging to Yew Tree Cottage, not the applicants

**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:

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 Residents have raised concern that the hardstanding would be in the same place where the bin storage was previously refused on appeal. In dismissing the appeal (BH2012/01753), the Inspector was clear in his judgement that the 3m long and 1.5m high bin store would appear a utilitarian box-like structure that would be quite large in relation to the front garden and dominate views from the basement flat. The associated screen planting was deemed to have little mitigating influence. The Inspector noted the presence of wheelie bins in the street scene, but concluded that their presence was not a sound argument to allow a harmful permanent built structure such as that proposed. In this case, no permanent structure is proposed other than a small hardstanding at ground level, capable of holding up to four wheelie bins. The location of the hardstanding is in the front corner of the site, not midway along the boundary as previous, or with large areas

of associated screen planting. The hardstanding would replace the existing, which is located central to the front boundary and highly visible within the street scene, disrupting the appearance of the site. For these reason it is not considered that the proposed hardstanding for wheelie bins is directly comparable to the larger permanent box-like structure and associated screen planting refused previously on appeal.

- 8.7 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.
- 8.8 Residents have objected to the single black painted stand on the grounds that it will require the removal of planting, would not be accessible adjacent to parked cars, represents a security risk, and is not located on the applicant's land. The applicants have confirmed that the stand is located on the applicant's land. This is confirmed by the red line site plan. It would require the removal of a minimal number of very low and insubstantial plants and would be located approximately 1m from the nearest parked vehicles on the shared driveway for all flats to the building and Yew Tree House to the rear. This is sufficient to be readily accessible without requiring substantial alteration to the site. There is no evidence that the presence of a cycle stand will result in increased burglaries or theft as claimed by residents. 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan, block plan, existing floor plans, and existing and proposed elevations	07C/2013	-	09/12/2013
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.  
**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.



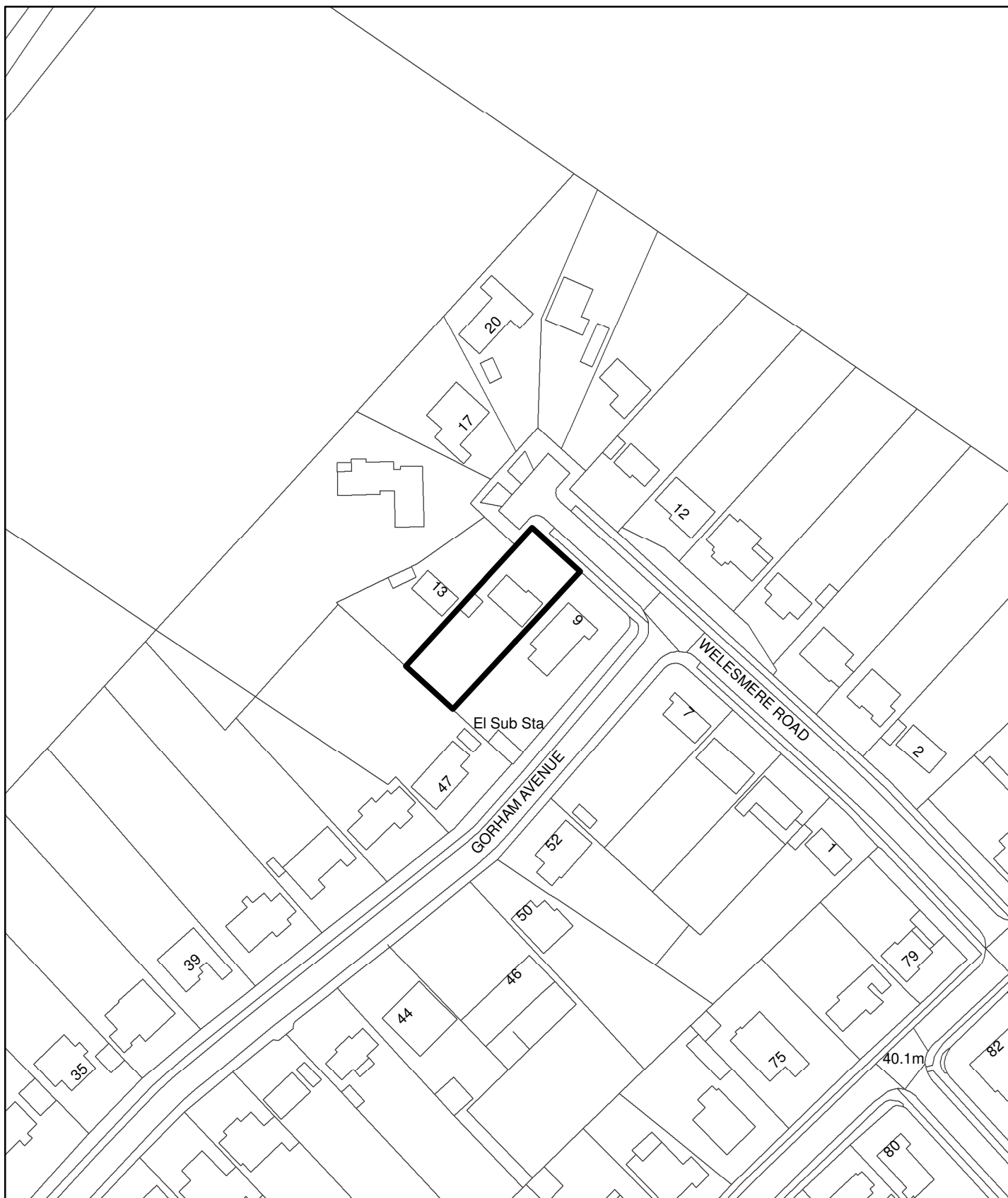
# **ITEM D**

**11 Welesmere Road, Rottingdean, Brighton**

**BH2013/03569**

**Householder planning consent**

**08 JANUARY 2014**



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/03569</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>11 Welesmere Road Rottingdean Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing conservatory and erection of two storey rear extension incorporating roof extensions.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge Tel 292359	<b><u>Valid Date:</u></b>	23 October 2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	18 December 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	BPM, 31 Boundary Road, Hove BN3 4EF		
<b><u>Applicant:</u></b>	Mr & Mrs Hyde, 11 Welesmere Road, Rottingdean, Brighton BN2 7DN		

## 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 This application relates to a two storey detached property situated on the western side of Welesmere Road which is residential in character. The property is of brick construction with a tiled roof and timber cladding to the front gable end giving the property a distinct character. To the rear of the property is a large garden, with a garage located to the west of the site and a driveway to the front.
- 2.2 In the wider context of the area there are a range of property types and characters along Welesmere Road. The properties to the west of the road are situated along different development lines giving the street scene a more varied character. The properties to Welesmere Road are predominantly two storey properties, however to the North there a couple of bungalows. In particular to the east of the road are a number of large detached properties. The properties on the northern end of Welesmere Road are set higher than those on the south, indicating the sloping nature of the area.

## 3 RELEVANT HISTORY

None

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing conservatory and the erection of a two storey rear extension incorporating roof extensions.

- 4.2 The scheme has been amended during the course of the application, which included removing the rooflights to the front elevation and rationalising the windows at the rear.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**One (1)** letter of representation has been received from (**Rottingdean Parish Council**) objecting to the application for the following reasons:

- The proposed extension would amount to over development
- The size of the extension is out of keeping to the area
- Overlooking
- Adverse impact on neighbouring properties in particular No.9

### **Internal:**

- 5.2 None received.

## **6 MATERIAL CONSIDERATIONS**

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

- 6.2 The development plan is:

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

- 6.3 The National Planning Policy Framework (NPPF) 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:

QD14	Extensions and alterations
QD27	Protection of Amenity

#### Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
-------	---

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

SS1	Presumption in Favour of Sustainable Development
-----	--

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed extension on the character and appearance of the host property and wider area. In addition, impacts to the amenities of neighbouring properties are also assessed.
- 8.2 **Planning Policy:**  
Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
  - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
  - uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 **Design:**  
The proposed two storey extension extends the full width of the rear elevation and projects to the rear by 3.6m. The foot print of the proposed extension largely remains on the existing foot print of the rear conservatory. The only further projection is towards the neighbouring property (No.9) where the foot print of the extension would project to the rear by a further 0.9m. The proposed rear extension is situated 1.5m to the shared boundary with No.9.
- 8.5 This application also incorporates roof extensions to the rear, taking the form of two gable ends, which adjoin in the centre and form a trench to the slope of the original roof.

- 8.6 SPD12 states that: *'The roof form and pitch should reflect that of the host building...'* The pitch of the proposed roof extensions allows for the incorporation of glass doors. It is considered that this pitch, whilst not as steep as the gable to the front elevation, is in keeping with the character of the property. Whilst the proposed roof extensions match the height of the ridge to the main dwelling, they are not considered to disrupt the appearance of the property. The flat roof set behind these additions will not be readily visible and the proposed gable ends, as shown on the side elevation drawings, continue the form of the existing roof line. It is not considered that the proposed roof alterations are significantly harmful to the building.
- 8.7 SPD12 further states that: *'Materials and detailing should normally match that of the main building...'* The proposed 2 storey rear extension is to incorporate face brick work to match the existing walls of the host dwelling, roof tiles to match the existing roof slope and incorporates the use of timber cladding to match the existing. The use of timber cladding to the roof extensions reduces the level of glazing to this elevation and incorporates a design that matches the properties front elevation and the existing character of the building.
- 8.8 Additionally, SPD12 states that: *'Window design, positioning and method of opening should match that of the main building.'* To the ground floor the proposed extension incorporates the use of two sets of bi-folding doors. These two sets of doors are symmetrical in appearance and are situated to the centre of this rear elevation. The proposed windows to the first floor in large, retain the existing arrangement which maintains a balanced appearance to the property. Within the roof alterations the plans show the incorporation of inward opening French doors with Juliet balconies consisting of 1.1m high glass balustrading fixed to the outside frame. In addition either side of these doors are fixed glazed panels. As amended, it is considered that the design and positioning of these doors are in keeping within the rear elevation of the property and retain the symmetry to the building.
- 8.9 Whilst the proposed extensions is of a 2 storey nature it is not considered that its construction would lead to the over development of the application site or create a bulky addition to the property, given the size of the existing host dwelling and the amount of garden space retained to the rear. The most predominant view of the proposed extension would be from the north west of Welesmere Road, from the gap between the application site and No.13 as a result of the varied building lines. However given the varied character of the street and the continuation of the existing roof form, it is not considered that the proposed development would significantly alter the character and appearance of the street scene.
- 8.10 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.11 The proposed rear extension would have a separation distance of 5.5m to the rear elevation of No.9 and is situated 3m off the boundary to the front elevation of No.13. Despite the difference in the height of land levels, given the separation distance between the two properties it is not considered that the proposed extension would result in an overbearing addition to the property and is not considered to cause any significant increased levels of enclosure to the occupiers of No.9.
- 8.12 Given that the proposed extension is set sufficiently off the boundary to No.13 and that the separation distance of No.13 from the shared boundary measures 1m, this separation distance is considered sufficient in minimising any harm in the amenities to these neighbouring occupiers. Therefore no significant increase in the levels of overlooking or loss of privacy is envisaged to this property.
- 8.13 To the east of the application site is No.9, on the side elevation of this property is a first floor window situated towards the front elevation of the building. Given the varied building lines of the properties to the western side of Welesmere Road it is not considered that this window would suffer from a significant loss of sun light or day light. This window is situated in line with and beyond the front elevation of the application site and therefore no significant harm to the amenities of this window is envisaged.
- 8.14 To the side elevation of No.9 is a window situated at ground floor level on the rear wall of the porch addition. This is not an original feature of the property and appears to form a hall space, given the path leading to a doorway to the front elevation of this later addition. This is a secondary space within the property and it is not considered that any impact from the proposed extension is not of significance to warrant the refusal of this application. Furthermore this porch addition incorporates two high level windows to the front elevation creating a dual aspect to this room.
- 8.15 There are no windows proposed to either side elevation of the proposed extension and therefore it is not considered the proposed development would cause a significant increase in the levels of overlooking or loss of privacy to the neighbouring properties. The windows located to the first and ground floor would represent the views as present and therefore cause no increased harm to neighbouring properties. The areas of glazing to the roof space relate to a proposed bedroom and ensuite. Given the use of these rooms it is not considered that these areas of glazing will cause any adverse harm to the amenities of No.9 and No.13 Welesmere Road.

## **9 CONCLUSION**

- 9.1 The proposed extension is considered acceptable in principle and will not detract significantly from the appearance or character of the host dwelling or the wider street scene. In addition the rear extension and roof extension would not have a significant impact on the amenities of adjacent occupiers.

**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
Location Plan and Block Plan			05.12.2013
Existing floor plans and elevations	01A		23.10.2013
Proposed floor plans and elevations	02A		05.12.2013

- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed rear extension and roof extensions are considered acceptable in principle. The proposal will not significantly detract from the property and does not harm the character or appearance of the host



PLANNING COMMITTEE LIST- 08 JANUARY 2014

dwelling or wider street scene. In addition the development would not have a harmful impact on the amenities of adjacent occupiers.



# **ITEM E**

**1 Sillwood Terrace, Brighton**

**BH2013/00937**  
**Full planning**

**08 JANUARY 2014**

# BH2013/00937 1 Sillwood Terrace, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/00937</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1 Sillwood Terrace Brighton</b>		
<b><u>Proposal:</u></b>	<b>Formation of mansard roof to accommodate one 2no bedroom flat with roof terrace.</b>		
<b><u>Officer:</u></b>	Guy Everest Tel 293334	<b><u>Valid Date:</u></b>	10 May 2013
<b><u>Con Area:</u></b>	Regency Square	<b><u>Expiry Date:</u></b>	05 July 2013
<b><u>Listed Building Grade:</u></b>	Adjoining Grade II (32-47 Sillwood Road)		
<b><u>Agent:</u></b>	Mr T Cording, 140 High Street, Steyning		
<b><u>Applicant:</u></b>	Capital Evolution Ltd, c/o T Cording, 140 High Street, Steyning		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a four-storey end-terrace building on the southern side of Western Road at its junction with Sillwood Road: the building rises to 5-storeys at the rear of the site due to reflect ground level changes. The building contains a ground floor commercial unit with residential flats above. The site is within the Regency Square Conservation Area (CA) and is adjoined by Grade II Listed Buildings to the south on Sillwood Road.

## 3 RELEVANT HISTORY

**BH2005/01839/FP:** Formation of a mansard roof storey to provide one 1-bedroom penthouse. Approved 29/07/2005. This development was not commenced within 5 years of the permission being granted and has therefore lapsed.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of an existing slate roof and the formation of a mansard roof, set back from the front and rear of the existing building, to create a self-contained two-bedroom flat. The mansard roof would incorporate dormer windows to the front (north) and side (east) elevations with a roof terrace to the front of the site. The submitted plans also indicate the reinstatement of chimney stacks to the east of the building, and replacement mouldings at roof level to the east and southern elevations.

## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 **Neighbours: Five (5)** representations have been received from **78 Dyke Road Avenue** (on behalf of the freeholder); **6 Montpelier Place** and **1 (flat 1 (x2) & 3) Sillwood Terrace** objecting to the application for the following reasons:-
- The proposal would be out of character with the building and terrace which currently has an even balanced form. Western Road forms a key part of the skyline and future development must be for the benefit of all;
  - The plans are not representative of the existing roofline, and lessen the effect of the proposed works;
  - There is insufficient internal space to form an additional stair to roof level;
  - The proposal constitutes a fire risk for existing residents;
  - Disruption during building works;
  - Loss of view from adjoining properties;
  - Concerns relating to the financial viability of the developer, previous attempts to develop the building have failed financially.
- 5.2 **Cllr Kitcat** objects – see attached letter.
- 5.3 A representation has been received from **361 Old Shoreham Road** (*on behalf of Flat 3, 1 Sillwood Terrace*) commenting that the construction necessary to house the additional flat and mansard roof is greatly in excess of that suggested by the application and, as such, will represent an enhanced impact on the street scene.
- 5.4 **Conservation Advisory Group (CAG):** Object, due to the visibility of the development and the proposal not being appropriate and in keeping with a Victorian terrace property. The Group notes that if any approval is to be given a condition should be attached to reinstate the exterior cornice to the eastern wall and that the development will meet Building Regulations, specifically with regard to the means of escape in the event of fire.

### Internal:

- 5.5 **Heritage:** The proposal would result in the loss of a historic roof form, and its replacement with an altered roof form including dormers to both the north and east and a raised ridgeline. This would be visible and would alter the design of the building; which was designed such that the roofscape would be hardly visible. It is though acknowledged that the scheme is a resubmission of a previously approved scheme and proposes some improvements to the building on the visible eastern elevation, including the reinstatement of some mouldings and chimney stacks. If the application is approved large scale details would be required of these features and samples of materials.
- 5.6 **Sustainable Transport:** No objection, the proposal would slightly increase trip generation but the scale of development does not necessitate improvements to sustainable transport infrastructure. Further details of cycle parking provision should be secured through 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:

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
QD14	Extensions and alterations
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:  
SPGBH4      Parking Standards

Supplementary Planning Documents:  
SPD03      Construction & Demolition Waste  
SPD08      Sustainable Building Design  
SPD12      Design Guidance for Extensions and Alterations

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the roof extension on the character and appearance of the building and wider Regency Square Conservation Area, the planning history and the impact on neighbouring amenity and transport.

### **Character and appearance**

- 8.2 The application site comprises an end-terrace four-storey property, with centred bays and cornices at each level, which makes a significant contribution to the Western Road streetscene and to the character and appearance of the Regency Square Conservation Area. The proposed development entails removal of the original roof form and its replacement with a mansard roof extension with front and side dormer windows. The submitted plans also indicate the reinstatement of chimney stacks and replacement mouldings.
- 8.3 The roof extension (to match that proposed by this application) was previously granted planning permission in 2005 under reference BH2005/01839. In granting this permission it was considered that due to the positioning back from the main walls of the property the roof extension would not be prominent in views of the terrace from Western Road. The resulting mansard roof was not considered to be unduly bulky or prominent, or harmful to the Regency Square Conservation Area.
- 8.4 Whilst the 2005 permission has expired the key policies have not changed in the intervening years, with the key design policies (QD1, QD2 and QD14) consistent with the NPPF. It would therefore be unreasonable to take a contrary design view as part of the current application; particularly as the height and form of the roof extension has not changed since the previous planning permission. The proposal is not therefore considered significant harm to the character or appearance of the existing building or the wider Regency Square Conservation Area. A condition is recommended to require further details of the reinstated mouldings, chimney stacks and pots; and of the proposed dormer windows and window joinery within the mansard roof.
- 8.5 It is noted that since the granting of planning permission BH2005/01839 Supplementary Planning Document 12, Design Guidance for Extensions and Alterations, was adopted. This does not though provide additional design



guidance on mansard roof extensions that was not already stated in SPGBH1, Roof Alterations and Extensions, and which was considered as part of the previous planning permission. The adoption of SPD12 would not therefore lead to a different view from that outlined above.

### **Housing**

- 8.6 The development would create a self-contained two-bedroom flat with adequate outlook, natural light and ventilation throughout. Whilst the room sizes are modest it is considered, taken as a whole, that the development would provide an acceptable standard of accommodation for future occupants. The submitted plans indicate a roof terrace between the mansard and front parapet which would provide useful private amenity space for future occupants.
- 8.7 The proposed residential unit would utilise existing access arrangements to fourth floor level and as such a number of Lifetime Homes standards could not be incorporated in the design. The internal layout could though be improved, particularly in relation to door openings, and if necessary further details could be secured through condition.

### **Impact on amenity**

- 8.8 The proposed extension does not abut window openings to adjoining units and no harmful loss of light or outlook would therefore result for occupiers of adjoining properties. The formation of an additional residential unit and normal domestic use of the roof terrace would not be expected to generate harmful levels of noise or disturbance, with soundproofing secured through the Building Regulations.
- 8.9 It is acknowledged that construction works would potentially create noise and disturbance for occupants of adjoining properties. Any such impact would though be temporary and the scale of development would not necessitate a Construction Environmental Management Plan. If noise complaints were received they could be investigated under separate Environmental Health legislation.

### **Transport**

- 8.10 The Sustainable Transport Team has commented that whilst the development would slightly increase trip generation to and from the site the scale of development does not necessitate improvements to sustainable transport infrastructure. On this basis the proposal would not create a harmful demand for travel. There is sufficient space within the rear curtilage of the site for cycle parking facilities.
- 8.11 The application site is well served by public transport and within a controlled parking zone. The existing units at lower levels of the building would not be affected by the proposal and as such it would not be reasonable or appropriate to make the whole building car-free. On this basis there is considered to be no undue conflict with the aims of policy HO7, relating to car free housing.

### **Sustainability**

- 8.12 Local Plan policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within supplementary planning document 08, sustainable building design, recommends

that development of this scale achieve Level 3 of the Code for Sustainable Homes (CfSH). Whilst the supporting information is limited it is considered that further details could be secured through condition.

**Other considerations**

- 8.13 It is noted that representations have been received relating to the construction of the additional storey. Whilst these concerns are acknowledged any material deviation from the submitted plans would require further consent. The construction of the additional storey would need to comply with the Building Regulations and the issues raised relating to fire escape, sound and thermal insulation and landing arrangements do not fall to be considered as part of this planning application. The financial situation of the applicant is not a material consideration.

**9 CONCLUSION**

- 9.1 The principle of development was established through the granting of BH2005/01839/FP. There has been no material change to the site or relevant design planning policies which would lead to a different view being taken as part of the current planning application. It is therefore considered that the development would not harm the character or appearance of the building or Regency Square Conservation Area. The development would not have a significant impact on adjoining properties by way of loss of light, privacy or increased noise and disturbance.

**10 EQUALITIES**

- 10.1 The development should incorporate Lifetime Homes standards in the proposed layout wherever practicable.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

1. BH01.01 Full Planning
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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan, Block Plan & Existing Elevations			21/03/2013
Proposed Floor Plans & Elevations			21/03/2013

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

PLANNING COMMITTEE LIST- 08 JANUARY 2014

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

4. No development shall take place until sections and elevations at a scale of 1:20 of the mouldings, and chimney stacks and pots have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the hereby approved residential unit and shall be retained as such thereafter.

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

5. No development shall take place until details of all new windows 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 windows shall be 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 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 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. 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. 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. 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.

#### 11.2 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 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 principle of development was established through the granting of BH2005/01839/FP. There has been no material change to the site or relevant design planning policies which would lead to a different view being taken as part of the current planning application. It is therefore considered that the development would not harm the character or appearance of the building or Regency Square Conservation Area. The development would not have a significant impact on adjoining properties by way of loss of light, privacy or increased noise and disturbance.

From: Jason Kitcat  
Sent: 28 June 2013 21:51  
To: Guy Everest  
Subject: Objection to application BH2013/00937 1 Sillwood Terrace

Dear Guy,

I am writing as a ward councillor to object to application BH2013/00937 for 1 Sillwood Terrace. I ask that if this application is recommended for approval that it is referred to the planning committee for consideration.

I believe the application will be an overdevelopment of the building, not in keeping with neighbouring buildings and I also have received concerns from nearby residents about whether the building can take the weight of this addition without significant additional structural beams being added which will add to the height suggested in the drawings.

Please confirm receipt of this objection.

Thanks,  
Jason

Cllr Jason Kitcat  
Leader of Brighton & Hove City Council  
Green City Councillor, Regency Ward



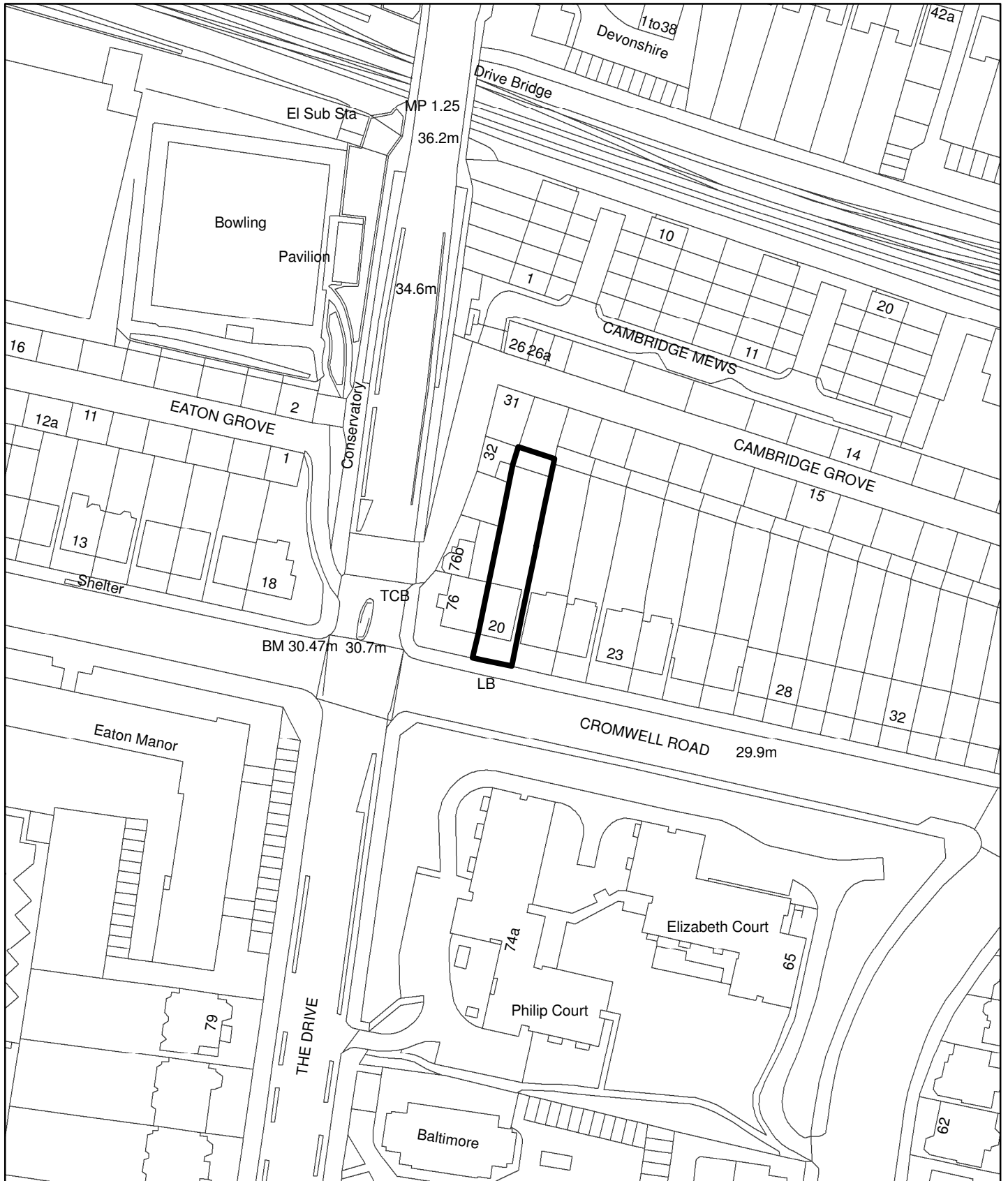
# **ITEM F**

**20a Cromwell Road, Hove**

**BH2013/02905**  
**Full planning**

**08 JANUARY 2014**

# BH2013/02905 20a Cromwell Road, Hove.



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2013/02905</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>20A Cromwell Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Conversion of outbuilding to form one bedroom dwelling (Retrospective).</b>		
<b><u>Officer:</u></b>	Mark Thomas Tel 292336	<b><u>Valid Date:</u></b>	11 September 2013
<b><u>Con Area:</u></b>	Willet Estate	<b><u>Expiry Date:</u></b>	06 November 2013
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Collins Planning Services Ltd, 4 Yeomans, Ringmer, Lewes BN8 5EL		
<b><u>Applicant:</u></b>	Mr M Wood, Flat 1 , 20 Cromwell Road, Hove BN3 3EB		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the northern side of Cromwell Road some 20m to the east of its junction with The Drive. It comprises a five storey (including basement and roof accommodation) Grade II Listed semi-detached Victorian villa. The property was previously in use as a language school featuring a lengthy rear garden at the end of which is a rendered flat roofed single storey building which was previously in use as a student common room. The application site has previously been granted planning permission for conversion of the main house to five flats with the outbuilding having consent as an ancillary use to the residential use of the main building.
- 2.2 The site lies within the Willet Estate Conservation Area.
- 2.3 The surrounding area is mixed commercial and residential in character. To the east of the site, Cromwell Road comprises pairs of semi-detached Victorian villas, comparable to the application premises, which have largely been subdivided into flats. The adjoining semi to the west (i.e. 76 The Drive) is in use as flats. To the south of the site, on the opposite side of Cromwell Road, is a pair of multi-storey blocks of flats. Adjoining the site to the rear, Cambridge Grove is a two storey mews comprising a mix of residential, commercial and live-work units.
- 2.4 Cromwell Road is a heavily trafficked classified road which is subject to on-street parking restrictions.

**3 RELEVANT HISTORY**

**BH2011/03777** Erection of rear boundary fence to replace existing. (Part Retrospective)- refused 13/02/2012.

**BH2011/03776** Erection of rear boundary fence to replace existing. (Part Retrospective)- refused 13/02/2012.

**BH2011/03361** Listed Building Consent Internal alterations to out building to form one bedroom flat- approved 23/12/2011.

**BH2011/03360** Internal alterations to out building to form one bedroom flat- refused 28/12/2011 (appeal withdrawn).

**BH2011/03138** Erection of rear boundary fence to replace existing. (Retrospective)- withdrawn

**BH2011/02885** Erection of rear boundary fence to replace existing. (Retrospective)- withdrawn

**BH2011/00589** Application for Approval of Details Reserved by Condition 5 of application BH2010/01022 -approved 08/04/2011.

**BH2010/03602-** Application for approval of details reserved by Condition 2 of application BH2010/01023- approved 02/02/2011.

**BH2010/01023-** Amendment to approved application BH2008/01274 for conversion of vacant language school to 5 no. self contained residential units, by way of minor alterations to approved internal layout and window layout- approved 27/08/2010.

**BH2010/01022-** Amendment to approved application BH2008/01271 for conversion of vacant language school to 5 no. self contained residential units, by way of minor alterations to approved internal layout and window layout- approved 27/08/2010.

**BH2008/01274-** Listed building consent for alteration, extension and conversion of existing vacant language school building to form 5 self-contained residential units- approved 13/06/2008.

**BH2008/01271-** Full Planning Consent for alteration, extension and conversion of existing vacant language school building to form 5 self-contained residential units- approved 13/06/2008.

**BH2008/00199-** Listed Building Consent to alter and convert existing vacant language school to form six residential units- withdrawn 18/03/08.

**BH2008/00198-** Change of use, alteration and conversion of existing vacant language school building to form six residential units- withdrawn 18/03/08.

**4 THE APPLICATION**

- 4.1 Planning permission is sought retrospectively for the conversion of the single storey outbuilding within the rear garden into a self-contained residential unit. The application does not propose any physical alterations. The forms indicate that the use commenced in August of 2012. The unit is approximately 36m<sup>2</sup>.

**5 PUBLICITY & CONSULTATIONS**

**External**

**Neighbours:** Nine (9) letters of representation have been received from; **Flats 5 and 6, 20 Cromwell Road; 2 Queenhythe Road, Guildford; 32 Albany Villas; 1 Salisbury Road; 5b Cambridge Grove; 44 Scotland Street and; 54 Bankside** supporting the application for the following reasons:

- The property could offer sustainable and affordable housing for key workers in a central location. It is currently difficult for young people to find affordable one-bedroom flats in the city.
- The building blends in well with neighbouring properties.
- The building has been occupied for a year without any problems.

### **Internal**

#### **Environmental Health: Comment**

The historical maps for the development have been viewed and it is noted that on the location of the premises there was once a glass house. This glass house was in place from approximately 1898 to 1979. Some greenhouses may have had heating – which can potentially cause localised land contamination. Additionally it is noted that on Cambridge Grove there are two underground (status unknown) derelict tanks.

As the property has been built there are no conditions or recommendations that can be made. However the developers must note that if any complaints are made that may indicate land contamination problems then the site will possibly have to be investigated under Part IIA of the Environmental Protection Act 1990.

#### **Heritage: Comment**

This application relates mainly to the use and internal alteration of this out building and it is not considered that this has any impact on the listed building or the conservation area, however the proposal to subdivide the garden space between the main building and No 20A with a high fence will change the relationship of the main building with its original garden space, and it is considered that this will have a detrimental impact on the understanding and interpretation of the history of the plot and on the setting of the heritage asset.

This element would not sustain or enhance the significance of the heritage asset or make a positive contribution to local character and distinctiveness, as required by the NPPF, and this element of the application should therefore be removed from the proposal.

#### **Access Officer: Comment**

- The approach to the entrance should be level or gently sloping. There appear to be several steps on the approach route.
- There should be weather protection over the entrance.

#### **Sustainable Transport: Comment**

The Highway Authority has no objections to the above application for the conversion of an outbuilding to form a one bedroom dwelling. The proposals are not considered to have a significant increase in trip generation associated with the site. The Highway Authority would recommend that further details of the nature of the cycle parking are secured via condition.

## **6 MATERIAL CONSIDERATIONS**

## PLANNING COMMITTEE LIST- 08 JANUARY 2014

- 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
TR14	Cycle access and parking
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD27	Protection of Amenity
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
HE1	Listed Buildings
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

SPD09 Architectural Features  
SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

**8 CONSIDERATIONS & ASSESSMENT**

8.1 Matters relating to property prices within Brighton & Hove are not material planning considerations. The main considerations in the determination of this application relate to the principle of the development, the impact on the amenity of existing/ future occupiers of the building in question and nearby properties, and parking/ traffic implications.

**Planning history**

8.2 Planning permission was granted in 2008 (BH2008/01271) for the conversion of no. 20 Cromwell Road from a language school to five flats. The existing garden building, formerly a common room, was granted consent for an ancillary use in relation to the host property. The 2008 consent states in condition 2 that:

2. The outbuilding at the end of the rear garden shall only be used as ancillary accommodation in connection with the residential use of the main building and at no time be converted to a self-contained unit.

**Reason:** In order to protect the amenities of adjoining residential occupiers and to preserve the character of the Willett Estate Conservation Area in accordance with policies QD27 and HE6 of the Brighton & Hove Local Plan.

8.3 In 2011 (BH2011/03360) planning permission was refused for the conversion of the outbuilding to a self-contained residential unit. The reason for refusal stated:

8.4 'The creation of a unit of self-contained residential accommodation would result in an intensification of use which would result in significantly increased levels of overlooking and loss of privacy to residents of no. 20 Cromwell Road, as well as overlooking from no. 20 Cromwell Road towards the building in question. Further, the creation of a permanent living unit would introduce a much greater level of activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use'.

8.5 Following the refusal of planning permission an appeal was submitted to the Planning Inspectorate in January 2012. The appeal was not determined since it was withdrawn by the appellant on 5<sup>th</sup> July 2012. Notwithstanding this, it is understood that the inhabitation of the outbuilding as a self-contained residential unit commenced in November 2012. A complaint was received by the Planning Investigations team in May 2013 regarding the unauthorised use of the outbuilding. The current application seeks to regularise the unauthorised use, but does not propose any physical alterations. As such, the current application is an identical proposal to that refused under BH2011/03360.

**Planning Policy**

- 8.6 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. The NPPF highlights the role of Local Planning Authorities in resisting the inappropriate development of residential gardens.

**Standard of accommodation/ Impact on amenity**

- 8.7 It is noted that letters of support for the application have been received for the current proposal, including representations from occupiers of no. 20 Cromwell Road. It has been stated that the occupation of the outbuilding by the current occupier has not raised any specific issues relating to overlooking or noise and disturbance. Notwithstanding this, the Local Planning Authority has a duty to consider not only the impact of a development on current occupiers and neighbours, but also on future occupiers and residents. As such, the support for the current application and the current circumstances would not preclude a refusal of planning permission on these grounds where the longer term arrangement and possibilities must be given sufficient weight, and is determined to be unacceptable. It is noted that a complaint was received by the Planning Investigations team in May 2013 regarding the unauthorised use of the garden building. This complaint serves to highlight that the self-containment of the garden building could be perceived to have a material impact on the amenity of occupiers of neighbouring or nearby properties.
- 8.8 The internal partitioning of the existing outbuilding has been completed, and the unit fitted out with a kitchen and bathroom. The unit is considered of adequate size, and would receive appropriate levels of natural light and ventilation. Mechanical ventilation has also been provided to the kitchen and bathroom areas.
- 8.9 It is noted that in addition to the previous refusal on this site, planning permission for the self containment of a garden building rear of 26a Cromwell Road (albeit a two storey building) for use as a self-contained annexe was dismissed on appeal (against non-determination REF: APP/Q1445/A/03/1122629) for reasons of overlooking and increased noise and disturbance. It is considered that there are similarities between this site and the application property in relation to the position relationship between main house and garden building, and the access to the garden building through communal private amenity space.
- 8.10 The single aspect of the outbuilding, facing towards the rear elevation of no. 20 Cromwell Road and the communal garden, together with insufficient screening between the main house and communal garden and the garden structure, would provide for unacceptable overlooking/ loss of privacy to and from the proposed self-contained unit. It is considered that this would represent an oppressive situation, particularly for the occupier of the garden building. It can be reasonably considered that the occupation of the garden building as a self-contained residential unit would necessitate the utilisation of curtains/ blinds, thus preventing an acceptable outlook from the building, at times when one

would normally expect to be able to enjoy natural light and an outlook onto their private amenity space. This situation would be particularly notable in the summer when use of the communal garden would not be unexpected late into the evening. Originally, the current application acknowledged and sought to address the potential for overlooking to and from the garden building, proposing the erection of a 1.8m close boarded timber fence between the outbuilding and the rear communal garden. Following concerns raised by the Heritage Officer, however, this fence has subsequently been deleted from the current proposals. The proposed arrangement is considered significantly more harmful than that associated with the use of the outbuilding as ancillary accommodation to the main house. The permitted use of the outbuilding as a garden structure would be expected to be used intermittently, as part of the amenity space of the main house. The creation of a permanent living unit would introduce a much greater level of activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use. It is considered that this would result in significantly harmful disturbance to nearby residents, and in particular those at no. 20 Cromwell Road.

#### **Sustainable Transport**

- 8.11 No off-street car parking can be provided. However, in view of the proximity of the site to Hove Station and accessible bus routes, off-street provision is considered unnecessary. A secure cycle store has been provided in the rear garden in accordance with policy TR9 of the Local Plan as part of planning consent BH2008/01271. It is considered that this store has potential to provide for an additional cycle to the five provided in connection with the conversion of the main house. If this did not transpire to be the case and alternative arrangements were required this could be ensured through a condition attached to any grant of planning permission.

#### **8.12 Additional considerations**

Letters in support have been received with neighbouring occupiers advising that affordable units are needed in the city. The scheme does not represent affordable housing.

### **9 CONCLUSION**

- 9.1 The use of the garden building as a self-contained residential unit would represent a poor standard of living accommodation by virtue of the oppressive impact to occupiers of the building, with a significant and notable lack of privacy. This lack of privacy would likely necessitate the restriction of the outlook from the garden building, indicating that the occupation of the main house and of the communal garden would have an overbearing impact on existing and future occupiers of the proposed residential unit.
- 9.2 The creation of a unit of self-contained residential accommodation would result in an intensification of use which would result in significantly increased levels of overlooking and loss of privacy to residents of no. 20 Cromwell Road. Further, the creation of a permanent living unit would introduce a much greater level of

activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use.

**10 EQUALITIES**

10.1 None identified

**11 REASON FOR REFUSAL / INFORMATIVES**

11.1 Reasons for Refusal:

1. The creation of a unit of self-contained residential accommodation would result in an intensification of use which would result in significantly increased levels of overlooking and loss of privacy to residents of no. 20 Cromwell Road, as well as overlooking from no. 20 Cromwell Road and its garden towards the building in question. Further, the creation of a permanent living unit would introduce a much greater level of activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use. The proposed development would represent a poor standard of living accommodation for occupiers of the garden building, and would result in a loss of amenity for occupiers of no. 20 Cromwell Road and, to a lesser extent, towards neighbouring properties. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan	ADC270/LP	-	27 <sup>th</sup> August 2013
Existing and proposed plan	ADC563/02	-	8 <sup>th</sup> November 2013



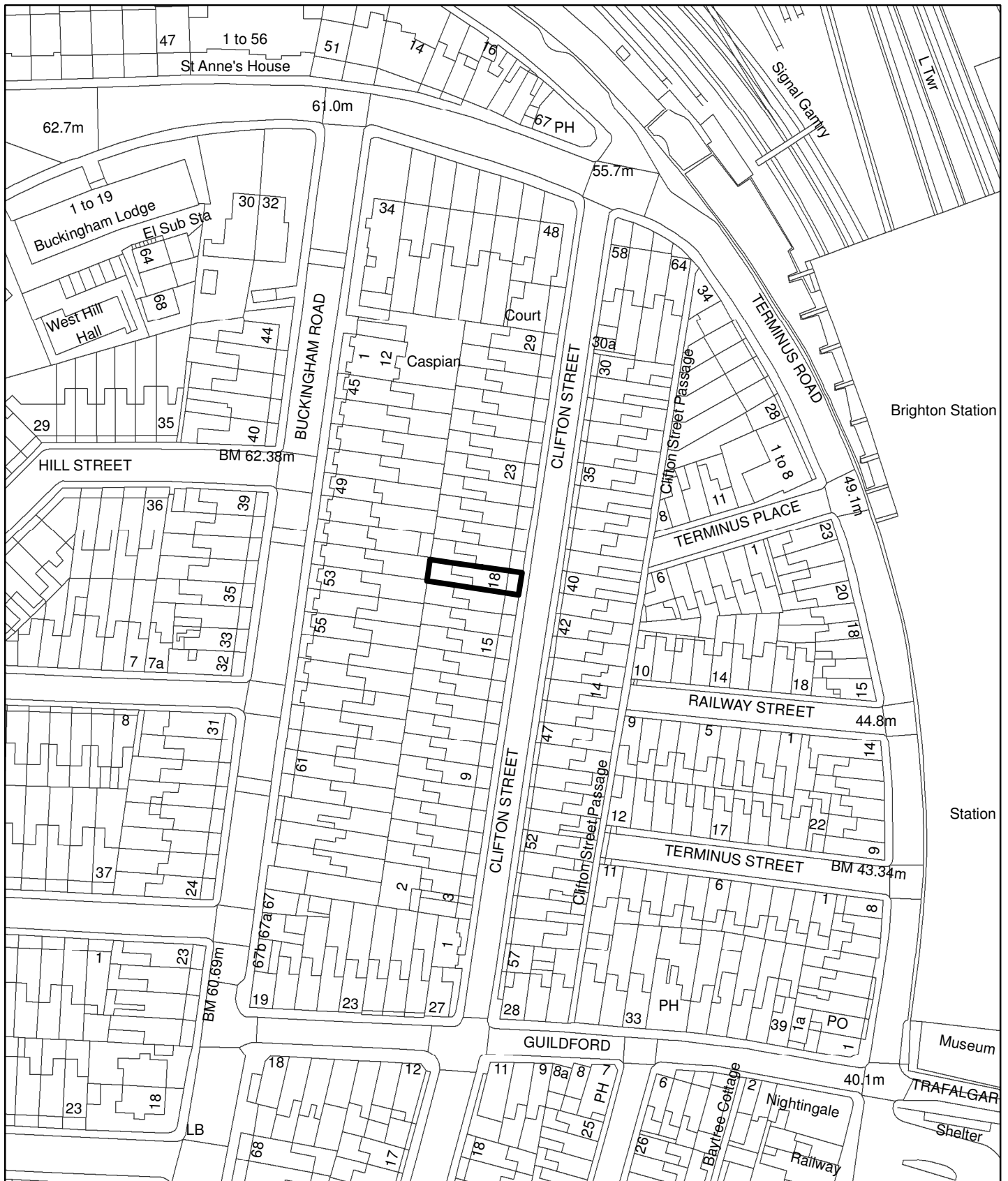
# **ITEM G**

**Top Floor Flat, 18 Clifton Street, Brighton**

**BH2013/03492**  
**Householder planning consent**

**08 JANUARY 2014**

# BH2013/03492 Top Floor Flat, 18 Clifton Street, Brighton.



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2013/03492</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>Top Floor Flat 18 Clifton Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Replacement of existing timber single glazed windows with UPVC double glazed windows (Retrospective).</b>		
<b><u>Officer:</u></b>	Robin Hodgetts Tel 292366	<b><u>Valid Date:</u></b>	24/10/2013
<b><u>Con Area:</u></b>	West Hill CA and Article 4	<b><u>Expiry Date:</u></b>	19 December 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Weald Designs, Ranelagh, St Johns Road, Crowborough TN6 1RT		
<b><u>Applicant:</u></b>	Randolph Morse, 16 Cleve Terrace, Lewes BN7 1JJ		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a three storey, terraced property that is sub-divided into three flats. It lies on the west side of Clifton Street and lies within the West Hill conservation Area and is subject to an Article 4 direction.
- 2.2 The street is characterised by a consistent design of terraced properties; three storeys to the west side and two storeys to the east. There is a mix of timber and upvc fenestration with upvc windows present at Nos. 7, 13, 14, 15, 19, 41, 47 and the ground floor of 18.

## 3 RELEVANT HISTORY

None

## 4 THE APPLICATION

- 4.1 Planning permission is sought retrospectively for the replacement of existing timber, single glazed windows with upvc, double glazed windows to the front elevation of the top floor flat.
- 4.2 The applicant has submitted a petition of 40 signatures in support of his planning application.

## 5 PUBLICITY & CONSULTATIONS

**External**

- 5.1 **Neighbours: *Four (4)*** letters of representation have been received from the occupiers of **12 Clifton Street, 25 Clifton Street, 29 Clifton Street** and **33 Clifton Street** objecting to the application for the following reasons:
- The design, materials and appearance of the proposed windows and their effect on the Conservation Area.
- 5.3 ***Twelve (12)*** letters of representation have been received from the occupiers of **5 Clifton Street, 9 Clifton Street, 14 Clifton Street, Ground Floor Flat, 18 Clifton Street, Top Floor Flat, 18 Clifton Street, 19 Clifton Street, 20 Clifton Street, 39 Clifton Street, 41 Clifton Street, 49 Clifton Street,** and **1A Powis Grove** supporting the application for the following reasons:
- The design, materials and appearance of the proposed windows and their improvement to the thermal properties of the flat.
- 5.4 **Halls Estate Agents, 27 New Road** have written in support of the application.

**Internal**

- 5.5 None received

**6 MATERIAL CONSIDERATIONS**

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

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

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

SS1	Presumption in Favour of Sustainable Development
-----	--

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the appearance of the windows on the host building, street scene and the wider West Hill Conservation Area.

### **Design and Visual Impact**

- 8.2 The building as existing forms part of an historic terrace and contributes positively to the Conservation Area. It has in the whole retained its original form and detailing although it is noted that upvc sash windows are present at ground floor level. There is no planning history for these window alterations. There are also other properties in the vicinity where UPVC replacements have been installed, namely Nos. 7, 13, 14, 15, 19, 41 & 47, (there is no planning history for these unauthorised and harmful alterations). Furthermore these are exceptions and a predominance of timber windows on the street remains and the use of such windows forms a key historical feature and characteristic of the area as a whole.
- 8.3 The application site is at second floor level and visible from the street. Policy HE6 of the Brighton & Hove Local Plan is clear in its expectation that original features such as timber windows that contribute positively to the area’s character and appearance should be protected. SPD09 provides additional detail, stating that *‘Original or historic windows should be retained unless beyond economic repair. New and replacement windows must closely match the originals in their style, method of opening, proportions and external details. On street elevations the original material must also be matched’*. With regard UPVC replacements, it states that within conservation areas *‘they [aluminium or UPVC replacement windows] are unlikely to be permitted on an elevation of a historic building visible from the street or public open space’*. SPD12 also states in its section on development within

Conservation Areas and Buildings of Local Interest that *“Plastic or aluminium windows will not be acceptable on elevations visible from the street where the original windows were designed to be timber.”*

- 8.4 The introduction of upvc frames would clearly have a negative impact upon the character of the host building, street scene and wider West Hill Conservation Area contrary to policy HE6 and SPD’s 09 & 12.

## 9 CONCLUSION

- 9.1 For the reasons detailed above, the proposed replacement windows represent a harmful alteration to the historic character and appearance of the building, terrace and wider Conservation Area and the loss of an original design feature. As such, the proposal fails to accord with policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD09 and SPD12.

## 10 EQUALITIES

- 10.1 None identified.

## 11 REASON FOR REFUSAL / INFORMATIVES

### 11.1 Reasons for Refusal:

1. The UPVC windows, by virtue of their form and material finish incorporating the loss of original timber sash windows, represent a harmful alteration to the character and appearance of the building, terrace and wider Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and the guidance in SPD09 & SPD12.

### 11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Site location plan			14/10/13
Proposed elevation	011013/03		14/10/13
Proposed window detail	011013/04		14/10/13
Existing window detail	011013/05		29/11/13
Existing section	011013/06		29/11/13

# **ITEM H**

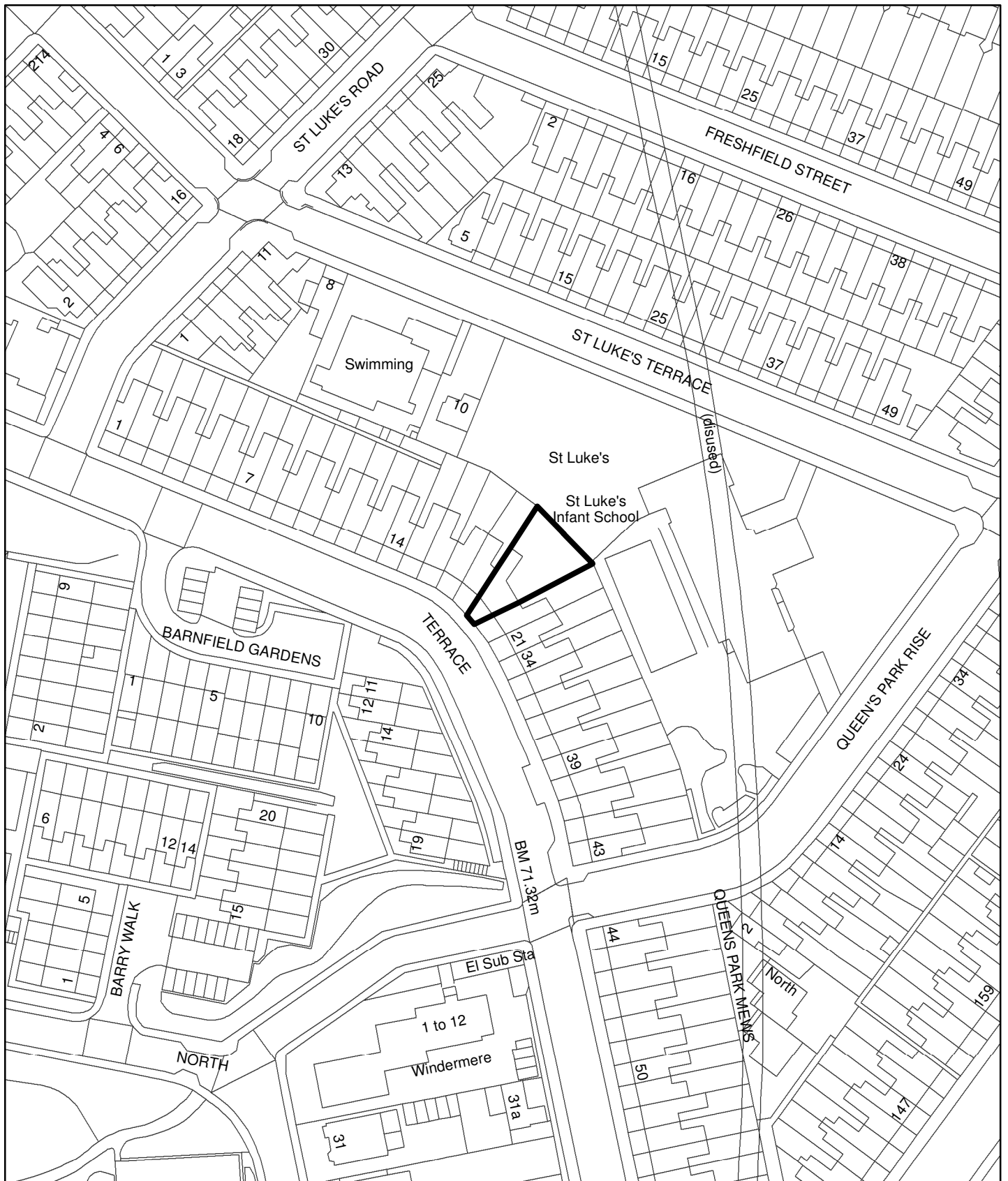
**19 Queens Park Terrace, Brighton**

**BH2013/03680**

**Householder planning consent**

**08 JANUARY 2014**

# BH2013/03680 19 Queens Park Terrace, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/03680</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>19 Queens Park Terrace Brighton</b>		
<b><u>Proposal:</u></b>	<b>Formation of rear dormer.</b>		
<b><u>Officer:</u></b>	Robin Hodgetts Tel 292366	<b><u>Valid Date:</u></b>	29 October 2013
<b><u>Con Area:</u></b>	Queen's Park	<b><u>Expiry Date:</u></b>	24 December 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	ARCH-Angels Architects Ltd, 128 Edward Street , Brighton BN2 0JL		
<b><u>Applicant:</u></b>	Fraser Trewick , 19 Queens Park Terrace, Brighton BN2 9YA		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is a two storey, terrace house on the northern side of Queen's Park Terrace, which is situated between Queen's Park Road and Queen's Park Rise. It is at the centre of the terrace, which bends to the south so that the site is wedge shaped with a larger rear roof slope than the front.
- 2.2 The site is within the Queen's Park Conservation Area, and backs onto St Luke's Primary School which is a Grade II Listed Building. The ground rises to the north, so that the rear garden and school is at a higher level.

## 3 RELEVANT HISTORY

**BH2012/02737** - Loft conversion incorporating dormer to rear and installation of rooflight to front facing roofslope. – Refused 03/12/2012 for the following reasons:

1. The rear dormer, due to its siting, height, design and bulk, is not well designed in relation to the existing property and adjoining terraced properties. As such, it would form an unsympathetic and incongruous addition and would be detrimental to the character and appearance of the existing property and the adjoining terraced properties, contrary to SPGBH1 and policies QD14 and QD27 of the Brighton & Hove Local Plan.
2. The proposed rear dormer, due to its height, bulk, massing and prominent location would form an intrusive and incongruous feature

that would significantly harm the building's appearance, the character and appearance of the Queen's Park conservation area and the setting of the adjoining listed building, St Luke's School. The development is therefore contrary to policies QD1, QD2, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.

An appeal was subsequently dismissed on 10/04/2013 with the Inspector stating:

*"Overall, I conclude that the harm that would be caused to the Conservation Area in terms of the failure of the development to preserve or enhance its character or appearance, together with the adverse effect the development would have on the setting of the listed building, are of such significance in the particular circumstances of this site that the proposal is unacceptable on this issue. The development would fail to comply with the guidelines set out in the SPG and would conflict with policies QD2, QD14, HE3 and HE6 of the local plan for the reasons I have given. The other material considerations that have been advanced in support of the development and which I have considered in full are insufficient in weight to overcome these conflicts and the harm that would be created in the ways I have described. "*

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the construction of a dormer in the rear roofslope of the dwelling. The dormer would measure 1.4m high, 3.2m wide and project from the roofslope by 1.95m. It would be constructed from materials to match the existing roof.

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

##### **External**

- 5.1 **Neighbours: Fourteen (14)** letters of representation have been received from the occupiers of **8 Montreal Road, 21 St Luke's Road, 23 St Luke's Road, 25 St Luke's Terrace, 29 St Luke's Terrace, 18 Queen's Park Road, 13 Queen's Park Terrace, 15 Queen's Park Terrace, 21 Queen's Park Terrace, 34 Queen's Park Terrace, 37 Queen's Park Terrace, 42 Queen's Park Terrace, 61 Queen's Park Terrace** and **St Luke's Primary School** supporting the application for the following reasons:

- It's improvement on the previous scheme,
- reduced scale,
- lack of amenity harm
- and presence of other dormers in the vicinity.

- 5.2 **One (1)** letter of representation neither supporting nor objecting to the application from the occupier of **20 Queen's Park Terrace**.

##### **Internal**

5.3 None

## **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:

- QD14 Extensions and alterations  
QD27 Protection of Amenity  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of a conservation area

#### Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations

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

- SS1 Presumption in Favour of Sustainable Development

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the dormer on the host building and the setting of the Queen's Park conservation area and listed building, St Luke's Primary School and any impact on the amenity of neighbouring properties.

### **Design:**

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

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

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

- 8.4 Further detailed guidance is found in *SPD12: Design guide for extensions and alterations*, which advises that dormer windows should be kept as small as possible and align with the windows below. Materials should generally match those of the existing roof, with the window materials, placement and opening style relating closely to the scale and proportions of the windows below and aligning where possible.

- 8.5 Policy HE6 of the Brighton & Hove Local Plan seeks to preserve or enhance the character and appearance of conservation areas. It seeks a high standard of design and detailing reflecting the scale and character or appearance of the area. Building materials and finishes should be used which are sympathetic to the area, with no harmful impact on the townscape and roofscape of the conservation area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. Policy HE3 advises that development will not be permitted where it would have an adverse impact on the setting of a listed building.

- 8.6 Although it is recognised that the scheme would be reduced in scale from the previous application, BH2012/02737, the proposed rear dormer would still have a significant impact on the appearance of the building. It would be visible from the rear of St Luke's Primary School, and would affect the setting of that Listed Building. Although not visible from Queen's Park Terrace the proposal would be visible from St Luke's Terrace to the north and as such have an impact upon the character and setting of Queen's Park Conservation Area.
- 8.7 The dormer would not comply with the guidance set out in SPD12, as it is larger than the width of the first floor windows below it and fails to relate well to the fenestration on the existing building. Although it is recognised that there are larger dormers present on properties to the south (Nos. 20 & 21 Queen's Park Terrace), there is no planning history for these and they are not considered to form a precedent in line with the guidance contained in SPD12. The existing large dormers which are visible reinforce the view that the additions are unsightly and harmful to the area's character and appearance.
- 8.8 The proposed dormer would not comply with policies HE3 or HE6 as it would be a modern addition with an unsympathetic design that would fail to achieve a high standard of design, reflecting the character and appearance of the existing building and area. It would also negatively impact upon the setting of the listed building, St. Luke's Primary School to the rear.

**Residential amenity**

- 8.9 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.
- 8.10 The proposed dormer would face St Luke's primary school at the rear boundary, which is approximately 20m to the north-east. As it is a school, and given the existing windows facing the rear boundary, it is not considered that this would cause any loss of residential amenity. There would be no impact in terms of loss of light, overshadowing or outlook.

**9 CONCLUSION**

- 9.1 The proposed development, due to its design, size and siting, would result in harm to the character and appearance of the existing building. It would fail to enhance or preserve the Queen's Park conservation area, and would detract from the appearance of the roofscape in the conservation area, and the setting of the adjoining Grade II listed building of St Luke's school. The proposal is therefore recommended for refusal.

**10 EQUALITIES**

10.1 None identified.

**11 REASON FOR REFUSAL / INFORMATIVES**

11.1 Reasons for Refusal:

1. The rear dormer, by reason of its excessive size and cladding, position in relation to the roofslope and existing fenestration on the property below would appear as an overly dominant and incongruous feature that is detrimental to the character and appearance of the existing property, the surrounding area and Queens Park Conservation Area. The development is therefore contrary to QD14, HE6 of the Brighton & Hove Local Plan and SPD12.

Informatives:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	E01		29/10/13
Existing plan	E02		29/10/13
Existing section	E03		29/10/13
Existing elevation	E04		29/10/13
Block plan	P01		29/10/13
Proposed plan	P02		29/10/13
Proposed section	P03		29/10/13
Proposed elevation	P04		29/10/13

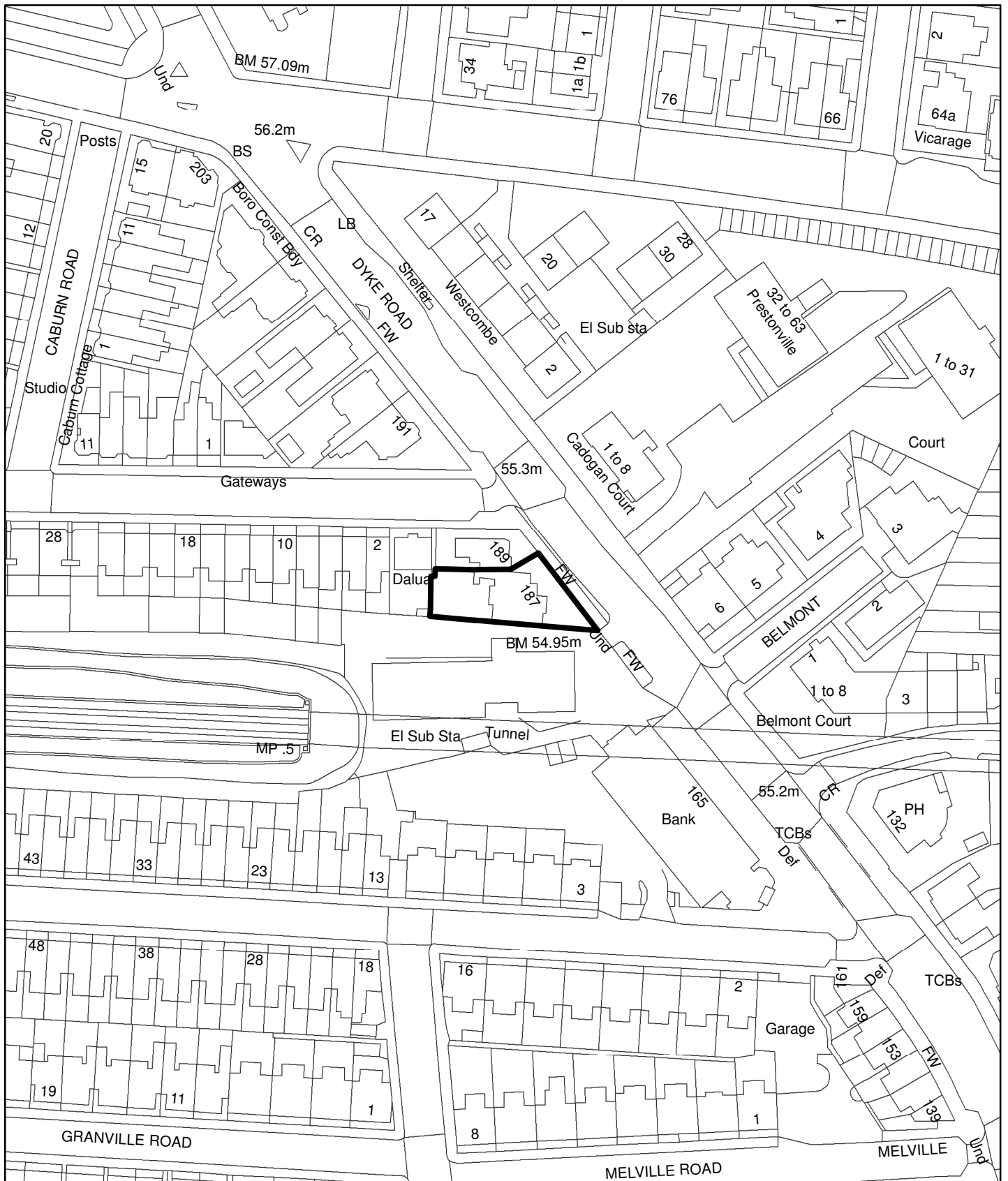
# **ITEM I**

**187 Dyke Road, Hove**

**BH2013/03496**  
**Full planning**

**08 JANUARY 2014**

# BH2013/03496 187 Dyke Road, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/03496</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>187 Dyke Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey extension to replace existing single storey extension and terrace.</b>		
<b><u>Officer:</u></b>	Christopher Wright Tel 292097	<b><u>Valid Date:</u></b>	14 October 2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	09 December 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD		
<b><u>Applicant:</u></b>	RT Williams, C Williams, C/O Lewis & Co Planning, 2 Port Hall Road Brighton BN1 5PD		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 1.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is occupied by a 2-storey semi-detached building situated at the corner of Dyke Road and Highdown Road, near to the Seven Dials area of the city. The building has pitched and cat-slide roofs, black fenestration and white painted render walls with brick detailing. The building has a domestic appearance. It is in use as an office.
- 2.2 There is off-street car parking and two vehicular accesses at the front of the building providing an in-out arrangement.
- 2.3 To the north side of the building the properties are predominantly in residential use, whilst to the south side there is a purpose built modern office block.
- 2.4 The building is not Listed and it is not situated in a Conservation Area.

## 3 RELEVANT HISTORY

**BH2013/03354** – Prior Approval for change of use from offices (B1) to residential (C3) to form 4no. residential units. Prior Approval Not Required on 25 November 2013.

**BH2013/01429** – Demolition of existing ground floor rear extensions and terrace and erection of two storey rear extension, relocation and enlargement of dormer to front and replacement of boundary wall with railings and gates. Refused 4 July 2013. The reasons for refusal were:

1. *The extension by reason of its scale, massing, bulk, site coverage, materials and detailing is considered poorly designed, an overdevelopment of the site and would have a seriously harmful impact on the character and appearance*

- of the building to be extended and the visual amenity of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*
- 2. The extension by reason of its siting and scale, massing would have an unduly harmful and domineering impact upon the amenities of adjacent occupiers resulting in a loss of outlook, light causing overshadowing and an overbearing presence. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.*
  - 3. The proposed front boundary wall and railings, due to their excessive height and appearance, would be out of keeping with the character and appearance of the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*
  - 4. The proposed parking layout fails to ensure a safe means of access to and from the site and does not provide adequate manoeuvring space on-site and increases the likelihood that vehicles would have to reverse out onto the highway, contrary to policy TR7 of the Brighton & Hove Local Plan.*

**BH1997/01114/AD** – Externally illuminated sign. Approved 3 October 1997.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a two storey rear extension to the office building, involving replacement of an existing single storey extension and terrace.
- 4.2 The application is a revised submission following the refusal of application **BH2013/01429** on 4 July 2013. The current proposal no longer proposes alterations, railings and gates to the front parking area. The proposed rear extension is identical in all respects except the depth has been reduced 500mm from 9.2m to 8.7m.
- 4.3 The existing single storey extension proposed to be removed has a flat roof and is located to one side of the rear elevation. The extension is approximately 5m deep.
- 4.4 The proposed extension would occupy the whole width of the rear garden, which is 12.5m wide. The extension would be 6m high and 8.7m deep. The rear garden area would be reduced from 14m in length to 6m.
- 4.5 The extension would have a flat roof and brick walls with powder coated aluminium doors and windows. The windows at first floor level on the rear elevation would have projecting timber clad 'shading boxes'. No windows or other openings are proposed on the flank elevations of the extension.
- 4.6 The remainder of the back garden would be paved and a walled planter is proposed along the rear boundary.
- 4.7 The development would provide for 16 desk spaces; meeting rooms; kitchen/staff room; accessible shower; and female W.C. at ground floor level. At first floor level 14 desk spaces are proposed.

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

**External**

- 5.1 **Three (3)** letters of representation have been received from **56 Dyke Road Avenue** and **90 Hammy Lane (Shoreham) x2** supporting the application for the following reasons:
- Not very visible from the street.
  - Good design.
  - Space for more jobs.
  - Allow local company to remain in the area.
- 5.2 **One (1)** letter of representation has been received from **Austin Rees, Chartered Surveyors, 135-137 Dyke Road** supporting the proposed development as follows:
- Good design
  - Not visible
  - Will allow for more jobs
- 5.3 **One (1)** letter of representation has been received from **Dalua Highdown Road, Hove** objecting to the application for the following reasons:
- Loss of privacy.
  - Increased use of shared alleyway.
  - Increased comings and goings.
  - Loss of security.
  - Increased noise and disturbance.
  - Extra storey will lead to loss of privacy to the rear of the neighbouring property.
- 5.4 **Eleven (11)** letters have been received from staff employed in the building supporting the application.

**Internal:**

- 5.5 **Sustainable Transport: No objection.**  
The Highway Authority has no objections to the proposed application subject to the inclusion of the necessary conditions on any permission granted for retention of the car parking area and details of cycle parking provision. The previous transport reason for refusal under application BH2013/01429 has been addressed.

**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
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of Amenity
EM3	Retaining the best sites for industry

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
--------	-------------------

#### Supplementary Planning Documents:

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

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

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the design and appearance of the development; the impact on neighbour amenity; and highways considerations.

### **Design and appearance:**

8.2 The existing building is of a traditional domestic appearance. As such SPD12: Design Guidance for Extensions and Alterations is relevant to the proposal. In addition policies QD1 and QD14 of the Local Plan are applicable.

8.3 Policy QD1 requires proposals to demonstrate a high standard of design to ensure development makes a positive contribution to the visual quality of the environment. Design aspects which should be taken into account include:

- a. scale and height of development;
- b. architectural detailing;
- c. quality of materials;
- d. visual interest particularly at street level; and
- e. appropriate levels and type of landscaping.

8.4 Policy QD14 of the Local Plan states planning permission for extensions to existing buildings will only be granted if the proposed development:

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

8.5 SPD12 states that all extensions, particularly those incorporating modern design approaches, should be considered holistically with the original/main building to avoid an awkward jarring of materials and forms. Design principles for two storey rear extension are as follows:

- Two storey rear extensions should not normally project beyond a side wall to a building and should sit within and not replace the boundary wall/fence.
- The roof form and pitch should reflect that of the host building, and should normally be set lower than the main ridge of the building. Flat roofs are generally unacceptable unless the host building has a flat roof or flat roofs at the proposed level are a common feature of the particular style of building to be extended (for instance on more historic terraces).
- Materials and detailing should normally match that of the main building, especially on terraced or semi-detached buildings.

- Window design, positioning and method of opening should match that of the main building.
  - All two storey extensions should comply with the 45 degree rule both extending to the rear and upwards to avoid harming neighbouring amenity.
  - In most cases a minimum separation of 7m should be retained to the rear boundary of the property and 14m to the nearest facing residential window to amenity issues.
- 8.6 The proposed extension would be a considerable enlargement to the existing building. The extension would add significant bulk and massing and would occupy the majority of the open garden space to the rear of the building. In terms of scale and form, the proposed extension would not integrate successfully with the character and appearance of the existing building. The existing building has a domestic character with pitched and cat-slide roof form. The proposed extension is of considerable scale and would have a box-like form with flat roof. The flank walls of the extension would line up with the side walls of the existing building and at this juncture the external finishes would change from painted render to brickwork. The flat roof of the proposed extension would not align with the eaves of the existing building and would cut into, and truncate, the rear roof slope of the recipient building. In the design there is insufficient separation of the two contrasting styles of the existing building and the proposed extension, where a visual break or link might be desirable as opposed to the direct attachment and consequent jarring of form and materials represented in the application. The proposed extension would overwhelm and dominate the recipient building and the design and juxtaposition of the development would be insensitive to the character and appearance of the existing building.
- 8.7 Due to the proposed site coverage the extension would occupy the majority of the rear garden space and this represents an over-development of the site contrary to the pattern of existing development and failing to take into account the positive contribution that the spaces around and behind buildings in the locality makes to the character of the area. In addition, the extension would cover over the entire rear elevation of the existing building and would be more than half the depth of the interior of the main part of the existing building and leave less than 7m of space to the rear boundary of the site.
- 8.8 The back of the extension would line up with the rear wall of the adjoining semi-detached building of 189 Dyke Road. Representations from the Public are acknowledged. However, the extension would be visible from both Highdown Road and from Dyke Road, through gaps between the buildings.
- 8.9 In view of the above, the proposal does not comply with the requirements of policies QD1 or QD14 of the Local Plan or SPD12. The small reduction in the depth of the extension from 9.2m to 8.7m is not considered sufficient to overcome the reasons for refusal of the previous application, BH2013/01429.
- Impact on Amenity:**
- 8.10 There is concern raised with regards to the scale, massing, height and un-neighbourly aspect of the extension and its impact on the outlook and privacy of

the adjacent properties. The neighbouring commercial uses are noted, as is the residential nature of properties in Highdown Road behind the site.

- 8.11 The extension would comprise a two storey extension that projects out from the rear elevation above eaves height. The extension would cover approximately two thirds of the land forming the open rear garden/amenity space and would form a large box-like addition which would extend across the whole of the west facing elevation of the property up to the boundary with the adjoining semi-detached building of 189 Dyke Road.
- 8.12 The formation of such a scale, massing and bulk upon a joint boundary is an un-neighbourly and harmful type of extension. The extension would rise up adjacent to form a tall and featureless flank elevation that would enclose, reduce light and have an overbearing impact on the opening and rear space at 189 Dyke Road. The presence of the extension at a sheer vertical two storeys being in such close proximity adjoining the northern boundary of the site would have a significance adverse impact on amenity.
- 8.13 It is recognised that 189 Dyke Road has no residential use and is occupied by the Association of Clinical Pathologists. The amenity impact of development on occupiers of commercial buildings is less than it would be on residential uses because they are used less and are often empty in the evenings and at weekends, employees will often be working from the same desk/office and in any case the layout may be varied more easily that occupiers of a residential property where rooms will fulfil habitable functions. However, by reason of the high level of impact identified in this case, the severity of the amenity impact from the massing and bulk could prejudice the future use of the adjoining building and compromise the amenity of present and future adjoining occupiers and in this regard refusal on grounds of loss of light, outlook and an overbearing impact is considered to be justified.
- 8.14 Due to the orientation of the proposed extension and the separation distance between the proposed extension and the nearest residential property, Dalua in Highdown Road, the proposal would not give rise to loss of light or overshadowing. However, the first floor rear windows to the extension would overlook the whole of the neighbour's back garden and rear windows, and the height and scale of the extension combined with the small distance to the rear boundary of the site, would have an overbearing impact on the residential neighbour, to the extent that they would not longer be able to enjoy the existing private and useable amenity space, which therefore would be detrimental to the living conditions by reason of loss of privacy and amenity of current and future occupiers of that residential dwellinghouse.

**Sustainable Transport:**

- 8.15 In order to meet the requirements of policies TR1, TR14 and TR19 of the Local Plan, development must provide for the transport demand created in accordance with the maximum car parking standards and minimum cycle parking standards set out in SPGBH4. Cycle parking should be secure, convenient to use and ideally sheltered.

- 8.16 The proposal extends the existing B1 land use by approximately 200m<sup>2</sup>. This proposal is likely to increase the number of trips to and from the site however they are not considered to increase to a level which would warrant a refusal of planning permission on this basis. Due to this and that the scale of the development is below the temporary recession measure threshold the Highway Authority does not seek a S106 contribution in this instance.
- 8.17 SPGBH4 states that the maximum car parking standard for a B1 office land use in a Controlled Parking Zone (CPZ) is 1 space per 30m<sup>2</sup> of the gross floor space. Therefore for a development of this nature and scale the maximum car parking standard is 2 vehicle parking spaces. The applicant is proposing to retain the existing car park and is not intending to make any changes to the access arrangements. The Highway Authority has no objections in relation to this arrangement and this now addresses the previous reason for refusal in relation to vehicular access to the site.
- 8.18 SPGBH4 states that a minimum of 1 cycle parking space and an additional space at 1 per 200m<sup>2</sup> of floor space or part thereof is required for every B1 office development. Therefore for this development there is a minimum requirement of 3 cycle parking spaces. In order to be in line with Policy TR14 of the Local Plan 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.
- 8.19 On the proposed ground floor plan the applicant states that there is a bike store area. The applicant doesn't provide any details of how many spaces are provided or details of their nature. The Highway Authority deems that there is adequate provision in this location and therefore would recommend that this aspect is conditioned.

## **9 CONCLUSION**

- 9.1 In terms of bulk, scale, site coverage, form and design, the proposed extension would not be a sympathetic addition to the recipient building and would constitute over-development of the site, resulting in consequent harm to visual amenity and the character and appearance of the recipient building.
- 9.2 In terms of the bulk, scale, site coverage, height and proximity of the proposed extension to neighbouring buildings, the development would result in a significant adverse impact on amenity by way of increased sense of enclosure, an overbearing impact and overlooking leading to loss of privacy and detriment to neighbour amenity and living conditions.
- 9.3 For these reasons refusal is recommended.
- 9.4 There is no objection in principle to extension of this property and the Local Planning Authority would welcome the opportunity to discuss an alternative scheme.



**10 EQUALITIES**

10.1 The proposed extension would be connected to the existing building which has access at street level.

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The extension by reason of its scale, massing, bulk, site coverage, materials and detailing is considered poorly designed, and an over-development of the site, and would have a seriously harmful impact upon the character and appearance of the building to be extended and the visual amenity of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan
2. The extension by reason of its siting, scale and massing would have an unduly harmful and dominating impact upon the amenities of adjacent occupiers resulting in a loss of outlook, increased sense of enclosure, overshadowing and an overbearing impact. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**11.2 Informatives:**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
View from Highdown Road	0163.Scene01	A	14 Oct 2013
View from Dyke Road	0163.Scene02	A	14 Oct 2013
Existing Ground Floor, Location and Block Plans	0163.EXG.001	A	14 Oct 2013
Existing First Floor, Loft and Roof Plans	0163.EXG.002	A	14 Oct 2013
Existing Roof Plan, Elevations And Sections	0163.EXG.003	A	14 Oct 2013
Proposed Ground Floor, Location and Block Plans	0163.PL.001	C	14 Oct 2013
Proposed First Floor and Roof Plans	0163.PL.002	C	14 Oct 2013
Proposed Sections	0163.PL.003	b	14 Oct 2013
Proposed Elevations	0163.PL.004	b	14 Oct 2013



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 131</b> Brighton & Hove City Council
---------------------------	--

**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

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
29 <sup>th</sup> October 13	<b>Hippodrome, Middle Street, Brighton</b>	Regency	Refurbishment and Extension
17 <sup>th</sup> Sept 13	<b>One Digital, Hollingdean Road, Brighton</b>	Hollingdean and Stanmer	Student accommodation development
27 <sup>th</sup> Aug 13	<b>The BOAT, Dyke Road Park, Brighton</b>	Hove Park	Outdoor theatre
16 <sup>th</sup> July 13	<b>Circus Street, Brighton</b>	Queen's Park	Pre-application proposed re- development

**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.**



**PLANS LIST 08 January 2014****BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED  
BY THE HEAD OF PLANNING & PUBLIC PROTECTION FOR EXECUTIVE  
DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING UNDER  
DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS  
COMMITTEE DECISION****PATCHAM****BH2013/02703****45 Heston Avenue Brighton**

Certificate of lawfulness for proposed hip to gable roof extension and enlargement of rear dormer.

**Applicant:** Sathees Navaratnam

**Officer:** Mark Thomas 292336

**Approved on 02/12/13 DELEGATED**

**BH2013/03016****6 Old Court Close Brighton**

Remodelling of existing bungalow to create two storey house.

**Applicant:** Paul Beere

**Officer:** Wayne Nee 292132

**Approved on 03/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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 further details and samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

**3) UNI**

The roof light windows in the west elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with 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	436a(PL)1	a	26 November 2013
Existing and proposed front elevations	436a(PL)2		03 September 2013
Existing and proposed elevations rear and sides	436a(PL)3	a	26 November
Site and block plan	436a(PL)4		03 September 2013

### **BH2013/03233**

#### **169 Surrenden Road Brighton**

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

**Applicant:** Geraldine Hicks

**Officer:** Chris Swain 292178

**Approved on 06/12/13 DELEGATED**

#### **1) UNI**

The proposed rear extension and associated alterations is permitted under Schedule 2, Part 1, Classes A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

### **BH2013/03254**

#### **4 Glenfalls Avenue Brighton**

Erection of a single storey rear extension.

**Applicant:** Mr Matt Lewery

**Officer:** Robin Hodgetts 292366

**Approved on 03/12/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH03.03**

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

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

#### **3) UNI**

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

#### **4) UNI**

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

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

Plan Type	Reference	Version	Date
-----------	-----------	---------	------

			Received
Existing and proposed plans and elevations	01	B	27/11/13

**BH2013/03322**

**41 Woodbourne Avenue Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer with Juliet balcony and front rooflights.

**Applicant:** Mr & Mrs O'Donoghue

**Officer:** Chris Swain 292178

**Approved on 27/11/13 DELEGATED**

**BH2013/03323**

**1 Ballards Mill Close Brighton**

Erection of single storey garden room in rear garden.

**Applicant:** Glenn Murray

**Officer:** Anthony Foster 294495

**Approved on 26/11/13 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
As Existing & Location Plan	2.02		30/09/2013
Proposed Garden Room	2.01		30/09/2013

**BH2013/03359**

**7 Brangwyn Drive Brighton**

Demolition of existing garage and erection of a two storey front extension with pitched roof.

**Applicant:** Mr P Gower

**Officer:** Wayne Nee 292132

**Refused on 05/12/13 DELEGATED**

**1) UNI**

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 received listed below:

Plan Type	Reference	Version	Date Received
Site plan	600/AR		10 October 2013
Block plan	601/AR		10 October 2013
Existing elevations	BD/03		02 October 2013

Existing plans	BD/04		02 October 2013
Proposed elevations	BD/05		02 October 2013
Proposed plans	BD/06		02 October 2013

**BH2013/03421**

**32A Warmdene Road Brighton**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mr & Mrs Topping

**Officer:** Sue Dubberley 293817

**Approved on 05/12/13 DELEGATED**

**BH2013/03423**

**7 Greenfield Crescent Brighton**

Erection of two storey side extension. Raised decking and replacement of existing rear door to bi-folding doors.

**Applicant:** Mr Nick Murray

**Officer:** Robin Hodgetts 292366

**Approved on 05/12/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the eastern (side) 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
Location plan			07/10/13
Block plan			07/10/13
Existing plans	20		07/10/13
Proposed plans	21	A	15/11/13
Existing and proposed elevations	22	A	15/11/13

**BH2013/03599**

**27 Beechwood Close Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating dormer to

Report from: 21/11/2013 to: 11/12/2013



rear with Juliet balcony, dormer to side and rooflights to side roofslopes.

**Applicant:** Mr Paul Fisher  
**Officer:** Wayne Nee 292132  
**Approved on 05/12/13 DELEGATED**

### **BH2013/03788**

#### **103 Lyminster 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 4.6m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 3.4m.

**Applicant:** Mr Chouduri  
**Officer:** Andrew Huntley 292321  
**Prior approval not required on 05/12/13 DELEGATED**

## **PRESTON PARK**

### **BH2013/02124**

#### **Co-op 269 Preston Drove Brighton**

Display of 2no externally illuminated fascia signs (Part retrospective)

**Applicant:** Co-operative Retail Services Ltd  
**Officer:** Wayne Nee 292132  
**Approved on 02/12/13 DELEGATED**

#### **1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

#### **2) BH10.02**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

#### **3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.*

#### **4) BH10.04**

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.*

#### **5) BH10.05**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning*

*(Control of Advertisements) (England) Regulations 2007.*

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**BH2013/02776**

**9 Upper Hamilton Road Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2010/03227.

**Applicant:** Mike Stimpson Properties

**Officer:** Sue Dubberley 293817

**Approved on 27/11/13 DELEGATED**

**BH2013/03362**

**157-159 Preston Road Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to form 22no residential units.

**Applicant:** Cross Stone Securities Ltd

**Officer:** Anthony Foster 294495

**Prior approval not required on 26/11/13 DELEGATED**

**BH2013/03374**

**Rear of 375 Ditchling Road Brighton**

Application for variation of condition 2 of application BH2013/00210 (Application to extend time limit for implementation of previous approval BH2010/00358 for demolition of existing garage and erection of detached chalet bungalow.) to allow for minor material amendments.

**Applicant:** Richard Brain

**Officer:** Adrian Smith 290478

**Approved on 05/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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 garage hereby approved shall be used only for the parking of private vehicles or for purposes incidental to the enjoyment of the dwellinghouse and for no business or industrial use whatsoever.

*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**

Access to the flat roof over the detached garage 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**

Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement submitted on the 12th February 2010 shall be implemented in strict accordance with the approved details.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

#### **5) UNI**

The development hereby permitted shall be constructed in accordance with the materials detailed on drawing nos. GA03 & GA04 received on 07 November 2013, drawing no. GA10 received on 02 October 2013; and the following materials samples as received on 05 November 2013:

Brick (dark grey stock);

Marley modern flat grey interlocking concrete roof tile;

White render;

Sweet Chestnut timber weatherboarding;

Grey UPVC window frames;

Marshalls Perfecta smooth grey stone slabs; and

Marshalls light grey brick pavers.

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

#### **6) UNI**

The development hereby permitted shall be completed in full accordance the landscaping plan detailed on drawing no.GA10 received on 2 October 2013. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

#### **7) UNI**

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

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

#### **8) UNI**

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.*

**9) UNI**

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

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

**10) UNI**

The development hereby permitted shall be carried out in accordance with 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	2063/P204	B	16/04/2010
Existing Location Plan, Block Plan and Site Sections	2063/E201	A	23/02/2010
Site plan and floor plan	GA02		10/10/2013
Proposed floor plan	GA01		02/10/2013
Proposed elevations	GA03		07/11/2013
Proposed elevations and section	GA04		07/11/2013
Landscaping plan	GA10		02/10/2013

**11) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

*Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**12) UNI**

The windows within the rear dormer window 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.*

**13) UNI**

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

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

#### **14) UNI**

Unless otherwise agreed in writing by the Local Planning Authority the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **BH2013/03386**

##### **36 New England Road Brighton**

Conversion, extension and reconfiguration of existing shop and 4no bed maisonette to form studio flat at lower ground floor, ground floor shop with office, first and second floor maisonette and 2 bed dwelling to rear with associated alterations.

**Applicant:** Mr Simon Farncombe

**Officer:** Adrian Smith 290478

**Refused on 05/12/13 DELEGATED**

##### **1) UNI**

The proposed roof terrace access stairwell, by virtue of its bulk and form projecting above the raised parapet, represents an excessively scaled and harmful addition that would relate poorly to the roof form of the building to the detriment of the appearance of the building and street scene, contrary to policy QD14 of the Brighton & Hove Local Plan.

##### **2) UNI2**

The proposed basement flat, by virtue its limited northerly outlook and inadequate natural light, would provide an unsatisfactory standard of residential accommodation, which as a result fails to meet the likely needs of future occupiers. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

##### **3) UNI3**

The proposed development, by virtue of the proximity of windows in the rear lightwell, would result in significant overlooking and noise disturbance between occupiers of the proposed house and maisonette, contrary to policy QD27 of the Brighton & Hove Local Plan.

#### **BH2013/03564**

##### **2A Stanford Road Brighton**

Replacement of existing timber windows and door with UPVC windows and composite door.

**Applicant:** Ms Hannah Poland

**Officer:** Emily Stanbridge 292359

**Approved on 02/12/13 DELEGATED**

##### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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			17.10.2013
Photographs			17.10.2013
Brochure Page- Door			17.10.2013
Door Quotation			17.10.2013
Bowwalker windows survey			21.11.2013
Window details			25.11.2013

### **BH2013/03567**

#### **22 Upper Hamilton Road Brighton**

Erection of a single storey rear extension with associated external alterations.

**Applicant:** Nina Kolokouri

**Officer:** Robin Hodgetts 292366

**Approved on 03/12/13 DECISION ON APPEAL**

#### **1) BH01.01**

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

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

#### **2) BH03.03**

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

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

#### **3) UNI**

No development shall take place 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.*

#### **4) UNI**

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation

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

#### **5) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing plans and elevations	100		17/10/13
Proposed plans and elevations	102		17/10/13
Location and block plans	103		28/10/13

### **BH2013/03687**

#### **70 Ashford Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rooflight to front and dormer to rear.

**Applicant:** Lesley Burgess

**Officer:** Emily Stanbridge 292359

**Approved on 27/11/13 DELEGATED**

### **REGENCY**

### **BH2013/00290**

#### **212-215 Kings Road Arches Brighton**

Installation of new shop front.

**Applicant:** Brand Shoosh

**Officer:** Helen Hobbs 293335

**Refused on 03/12/13 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.*

#### **1) UNI**

The replacement shopfront, due to its inappropriate design, detailing and use of materials, would poorly relate to the important character of the Kings Road Arches and fails to preserve or enhance the character and appearance of the street scene and surrounding Old Town Conservation Area. The proposal is therefore contrary to policies QD1, QD2, QD10 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Document 02, shop front design.

### **BH2013/02367**

#### **51-53 West Street Brighton**

Installation of 1 no air conditioning external condenser unit to flat roof.

**Applicant:** Lloyds Banking Group

**Officer:** Christopher Wright 292097

**Approved on 21/11/13 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 development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Location Plan & Block Plan	50450613-AR0 1-SP-0101		15 Jul 2013
Existing Elevation	0101		15 Jul 2013
Existing First Floor Plan	0002		15 Jul 2013
Proposed First Floor Plan	1002		15 Jul 2013
Proposed Elevation	1101		15 Jul 2013

### **BH2013/03279**

#### **15 Middle Street Brighton**

Creation of additional entrance to front and other associated works.

**Applicant:** Castletime Limited

**Officer:** Robin Hodgetts 292366

**Approved on 21/11/13 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 samples of the ceramic tiling to be used in the cladding of the stall riser hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

#### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
External elevations	7357-03	B	22/10/13

### **BH2013/03287**

#### **37 West Street Brighton**

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

**Applicant:** Tortilla LTD

**Officer:** Robin Hodgetts 292366

**Approved on 25/11/13 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.

Report from: 21/11/2013 to: 11/12/2013



*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

**2) BH10.02**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

**3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.*

**4) BH10.04**

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.*

**5) BH10.05**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**BH2013/03288**

**37 West Street Brighton**

Alterations to existing shopfront including replacement of entrance doors.

**Applicant:** Tortilla LTD

**Officer:** Robin Hodgetts 292366

**Approved on 25/11/13 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 and block plans	01-03		25/09/13
Existing elevations and plans	09-01		25/09/13
Existing sections	09-02		25/09/13
Proposed elevations and plans	09-03		25/09/13
Proposed sections	09-04		25/09/13

### **BH2013/03317**

#### **40 North Street Brighton**

Change of use from retail (A1) to restaurant (A3) incorporating extraction duct to rear.

**Applicant:** Brittanica Rock

**Officer:** Liz Arnold 291709

**Refused on 09/12/13 DELEGATED**

## 1) UNI

The proposed change of use from a retail unit (A1) to a restaurant (A3) would have an adverse effect in the vitality and vibrancy of the Regional Shopping Centre and will undermine its retail function, contrary to policy SR4 of the Brighton & Hove Local Plan.

### **BH2013/03364**

#### **16 Little Preston Street Brighton**

Application for Approval of Details Reserved by Conditions 6, 9, 10, 11 and 12 of application BH2013/00904.

**Applicant:** F Miah

**Officer:** Jason Hawkes 292153

**Approved on 25/11/13 DELEGATED**

### **BH2013/03392**

#### **54 Western Road Brighton**

Change of use from retail (A1) to restaurant (A3) incorporating installation of ventilation system.

**Applicant:** Wok & Go

**Officer:** Liz Arnold 291709

**Approved on 04/12/13 DELEGATED**

## 1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 change of use to an A3 premises hereby permitted does not purport or deem to authorise the provision of a home delivery service.

*Reason: In the interests of road safety and to safeguard the amenities of the locality and to comply with policies TR7 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 11:00 and 24:00 on Mondays to Saturdays and between the hours of 11:00 and 23:00 on Sundays and Bank or Public Holidays.

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

#### **4) UNI**

The Supply Air Grill within the shopfront hereby approved shall be painted to match the colour of the background within 1 month of its installation 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.*

#### **5) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan			9th October 2013
Block Plan			4th October 2013
Floor Plan	P-02R	A	9th October 2013
Elevations Rear	P-03.1R	A	9th October 2013
Rear Elevation	P-03R	A	9th October 2013
Duct Layout	P-04R	A	9th October 2013
Sections	P-05R	A	9th October 2013

#### **6) UNI**

No development shall take place until an acoustic report is submitted demonstrating that operation of the hereby approved ventilation unit shall not exceed a level 5dB below the existing LA90 background noise level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premise. 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. The development shall be carried out in accordance with the report, with any associated recommendations, and shall be maintained thereafter.

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

### **BH2013/03403**

#### **86 Western Road Brighton**

Creation of mezzanine level to facilitate change of use from bank (A2) to cafe or restaurant (A3) with installation of extract duct to existing chimney stack.

**Applicant:** Coastal Properties

**Officer:** Clare Simpson 292454

**Approved on 05/12/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

The use hereby permitted shall not be open to customers except between the hours of 08.00 to 00.00 on Mondays to Saturdays and 09.00 to 23.00 on Sundays, Bank or Public Holidays.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to*

*comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

Noise associated with all plant and machinery (including the proposed extract duct) 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(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. 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 nearby properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

No development shall commence until a scheme for waste storage and management arising from the use hereby permitted has been submitted to and approved by the Local Planning Authority in writing. The waste management and storage shall thereafter be implemented and maintenance in accordance with the approved details

*Reason: In the interest of general amenity of the area and in to protect the historic character of the listed building and the wider conservation area and to comply with policies QD27 HE1 and HE6 of the Brighton & Hove Local Plan.*

**5) UNI**

No intoxicating liquor shall be sold or supplied within the A3 unit hereby approved except to persons who are taking meals on the premises and who are seated at tables as laid out in approved drawing number 015 P1. 'Meals' means food that has been cooked or prepared and purchased within the premises. Any bar area shall be ancillary to the approved A3 restaurant use.

*Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.*

**6) 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.*

**7) UNI**

No development shall commence until a Delivery & Service Management plan detailing how the unit is to be serviced and the location and the timing of loading of deliveries has been submitted to and approved by the Local Planning Authority in writing. The deliveries and servicing plan shall thereafter be implemented in accordance with the approved details

*Reason: In the interest of general amenity and public order and to comply with policies QD27 and TR7 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
Location and block Plan	Y071-G- 001	P	17th October 2013
Existing Floor Plan	002	P	17th October 2013
Existing North Elevation	003	P	17th October 2013

Existing east and west Elevation	004	P	17th October 2013
Proposed ground and mezz	005	P	17th October 2013
Proposed North Elevation	006	P	17th October 2013
Proposed sections	007	P	17th October 2013
Roof light details	010	P	17th October 2013
Proposed roof plan	012	P	17th October 2013
Proposed Section west to east	013	P	17th October 2013
Plan showing internal seating Layout	015	P	15th December 2013

### 9) UNI

No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

### **BH2013/03518**

#### **Priory House Bartholomew Square Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to form 40no residential units.

**Applicant:** West Acre UK Investments Ltd

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 04/12/13 DELEGATED**

### **BH2013/03561**

#### **12 Powis Grove Brighton**

Replacement of existing single glazed timber windows and doors to front and rear with double glazed timber windows and doors.

**Applicant:** Mr David Wileman

**Officer:** Liz Arnold 291709

**Approved on 11/12/13 DELEGATED**

#### 1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 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 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 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			16th October 2013
Replacement Timber Doors & Windows to Front & Rear	001		16th October 2013
Product Survey Sheet			16th October 2013

**ST. PETER'S & NORTH LAINE**

**BH2012/00925**

**The Open Market Marshalls Row & Francis Street Brighton**

Application for Approval of Details Reserved by Condition 30 of application BH2010/03744 as amended by BH2013/01147.

**Applicant:** Hyde Group & The Brighton Open Market CIC

**Officer:** Maria Seale 292232

**Approved on 21/11/13 DELEGATED**

**BH2013/02083**

**Land Adj 10 New England Road & rear of 53 New England Street Brighton**

Application for Approval of Details Reserved by Conditions 4, 5, 6, 7, 8, 9, 10 and 11 of application BH2013/00245

**Applicant:** QED Capital Assets Ltd

**Officer:** Guy Everest 293334

**Split Decision on 25/11/13 DELEGATED**

**1) UNI**

Condition 4: There is insufficient detail as to how the 'street art' would be commissioned and how the installation would relate to the approved structures and wider surrounding area. The submission is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

**BH2013/02251**

**8 Over Street Brighton**

Reinstatement of light well to pavement and alteration to front bay to form new low level window with pavement light. Installation of 2no rooflights to rear roofslope.

**Applicant:** Mr Paul Haggqvist

**Officer:** Sonia Gillam 292265

**Approved on 02/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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 grate enclosing the lightwell hereby approved shall be painted black within 1 month of installation and retained as such thereafter.

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

**3) UNI**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block plan and site location plans	01		2/7/2013
Existing floor plans	02	B	13/8/2013
Existing elevations	03	C	2/7/2013
Existing sections	04	B	2/7/2013
Proposed floor plans	10	I	2/10/2013
Proposed elevations	11	D	2/10/2013
Proposed sections	12	E	2/10/2013
Proposed basement plan	13	D	2/10/2013
Proposed ground floor plan	14	F	2/10/2013
Proposed sections	18	A	2/10/2013

### 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.

### **BH2013/02838**

#### **Richmond House Richmond Road Brighton**

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.

**Applicant:** Matsim Properties Limited

**Officer:** Liz Arnold 291709

**Refused on 21/11/13 COMMITTEE**

#### 1) UNI

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.

#### 2) UNI2

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.

### **3) UNI3**

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.

### **4) UNI4**

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.

### **5) UNI5**

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.

### **6) UNI6**

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.

## **BH2013/02982**

### **20-21 York Place Brighton**

Display of 3no externally illuminated fascia signs.

**Applicant:** hiSbe

**Officer:** Emily Stanbridge 292359

**Approved on 27/11/13 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.*

## **BH2013/03117**

### **56 London Road Brighton**

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.

**Applicant:** Dominos

**Officer:** Jonathan Puplett 292525

### **Refused on 22/11/13 COMMITTEE**

#### **1) UNI**

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.

## **BH2013/03249**

## **26-28 Elder Place & 58 London Road Brighton**

Reconfiguration of existing office space and erection of one new storey above existing ground and first floors to facilitate the creation of 2no one bedroom flats, 3no two bedroom flats, 1no studio flat and associated alterations.

**Applicant:** Good Food Limited

**Officer:** Christopher Wright 292097

**Refused on 21/11/13 DELEGATED**

### **1) UNI**

The development, by reason of its scale and proximity to existing residential units in London Road, would have a negative impact on neighbour amenity in terms of having an overbearing and unneighbourly impact and causing a sense of loss of privacy that would compromise neighbour's living conditions. The proposal is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.

### **2) UNI2**

The proposal would fail to provide private usable amenity space, appropriate to the scale and character of the development, for future occupants. As a result the proposal would provide a poor standard of accommodation and would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

### **3) UNI3**

In the absence of an assessment on the impact of noise and odour from adjoining commercial uses (on London Road) and of necessary mitigation measures the development would provide a poor standard of accommodation for future occupants. The proposal is thereby contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

## **BH2013/03294**

### **114 Church Street Brighton**

Change of use of first floor and part of ground floor from retail storage area (A1) to allow for flexible use as holiday accommodation (C1) and retail display area. (Retrospective)

**Applicant:** No Walls Gallery Ltd

**Officer:** Jonathan Puplett 292525

**Approved on 09/12/13 DELEGATED**

### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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 holiday accommodation hereby approved shall be used for the purpose of short-term accommodation only and occupation by a person or persons shall be limited to less than 90 consecutive days and nights and shall be so maintained.

*Reason: The accommodation is unsuitable for long term occupation contrary to policy 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	1309/SP/01		26/09/2013
SITE PLAN	1309/SP/02		26/09/2013
EXISTING PLANS AND	1309/E /01	A	02/02/2013

ELEVATIONS			
PROPOSED PLANS AND ELEVATIONS	1309/P/01		02/02/2013

**BH2013/03337**

**15 North Road Brighton**

Display of 4no externally illuminated hanging signs.

**Applicant:** Giraffe

**Officer:** Adrian Smith 290478

**Approved on 02/12/13 DELEGATED**

**1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

**2) BH10.02**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

**3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.*

**4) BH10.04**

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.*

**5) BH10.05**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**BH2013/03353**

**Hanover House 118 Queens Road Brighton**

Installation of new door to front elevation.

**Applicant:** Freshwater Group

**Officer:** Andrew Huntley 292321

**Approved on 25/11/13 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			01.10.2013
Existing Plan			01.10.2013
Existing Elevation and Section			01.10.2013
Proposed Plan and Elevation			01.10.2013

**BH2013/03360**

**106 Dyke Road Brighton**

Display of externally illuminated fascia signs and an internally illuminated hanging sign.

**Applicant:** The Co-operative Food Group

**Officer:** Andrew Huntley 292321

**Refused on 25/11/13 DELEGATED**

**1) UNI**

The proposed signage by reason of its size, materials, design and detailing, is considered inappropriate to the character and appearance of the building and out of character with the surrounding West Hill Conservation Area. The application, as such, is contrary to policies HE9 and QD12 of the Brighton & Hove Local Plan and the Supplementary Planning Document 07 'Advertisements'.

**BH2013/03383**

**First Floor Flat 50 Vere Road Brighton**

Replacement UPVC windows to front, side and rear.

**Applicant:** Mrs Amanda Short

**Officer:** Sue Dubberley 293817

**Approved on 05/12/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan			14/10/2013
Window details and photos			03/10/2013
Product details			03/10/2013

### **BH2013/03385**

#### **68 Park Crescent Road Brighton**

Erection of single storey rear extension at lower ground floor.

**Applicant:** C Demetriou

**Officer:** Sonia Gillam 292265

**Approved on 29/11/13 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	01		04/10/2013
Block plan	02		04/10/2013
Existing floor plans	03		04/10/2013
Existing section	04		04/10/2013
Existing rear elevation	05		04/10/2013
Existing east elevation	06		04/10/2013
Existing west elevation	07		04/10/2013
Proposed rear elevation	15		29/11/2013
Proposed ground and first floor plans	23		04/10/2013
Proposed lower ground floor plan	24		04/10/2013
Proposed section	25		04/10/2013
Proposed side elevation west	27		04/10/2013

### **WITHDEAN**

### **BH2013/01800**

#### **Park Manor London Road Brighton**

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

**Applicant:** Anstone Properties Ltd

**Officer:** Jason Hawkes 292153

**Approved after Section 106 signed on 27/11/13 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 & Location Plan	A1413/01	B	24th June 2013
Existing Sixth Floor Plan	A1413/02	A	4th June 2013
Existing East Elevation	A1413/03	A	24th June 2013
Existing West Elevation	A1413/04		24th June 2013
Existing S & N Elevations	A1413/05	A	24th June 2013
Proposed Seventh Floor Plan	A1413/07		4th June 2013
Proposed Seventh Floor Plan	A1413/08	A	4th June 2013
Proposed East Elevation	A1413/09	B	4th June 2013
Proposed West Elevation	A1413/10	A	4th June 2013
Proposed S & N Elevations	A1413/11	B	4th June 2013
Existing Roof Plan	A1413/12	A	4th June 2013
Proposed Roof Plan	A1413/13	B	4th June 2013
Proposed Seventh Floor Plan	A1413/14	A	4th June 2013
Existing Parking Plan	A1413/15		24th June 2013
Parking & Cycle Store	A1413/16		24th June 2013
Comparison Plan			4th June 2013
Bike Store Details			24th June 2013

**3) UNI**

Access to the flat roof above the additional storey hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) 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.*

**5) UNI**

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

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

**6) UNI**

None of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that

each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **7) UNI**

No development shall take place until details of the proposed lift plant and machinery to be used on the premises have been submitted to and approved in writing by the Local Planning Authority. The details shall indicate the lift plant and machinery enclosed with sound-insulating materials and mounted in a way which will minimise transmission of structure borne sound. Development shall be carried out in accordance with the approved details.

*Reason: To protect residential amenity of the occupiers of the building and to comply with policy QD27 of the Brighton & Hove Local Plan.*

#### **8) UNI**

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

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

#### **9) 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.*

#### **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 residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

#### **12) 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.*

**BH2013/02757**

**45 Kingsmere London Road Brighton**

Replacement of existing crittal windows with UPVC.

**Applicant:** Mr Terry Preston

**Officer:** Emily Stanbridge 292359

**Approved on 26/11/13 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			10.10.2013
General arrangement drawings			10.10.2013
Retail survey report			10.10.2013

**BH2013/03333**

**52 Bramble Rise Brighton**

Certificate of lawfulness for proposed hip to gable roof extension to facilitate loft conversion, incorporating rear dormer and 3no front rooflights. Alterations to pitched roof of existing rear extension to form flat roof.

**Applicant:** Dr Brian Dalley

**Officer:** Helen Hobbs 293335

**Approved on 25/11/13 DELEGATED**

**1) UNI**

The development is permitted under Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**BH2013/03394**

**38A Millers Road Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to form 2no residential units.

**Applicant:** Ms Lena Johansson

**Officer:** Christopher Wright 292097

**Prior approval not required on 29/11/13 DELEGATED**

**BH2013/03415**

**Flat 18 Mandalay Court London Road Brighton**

Replacement of existing aluminium windows and balcony door with UPVC windows and balcony door (Retrospective).

**Applicant:** Mr Mina Samann



**Officer:** Emily Stanbridge 292359

**Approved on 28/11/13 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 and block plans	200.100	A	15.10.2013
Pre-existing floor plan and elevations	200.101	A	20.11.2013
Existing floor plans and elevations	200.102	B	20.11.2013

**BH2013/03433**

**23 Tongdean Rise Brighton**

Erection of part one, part two storey front extension and side extension, two storey rear extension and associated decking and landscaping.

**Applicant:** Garth Williams

**Officer:** Christopher Wright 292097

**Refused on 04/12/13 DELEGATED**

**1) UNI**

The proposed two storey front and rear extensions would, by reason of their siting, design, height, scale and massing, have an unduly dominant, discordant and unsympathetic relationship to the form and character of the host building, to the detriment of visual amenity and the appearance of the street scene. As such the proposal is contrary to the requirements and objectives of policies QD1 and QD14 of the Brighton & Hove Local Plan and SPD12: Design guidance for extensions and alterations.

**BH2013/03566**

**2A Colebrook Road Brighton**

Certificate of Lawfulness for existing loft conversion incorporating rear dormer and front and rear rooflights and alterations to elevations.

**Applicant:** PDH Developments

**Officer:** Jason Hawkes 292153

**Approved on 05/12/13 DELEGATED**

**BH2013/03597**

**7 Compton 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 3.43m, for which the maximum height would be 3.30m, and for which the height of the eaves would be 2.65m.

**Applicant:** Elizabeth Vasiliou

**Officer:** Robin Hodgetts 292366

**Prior approval not required on 29/11/13 DELEGATED**

**BH2013/03688**

**113 Valley Drive Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.61m, for which the maximum height would be 4m, and for which the height of the eaves would be 2.65m.

**Applicant:** Mr & Mrs Philippe Epifanoff

**Officer:** Sonia Gillam 292265

**Prior approval not required on 02/12/13 DELEGATED**

**BH2013/03689**

**113 Valley Drive Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.38m, for which the maximum height would be 3.58m, and for which the height of the eaves would be 2.52m.

**Applicant:** Mr & Mrs Philippe Epifanoff

**Officer:** Sonia Gillam 292265

**Prior approval not required on 02/12/13 DELEGATED**

**BH2013/03789**

**21 Clermont Road Brighton**

Certificate of Lawfulness for existing use solely as a residential dwelling.

**Applicant:** Mr & Mrs A Atkinson

**Officer:** Liz Arnold 291709

**Approved on 06/12/13 DELEGATED**

**1) UNI**

On the balance of probability, the whole property has been occupied as a residential use continually for a period of more than 4 years.

**EAST BRIGHTON**

**BH2012/03364**

**1 Manor Road Brighton**

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

**Applicant:** Guinness Developments Ltd

**Officer:** Anthony Foster 294495

**Approved after Section 106 signed on 11/12/13 COMMITTEE**

**1) UNI**

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

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

**2) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, development

of the new build residential units shall not commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

### **3) UNI**

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

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

### **4) UNI**

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

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

### **5) UNI**

No development shall take place until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in strict accordance with the approved details and timetable agreed.

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

### **6) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the intended boundary wall and doors and gates (none should open out across the public highway).

*Reason: In the interest of highway safety and to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies TR7, QD2 and QD15 of the Brighton & Hove Local Plan.*

### **7) UNI**

Prior to the commencement of development on site, detailed drawings, including levels, sections, clearances, gradients, radius's, vehicle swept-path analysis and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting are to be provided to the Planning Authority and be subject to its approval. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption are constructed to standards at, or at least close to, adoptable standards.

*Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policy TR7 of the Brighton & Hove Local Plan.*

**8) 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 prior to the commencement of construction. The plan shall also include measures to minimise the impact deliveries and servicing have on the transport network. All deliveries and servicing shall thereafter be carried out in accordance with the approved plan.

*Reason: In order to ensure that the vehicles that service and deliver to the development are of a suitable size and to ensure the safe operation of the highway network, and thus the protection of the amenity of nearby residents, in accordance with policies QD27, SU10, and TR7 of the Brighton & Hove Local Plan.*

**9) UNI**

No works shall take place until a Method Statement and Specification of Works for the retention, protection and repair of all boundary walls during construction works (except those hereby approved to be demolished) have been submitted to and agreed in writing by the Local Planning Authority

*Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area in accordance with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

**10) 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.

**11) 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.*

#### **12) UNI**

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

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

#### **13) UNI**

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

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

#### **14) UNI**

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

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

#### **15) UNI**

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

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

(vii) Following the annual survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:

(viii) Identify someone to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

#### **16) 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.*

#### **17) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan	EX_001		26/10/2012
Existing Site Plan	EX_002		26/10/2012
Existing Floor Plans Basement Floor Plan	EX_003	A	26/10/2012
Existing Floor Plans Ground Floor Plan	EX_004	A	26/10/2012
Existing Floor Plans First Floor Plan	EX_005	A	26/10/2012
Existing Floor Plans Second Floor Plan	EX_006	A	26/10/2012
Existing Floor Plans Third Floor Plan	EX_007	A	26/10/2012
Existing Floor Plans Roof Plan	EX_008	A	26/10/2012
Existing Elevations St Augustines - Block D	EX_009	A	26/10/2012
Existing Elevations Villa Maria - Block C	EX_010	A	26/10/2012
Existing Elevation Site Elevations	EX_011		26/10/2012
Geotech Survey	1 of 1		26/10/2012
Site Plan Roof Plan	PL_001	A	26/10/2012
Site Plan Ground Floor Layout	PL_002	C	26/10/2012
Block A Floor Plans	PL_003	A	26/10/2012
Blocks B & C Floor Plans	PL_004	B	26/10/2012
Blocks D & E1-10 Floor Plans	PL_005	B	26/10/2012
Blocks D & E1-10 Floor Plans	PL_006	A	26/10/2012
Blocks D & E1-10 Floor Plans	PL_007		26/10/2012
Block E Units E11-E20 Floor Plans	PL_008	A	26/10/2012
Block E Units E11-E20 Floor Plans	PL_009	A	26/10/2012
Block A Elevations	PL_010	A	26/10/2012
Blocks B & C Elevations	PL_011	A	26/10/2012
Block D Elevations	PL_012	A	26/10/2012

Block E Elevations (E1-E5)	PL_013	A	26/10/2012
Block E Elevations (E6-E10)	PL_014	A	26/10/2012
Block E Elevations (E11-E16)	PL_015	A	26/10/2012
Block E Elevations (E17-E20)	PL_016	A	26/10/2012
Site Elevations	PL_017	A	26/10/2012
Site Sections	PL_018	B	26/10/2012

### **18) 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 alteration or replacement of any window, door or roof on any elevation, nor the addition of a front porch, nor any change to front boundaries, nor the demolition or alteration of any chimney other than that expressly authorised by this permission shall be carried out.

*Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

### **19) UNI**

The new dwellings shall be constructed to Lifetime Homes standards.

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

### **20) 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.*

### **21) UNI**

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

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

### **22) UNI**

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

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

### **23) UNI**

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, including windows and sills, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

**24) 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.*

**25) UNI**

No development shall commence until details of a mitigation strategy to ensure nesting birds and roosting bats are not disturbed during the demolition and construction phases of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

*Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.*

**26) UNI**

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development of which a minimum of one-third of the trees shall be medium to heavy standard, 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.*

**BH2013/01654**

**22 -23 St Georges Road Brighton**

Alterations to shopfront including installation of UPVC automatic swing doors to entrance, new entrance ramp with step and colour alterations to shopfront.

**Applicant:** The Co-operative Group

**Officer:** Chris Swain 292178

**Refused on 27/11/13 DELEGATED**

**1) UNI**

The development would result in a reduction in the width of the adopted highway. Insufficient width remains to allow pedestrians to pass freely on the footway, resulting in an increased danger to users of the public highway. As such, the proposal fails to comply with policies TR7, TR8 and TR13 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed steel railings by reason of their inappropriate, utilitarian design and excessive scale would result in an unsympathetic and overly dominant alteration that would harm the appearance and character of the building, the street scene and the wider East Cliff Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**3) UNI3**

The proposed uPVC doors and associated panelling by reason of their material



and detailing would detract from the appearance and character of the building, the street scene and the wider East Cliff Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Shopfronts (SPD02).

### **BH2013/02106**

#### **Court Royal Mansions 1 Eastern Terrace Brighton**

Conversion of lower ground floor storage area into 1no one bedroom flat, pitched roof extension to create 1no two bedroom flat, alterations to main entrance and window openings and associated works.

**Applicant:** Court Royal Mansions Ltd

**Officer:** Sue Dubberley 293817

**Refused on 06/12/13 DELEGATED**

#### **1) UNI**

The application fails to demonstrate that the lower ground floor flat would receive adequate natural light. In addition it is considered that the units would have a poor outlook onto the under pavement vaults, leading to a sense of enclosure. 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.

#### **2) UNI2**

The proposed two dormers are of differing designs and are both poorly designed. Cumulatively the dormers would dominate the appearance of the roof rather than appearing as sympathetic additions to the roof and would harm the appearance and character of the listed building and the East Cliff Conservation Area. The development is therefore contrary to policies HE1, HE6, QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

#### **3) UNI3**

The proposed rooflights on the conical roof by virtue of their size and appearance would be unsympathetic additions to the proposed roof and would also result in a cluttered appearance that would harm the appearance and character of the listed building and the East Cliff Conservation Area. The development is therefore contrary to policies HE1, HE6, QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions .

#### **4) UNI4**

The proposed cycle parking has been at lower ground level in under pavement vaults is not practical as it would require a bicycle to be carried down a flight of stairs. The development is therefore contrary to policy TR14 which seeks to ensure cycle parking is convenient to use.

### **BH2013/02107**

#### **Court Royal Mansions 1 Eastern Terrace Brighton**

Conversion of lower ground floor storage area into a 1 no. one bedroom flat. Pitched roof extension to create 1 no. two bedroom flat. Alterations to main entrance and window openings and associated works.

**Applicant:** Court Royal Mansions Ltd

**Officer:** Sue Dubberley 293817

**Refused on 06/12/13 DELEGATED**

#### **1) UNI**

The proposed two dormers are of differing designs and are both poorly designed and fail to respect the character of the listed building. Cumulatively the dormers would dominate the appearance of the roof rather than appearing as sympathetic additions to the roof and would harm the appearance and character of the listed

building. The development is therefore contrary to policies HE1 of the Brighton & Hove Local plan.

### **2) UNI2**

The proposed rooflights on the conical roof by virtue of their size and appearance would be unsympathetic additions to the proposed roof and would also result in a cluttered appearance that would harm the appearance and character of the listed building. The development is therefore contrary to policies HE1 of the Brighton & Hove Local plan.

### **3) UNI3**

The application fails to provide sufficient information to allow a full assessment of the proposed new basement window with no proper elevation shown of the window in situ. In the absence of further details it is considered that the application fails to demonstrate that the new window would not harm the appearance and character of the listed building. The development is therefore contrary to policies HE1 of the Brighton & Hove Local plan.

## **BH2013/02996**

### **Whitehawk Football Club Enclosed Ground East Brighton Park Wilson Avenue Brighton**

Replacement of floodlight luminaries.

**Applicant:** Whitehawk Football Club

**Officer:** Jonathan Puplett 292525

**Approved on 27/11/13 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 floodlighting hereby approved shall only be in use between the hours of 14:00 and 23:00 daily. Reason: To restrict impact upon biodiversity, to safeguard the amenities of the occupiers of adjoining properties and to comply with policies NC4, QD17, QD18, QD25 and QD27 of the Brighton & Hove Local Plan.

#### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN	(01) 01-01		09/01/2013
COVERING LETTER			12/09/2013
LIGHTING STUDY	LD7847		30/08/2013
LAMP SPECIFICATION	NMN2000HQI-T/645		30/08/2013

## **BH2013/03002**

### **2 Chichester Place Brighton**

Replacement of tiling to front entrance.

**Applicant:** Juliette Wright

**Officer:** Wayne Nee 292132

**Approved on 25/11/13 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.*

**BH2013/03181**

**Peter Pan's Adventure Golf Madeira Drive Brighton**

Remodelling of existing adventure golf course to provide 2 x 18 hole courses including a raised level with 4 holes.

**Applicant:** Angus Wright

**Officer:** Wayne Nee 292132

**Approved on 11/12/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan			16 September 2013
Proposed sections	13/495/06	C	09 December 2013
Proposed 3D views	13/495/07	A	16 October 2013
Ground level plan	13/495/08	C	09 December 2013
Upper level plan	13/495/09	C	09 December 2013
Existing plan & section	13/495/10	A	16 October 2013

**BH2013/03405**

**St Marys Hall Eastern Road Brighton**

Installation of CCTV system incorporating external wall mounted cameras and associated wiring and installation of 2no maximum 6.5 metre high masts with cameras.

**Applicant:** Brighton & Sussex University Hospitals NHS Trust

**Officer:** Mick Anson 292354

**Approved on 09/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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 CCTV cameras hereby approved which are no longer required shall be removed from the site and the land or buildings made good.

*Reason: In order to prevent unnecessary visual clutter on the land or buildings and to comply with Policy QD27 of the Brighton and 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	AL600	Rev K	11.10.13
Site Block Plan locates CCTV Cameras	AL601	Rev J	11.10.13
CCTV Camera details	CO.01	Rev P2	14.10.13
CCTV Camera Operational Requirement Document Updated 09.09.13			07.10.13
Design and Access Statement		Revision A	14.10.13

### **BH2013/03406**

#### **St Marys Hall Eastern Road Brighton**

Installation of CCTV system incorporating internal wall mounted cameras and associated wiring to lower ground and ground floors of main building.

**Applicant:** Brighton & Sussex University Hospitals NHS Trust

**Officer:** Mick Anson 292354

**Approved on 09/12/13 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 CCTV cameras hereby approved which are no longer required shall be removed from the building and the walls and internal surfaces made good.

*Reason: To minimise unnecessary visual clutter and 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.*

### **BH2013/03408**

#### **Flat 2 115-116 Marine Parade Brighton**

Internal alterations to layout of flat. (Retrospective)

**Applicant:** Mr Pryke

**Officer:** Sue Dubberley 293817

**Approved on 04/12/13 DELEGATED**

#### **1) BH01.05**

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

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

### **BH2013/03466**

#### **Top Floor 4 Portland Place Brighton**

Replacement of 6no windows at the second and top floor front elevation.

**Applicant:** Joanne Dunn  
**Officer:** Sonia Gillam 292265  
**Refused on 04/12/13 DELEGATED**

**1) UNI**

The replacement windows, by virtue of their design, frame and glazing bar profile and, in the case of 'window 6', material, would have an adverse impact on the historic and architectural merit of the Grade II Listed Building, and also on the group of buildings of which it is part. Furthermore, the proposal would fail to preserve or enhance the character or appearance of the East Cliff Conservation Area. The proposal is thereby contrary to policies HE1, HE4 and HE6 of the Brighton & Hove Local Plan, and the Council's Supplementary Planning Guidance documents SPD09 Architectural Features and SPD12 Design guide for Extensions and Alterations.

**BH2013/03486**

**Flats 5 & 6 5-6 Clarendon Terrace Brighton**

Internal alterations to layout of flats incorporating removal of spiral staircase connecting flats 5 and 6 and reinstatement of floor to separate the two flats.

**Applicant:** Eleanor Harries  
**Officer:** Andrew Huntley 292321

**Approved on 02/12/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.

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

**BH2013/03560**

**2 St Marys Square Brighton**

Replacement of all windows and doors to the front and rear. Relocation and replacement of front door.

**Applicant:** Jean Haining  
**Officer:** Andrew Huntley 292321

**Approved on 03/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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			18.10.2013
Block Plan			18.10.2013
Rear Doors			18.10.2013

Window Schedule			18.10.2013
Window Detail			18.10.2013
Double Door Detail			18.10.2013
Existing and Proposed Ground Floor Plan			18.10.2013
Existing and Proposed Elevations			18.10.2013

**BH2013/03644**

**37 Upper Abbey Road Brighton**

Loft conversion incorporating rear dormer and 2no rooflights to front. (Retrospective)

**Applicant:** David Phillips

**Officer:** Emily Stanbridge 292359

**Refused on 06/12/13 DELEGATED**

**1) UNI**

The proposed rear dormer, by reason of its size, bulk and design, is considered to form an unacceptable alteration to the roof slope of the property that would adversely affect the character and appearance of the dwelling. In addition the roof lights to the front elevation are drawn inaccurately and do not align with the fenestration below. As such, the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

**HANOVER & ELM GROVE**

**BH2013/02841**

**The Phoenix Wellesley House 10-14 Waterloo Place Brighton**

Display of externally illuminated screen mesh scaffolding shroud. (Retrospective)

**Applicant:** The Phoenix Brighton

**Officer:** Jonathan Puplett 292525

**Refused on 02/12/13 DELEGATED**

**1) UNI**

The proposed continued display of a large advertising shroud beyond a strictly temporary period during the course of development works, in the absence of a current planning permission for works to the building, and in the absence of sufficient evidence to demonstrate the construction works are to take place along with their duration, is considered to represent an overly prominent advertisement which would harm the appearance of the application property, the character of the Valley Gardens Conservation Area, and the setting of listed buildings in the vicinity of the application site including Grade II\* Listed St Peter's Church. The proposal is therefore considered to be contrary to policies QD13 and HE9 of the Brighton & Hove Local Plan and to the guidance set out in SPD07.

**BH2013/02995**

**131 Islingword Road Brighton**

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.

**Applicant:** CIP (Hampstead) Ltd

**Officer:** Wayne Nee 292132

**Approved on 22/11/13 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
Existing site plan	E01		03 September 2013
Existing plans	E02		30 August 2013
Existing elevations	E03		30 August 2013
Proposed site plan	P01		30 August 2013
Proposed plans	P02	A	01 October 2013
Proposed elevations	P03		03 September 2013
Existing pubs	P04		10 October 2013

**3) UNI**

The reinstated entrance door to the northern unit (Unit 2) hereby permitted shall exactly match the design and detailing of the existing doors.

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

**4) 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 to households and to comply with policy TL013 of the Brighton & Hove Local Plan.*

**5) UNI**

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

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

**6) UNI**

No development shall take place until full details, including a 1:20 drawing, of the boundary wall hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The boundary wall shall have a short pillar at each corner with pillar caps, to match exactly the street scene. 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.*

**7) UNI**

Notwithstanding the submitted details, 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 not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall include an EST Home Energy Report, and how the development would reduce water consumption and minimise surface water run-off. 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**

No development shall take place until full details of the two additional light wells have been submitted to and approved in writing by the Local Planning Authority, including the material and finish for the covering and what the adjacent paved surface will be formed of. 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.*

**BH2013/03673**

**101 Queens Park Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.35m, and for which the height of the eaves would be 2.15m.

**Applicant:** Mr and Mrs Hopkins

**Officer:** Chris Swain 292178

**Prior approval not required on 09/12/13 DELEGATED**

**HOLLINGDEAN & STANMER**

**BH2013/03414**

**6 Woodview Close Brighton**

Erection of two storey side and rear extension.

**Applicant:** Mrs Susan Mills

**Officer:** Robin Hodgetts 292366

**Refused on 03/12/13 DELEGATED**

**1) UNI**

1. The proposed extension by reason of its design, siting and proximity to the boundary would lead to the dwelling appearing overextended and of an unusual form and would result in the development having an adverse visual impact on the appearance and character of the existing property which would be obtrusive and highly visible in the street scene. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guide for extensions and alterations.

**BH2013/03510**

**Units 1A-3 Pavilion Retail Park Lewes Road Brighton**

Formation of new entrance areas incorporating installation of new shopfronts to east elevation, vehicle entrance doors to south elevation, re-cladding and reconfiguration of car parking.

**Applicant:** Aviva Investors Ltd

**Officer:** Sue Dubberley 293817



**Approved on 11/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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	1149-030		15/10/2013
Existing block plan	1149-031		15/10/2013
Existing plans	1149-032		15/10/2013
Proposed plans	1149-033	A	25/11/2013

**MOULSECOOMB & BEVENDEAN**

**BH2013/02720**

**17 Eastbourne Road Brighton**

Erection of two storey rear extension.

**Applicant:** Gary Ablewhite

**Officer:** Anthony Foster 294495

**Refused on 10/12/13 DELEGATED**

**1) UNI**

The scale of the proposal would result in overly large and bulky addition, which do not relate well to the existing dwelling by reason of the flat roof design, width, depth and height, and the scheme would result in an overextended appearance to the property. The two-storey element would also create an awkward arrangement at the junction where the proposed flat roof would meet the existing pitched roof over the main dwelling. Therefore, the proposal is unacceptable in terms of design and would be harmful to the character and appearance of the host dwelling and the wider area. As such, the proposal is contrary to policies QD2 & QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**2) UNI2**

The proposed extension, by reason of its height, massing, bulk and siting, would lead to an increased sense of enclosure to the neighbouring occupiers and would have an overbearing impact leading to a loss of residential amenity, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**BH2013/03300**

**77 Moulsecoomb Way Brighton**

Display of 1no internally illuminated fascia sign and 1no internally illuminated wall mounted sign.

**Applicant:** Mr Nasser Bandar

**Officer:** Andrew Huntley 292321

**Refused on 10/12/13 DELEGATED**

**1) UNI**

In the absence of detailed elevation drawings, the accuracy and detail of the photomontages submitted are insufficient to fully assess the impact of the proposed signage on visual amenity and the character of the area. As such, the

proposal is contrary to the requirements of policies QD12 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document 07 'Advertisements'.

### **2) UNI2**

Notwithstanding the first reason for refusal, the proposed advertisements would, by virtue of their number, siting in relation to the existing shopfront and unsympathetic design, size and bulk, would result in a proliferation of extraneous visual clutter and detract from the character and appearance of the area to the detriment of local amenity. In addition, the internal illumination of these advertisements at 2000cd/m<sup>2</sup> would exacerbate the harm caused. Therefore, the proposals are contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 'Advertisements'.

### **3) UNI3**

Notwithstanding the first reason for refusal, the proposed advertisements should not exceed 1600cd/m<sup>2</sup> in the interests of highway safety and to comply with guidance from the Institute of Lighting Engineers (Technical Report No.5 - The Brightness of Illuminated Advertisements). The proposed signs, with a luminance of 2000cd/m<sup>2</sup> would be detrimental to highway safety, especially having regard to the pedestrian crossing adjacent to the building. Therefore, the proposals are contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 'Advertisements'.

## **BH2013/03718**

### **57 Staplefield Drive Brighton**

Installation of platform lift to front garden.

**Applicant:** Jeffrey Rye

**Officer:** Emily Stanbridge 292359

**Approved on 10/12/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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 works hereby permitted shall be implemented only on behalf of Mr. Jeffrey Rye. The platform lift shall be wholly removed from the premises within 3 months of the cessation of occupation of 57 Staplefield Drive by Mr Jeffrey Rye.

*Reason: This permission is granted exceptionally in view of the personal circumstances of the occupier to the property and to protect the character and appearance of the property and wider street scene in accordance with 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 map			30.10.2013
Ramped access	1239/1-01		30.10.2013
Platform lift	1239/1-02		30.10.2013

## **QUEEN'S PARK**

### **BH2013/01911**

#### **Brighton College Eastern Road Brighton**

Report from: 21/11/2013 to: 11/12/2013

Construction of permanent access road from Walpole Road for fire tender vehicle access only and new wrought iron gates to boundary wall/railings on Walpole Road.

**Applicant:** Brighton College

**Officer:** Anthony Foster 294495

**Approved on 10/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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**

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.*

**4) UNI**

Prior to the restoration of the sections of boundary wall hereby permitted to be removed, a sample panel to include brickwork, flintwork, lime mortar and jointing details shall be erected in situ for inspection and approval in writing by the Local Planning Authority. The work to each section of the boundary wall should be carried out in accordance with the agreed sample panels.

*Reason: To ensure the satisfactory reinstatement and preservation of this Listed boundary wall and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**5) UNI**

The development hereby permitted shall not be commenced until full details of the Gerda lock have been submitted to and approved in writing by the Local Planning Authority. These lock shall be fully installed prior to the use of the access, and shall thereafter be retained for use at all times.

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

**6) UNI**

The access hereby approved shall only be used by the emergency services and by no other vehicle.

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

**7) UNI**

All existing brickwork, flints and other historic features of the wall hereby permitted to be removed shall be carefully removed where possible and then cleaned and stored in a safe dry place until ready for reinstatement. Where necessary any new materials shall match as closely as possible the existing materials to be reinstated.

*Reason: To ensure the satisfactory preservation of this Grade II Listed boundary wall and to comply with policy HE1 of the Brighton & Hove Local Plan.*

### 8) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	00 064	P0	03/06/2013
Existing Access to Walpole Road	05 110	P1	03/06/2013
Proposed Access to Walpole Road	05 111	P1	03/06/2013
Detail Elevations & Sections Existing Consented Condition	02 065	P1	03/06/2013
Contextual Elevation, East - Existing, During Construction and Post Completion, Including proposed fire tender access gate		P2	22/10/2013
Section Through Existing Ramp and Steps	02 066	P1	03/06/2013
Section Through Existing Terraced Bank	02 067	P1	03/06/2013
Fire Tender Access, Layout Plan Proposed Gate and Ramp	01 074	P2	22/10/2013
Fire Tender Access, Layout Detail Elevations & Sections Proposed Gate and Ramp	02 075	P2	22/10/2013
Section Through Ramp Retaining Wall	02 077	P2	22/10/2013
Section Trough Proposed Ramp	02 076	P1	03/06/2013
Proposed Fire Tender Access Ramp Site Plan	1180 DRG 900 [T3]		03/06/2013
Proposed Fire Tender Access Ramp Site Plan	1180 DRG 901 [T3]		03/06/2013

### 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.*

**BH2013/01912**

**Brighton College Eastern Road Brighton**

Construction of permanent access road from Walpole Road for fire tender vehicle access only and new wrought iron gates to boundary wall/railings on Walpole Road.

**Applicant:** Brighton College

**Officer:** Anthony Foster 294495

**Approved on 10/12/13 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 restoration of the sections of boundary wall hereby permitted to be removed, a sample panel to include brickwork, flintwork, lime mortar and jointing details shall be erected in situ for inspection and approval in writing by the Local Planning Authority. The work to each section of the boundary wall should be carried out in accordance with the agreed sample panels.

*Reason: To ensure the satisfactory reinstatement and preservation of this Listed boundary wall and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

All existing brickwork, flints and other historic features of the wall hereby permitted to be removed shall be carefully removed where possible and then cleaned and stored in a safe dry place until ready for reinstatement. Where necessary any new materials shall match as closely as possible the existing materials to be reinstated.

*Reason: To ensure the satisfactory preservation of this Grade II Listed boundary wall and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2013/02647**

**Stag Inn 33 Upper Bedford Street Brighton**

Application for approval of details reserved by conditions 6-14 inclusive of application BH2013/01403.

**Applicant:** PGIS Ltd

**Officer:** Jonathan Puplett 292525

**Split Decision on 05/12/13 DELEGATED**

**1) UNI**

The sustainability certificates required by condition 9 have not been submitted.

**BH2013/02753**

**Second Floor Tremayne 21 St James Avenue Brighton**

Conversion of 2no bed-sitting rooms to form 1no one bedroom flat on second floor.

**Applicant:** Bayleaf Homes Ltd

**Officer:** Jonathan Puplett 292525

**Approved on 25/11/13 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 PLAN			09/08/2013
BLOCK PLAN			09/08/2013
EXISTING AND PROPOSED FLOOR PLANS			09/08/2013

**BH2013/03308**

**Montague House Montague Place Brighton**

Alterations to existing car park including erection of a cycle shelter, revised layout and resurfacing.

**Applicant:** Brighton & Hove City Council Property & Design

**Officer:** Jonathan Puplett 292525

**Approved on 27/11/13 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 AND BLOCK PLAN	001		27/09/2013
EXISTING FLOOR AND CAR PARK PLANS	300		02/10/2013
PROPOSED FLOOR AND CAR PARK PLANS	301	B	25/11/2013
EXISTING AND PROPOSED EAST ELEVATION	302		02/10/2013
EXISTING AND PROPOSED SOUTH ELEVATION	303	A	25/11/2013
CYCLE SHELTER DETAILS			27/09/2013
CYCLE STAND DETAILS			27/09/2013

**BH2013/03319**

**48 Richmond Street Brighton**

Certificate of Lawfulness for proposed single storey rear extension to replace existing extension.

**Applicant:** Dan and Cath Jurkovic

**Officer:** Chris Swain 292178

**Approved on 27/11/13 DELEGATED**

**BH2013/03370**

**16 Old Steine Brighton**

Display of externally illuminated fascia signs and non illuminated projecting signs.

**Applicant:** G S Sub Ltd

**Officer:** Adrian Smith 290478

**Approved on 02/12/13 DELEGATED**

**1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

**2) BH10.02**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

**3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.*

**4) BH10.04**

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.*

**5) BH10.05**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**8) UNI**

The fascia panels, lettering and hanging signs shall have a matt finish and be retained as such thereafter.

*Reason: To safeguard the appearance and character of the area in accordance with policies QD12 & HE9 of the Brighton & Hove Local Plan.*

**BH2013/03451****25 West Drive Brighton**

Installation of rooflights to side and rear.

**Applicant:** Mr & Mrs Boyd Wilkins

**Officer:** Chris Swain 292178

**Approved on 04/12/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with 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, first and roof plan, existing elevations, location and block plans	1172013/01		9 October 2013
Proposed ground, first and second floor plans	1172013/02	A	7 November 2013
Proposed roof conversion and internal alterations	1172013/03	A	3 December 2013

**BH2013/03764****25-28 St James's Street Brighton**

Non material amendment to BH2010/02012 to change sliding doors on each elevation to side hung casement to comply with lifetime homes, disabled access, secured by design and code level.

**Applicant:** Denne Construction

**Officer:** Jonathan Puplett 292525

**Approved on 11/12/13 DELEGATED**

**ROTTINGDEAN COASTAL****BH2013/01909****126 Westfield Avenue North Saltdean Brighton**

Application for Approval of Details Reserved by Conditions 4, 5, 7, 9, 11, 14 and 15 of application BH2009/02176.

**Applicant:** Robert Lawrence

**Officer:** Anthony Foster 294495

**Approved on 29/11/13 DELEGATED**

**BH2013/02537****Flat 6 Princes Mansions 31 Sussex Square Brighton**

Installation of railings to enclose balcony to rear elevation.

**Applicant:** 31 Sussex Square Ltd



**Officer:** Jonathan Puplett 292525

**Refused on 22/11/13 DELEGATED**

**1) UNI**

The installation of the proposed railings would form a balcony area, use of which would cause noise and disturbance to occupants of the neighbouring residential units in the immediate vicinity of the property such as those of the flats directly above and below within the application building. The proposed development would cause significant harm to neighbouring amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/02538**

**Flat 6 Princes Mansions 31 Sussex Square Brighton**

Installation of railings to enclose balcony to rear elevation.

**Applicant:** 31 Sussex Square Ltd

**Officer:** Jonathan Puplett 292525

**Approved on 22/11/13 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 railings hereby approved shall be painted black within one month of installation and shall be retained as such thereafter.

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

**3) UNI**

Notwithstanding the details shown in the approved drawings, no works shall take place until a revised drawing has been submitted to and approved in writing by the Local Planning Authority showing the railings fixed to the top of the parapet wall. Works shall be carried out in accordance with the details shown in the approved revised drawing and shall be retained as such thereafter.

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

**BH2013/03106**

**Pavillion Bristol Place Brighton**

Application for approval of details reserved by conditions 6 and 8 of application BH2013/01194.

**Applicant:** Anthony Dale Trust

**Officer:** Sue Dubberley 293817

**Approved on 21/11/13 DELEGATED**

**BH2013/03195**

**Flat 2 33 Sussex Square Brighton**

Application for Approval of Details Reserved by Conditions 2, 3 and 4 of application BH2012/03468

**Applicant:** Michael Richardson

**Officer:** Liz Arnold 291709

**Approved on 21/11/13 DELEGATED**

**BH2013/03361**

**Bush Mews Arundel Road Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to form 10no residential units.

**Applicant:** Liam Russell Architects  
**Officer:** Christopher Wright 292097

**Prior Approval is required and is refused on 02/12/13 DELEGATED**

**1) UNI**

The change of use 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).

**2) UNI2**

In accordance with the provisions of paragraph N (8)(c) of Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, prior approval for the change of use from office to residential is required and hereby refused because it has not been demonstrated that the site will not be contaminated land. As such the proposal is contrary to policy SU11 of the Brighton & Hove Local Plan 2005.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Existing Location and Block Plan	0889-PA-000		01/10/2013
Existing Floor Plan	0889-PA-001		01/10/2013
Existing Elevations and Section and Artist Impressions	0889-PA-002		01/10/2013
Existing Solar on Site	0889-PA-003		01/10/2013
Proposed Location & Block Plan & Ground Floor Plan & First Floor Plan	0889-PA-010		01/10/2013
Proposed Elevations and Sections	0889-PA-011		01/10/2013
Proposed Solar on Site	0889-PA-012		01/10/2013
Transport Statement			01/10/2013
GroundSure Data	GS-1076557		01/10/2013

**BH2013/03382**

**Norton Cottage The Green Rottingdean Brighton**

Alterations to front elevation including enlargement of existing balcony incorporating glazed balustrading, installation of new entrance doors and replacement of garage door with a window.

**Applicant:** Mr & Mrs C Mears  
**Officer:** Wayne Nee 292132

**Refused on 27/11/13 DELEGATED**

**1) UNI**

The proposed enlargement of the balcony would be an inappropriate alteration to an existing non-traditional feature of the property. Its prominence, form, design and materials would have a significantly harmful impact on the historic character of the Rottingdean Conservation Area. Furthermore, the proposed uPVC fenestration, by reason of their chunky material, would be inappropriate modern additions to the property. The proposal is therefore contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

Report from: 21/11/2013 to: 11/12/2013

The proposed enlargement of the balcony, due to its extended depth and its location close to the neighbouring boundary of The Grange to the south, would represent an un-neighbourly and overbearing addition for nearby residents by reason of increased overlooking and loss of privacy towards the front elevation windows of this neighbouring property. 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.

**BH2013/03398**

**21 Lenham Road West Brighton**

Demolition of existing dwelling and garage and erection of 4 bed detached dwelling.

**Applicant:** Mr Nick Wells

**Officer:** Chris Swain 292178

**Refused on 10/12/13 DELEGATED**

**1) UNI**

The proposed dwelling by reason of its design, scale, massing, bulky roof form and the excessive size of the front rooflight, would result in the development appearing overly dominant and obtrusive within the street scene. The proposal would relate poorly to the existing built form within the locality and, as such, would detract significantly from the character and appearance of the surrounding area, contrary to policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed development by virtue of the increase in height, depth and bulk, and its close proximity to the adjoining property, No.19 Lenham Road West, would be an unneighbourly form of development resulting in an unacceptably overbearing impact and a detrimental sense of enclosure to this property. As such the proposal is contrary to policy and QD27 of the Brighton & Hove Local Plan.

**BH2013/03413**

**19 Lustrells Vale Brighton**

Erection of two storey rear extension.

**Applicant:** Katie Balls

**Officer:** Chris Swain 292178

**Refused on 05/12/13 DELEGATED**

**1) UNI**

The proposed addition, by reason of scale, design, roof form, bulk and height would result in an unsympathetic and overly dominant addition that relates poorly to the existing building and detracts from the appearance and character of the property 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 (SPD12).

**2) UNI2**

The proposed first floor windows and rooflights to the side and rear at first floor level would result in significant overlooking and loss of privacy towards the adjoining properties, Nos. 17 and 21 Lustrells Vale and their respective gardens. 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).

**BH2013/03542**

**40 Saltdean Drive Brighton**

Formation of hardstanding with steps to side including demolition of front

boundary wall to create vehicle access.

**Applicant:** Mark Washington

**Officer:** Jonathan Puplett 292525

**Approved on 10/12/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The new crossover and access shall be constructed prior to the first use of the hardstanding hereby permitted.

*Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN AND SITE PLAN			15/10/2013
BLOCK PLAN			15/10/2013
EXISTING AND PROPOSED ELEVATIONS	003		15/10/2013
EXISTING AND PROPOSED ELEVATIONS	004		15/10/2013
EXISTING FLOORPLAN	005		15/10/2013
PROPOSED FLOORPLAN	006		21/11/2013

**BH2013/03679**

**35 Victory Mews The Strand Brighton Marina Brighton**

Certificate of Lawfulness for proposed conversion of garage into habitable room with associated alterations to front fenestration.

**Applicant:** Mr John Dennington

**Officer:** Adrian Smith 290478

**Approved on 02/12/13 DELEGATED**

**BH2013/03792**

**82 Eley Drive Rottingdean Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer, side window and 2no rooflights to front roof slope.

**Applicant:** Colin Aitken

**Officer:** Adrian Smith 290478

**Approved on 02/12/13 DELEGATED**

**WOODINGDEAN**

**BH2013/02651**

**Phase 6 Woodingdean Business Park Sea View Way Brighton**

Application for Approval of Details Reserved by Conditions 9, 10, 16 and 17 of application BH2012/03050.

**Applicant:** Nick Kay

**Officer:** Andrew Huntley 292321

Report from: 21/11/2013 to: 11/12/2013

**Approved on 02/12/13 DELEGATED**

**BH2013/03307**

**14 Briarcroft Road Brighton**

Erection of a single storey side extension with a pitched roof.

**Applicant:** Mr Cranfield

**Officer:** Robin Hodgetts 292366

**Refused on 25/11/13 DELEGATED**

**1) UNI**

Notwithstanding inaccuracies on the submitted plans the proposed extension by reason of its excessive footprint, scale, siting and design in relation to the existing property is considered to form an uncharacteristic and inappropriate addition which would cause an overly extended appearance to the property. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guide for extensions and alterations.

**BH2013/03464**

**137 Crescent Drive North 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 3m, and for which the height of the eaves would be 2.3m.

**Applicant:** Mr & Mrs Zaidi

**Officer:** Chris Swain 292178

**Prior approval not required on 21/11/13 DELEGATED**

**BH2013/03489**

**11 Midway Road Brighton**

Erection of a single storey rear extension with a pitched roof and associated external alterations including erection of raised timber decking to side and rear elevations with balustrade and steps down to rear garden.

**Applicant:** FCM Renovations Limited

**Officer:** Adrian Smith 290478

**Refused on 25/11/13 DELEGATED**

**1) UNI**

The proposed rear extension and terrace, by virtue of their scale and depth, would result in a dominating and enclosing presence on the rear aspect to No.9 Midway Road and would afford intrusive views into the rear garden and windows of 128 Warren Road, thereby resulting in a significant loss of amenity exacerbated by the level change through the site, contrary to policies QD14 & QD27 of the Brighton & Hove Local Plan.

**BH2013/03575**

**80 Crescent Drive North Brighton**

Erection of two storey rear extension incorporating balconies at ground and first floor level and hip to gable roof extension with 4no dormers.

**Applicant:** Mr & Mrs Ous

**Officer:** Adrian Smith 290478

**Refused on 27/11/13 DELEGATED**

**1) UNI**

The proposed extensions, by virtue of their design, scale and massing at the rear of the building, represent excessively bulky and harmful additions that would fail to respect the design, scale and proportions of the host building detracting from its appearance and that of the wider area, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

## **2) UNI2**

The proposed rear extension, side dormer windows and balconies, by virtue of their scale, position, design and massing, would have an oppressive and overbearing impact for occupiers of adjacent properties resulting in a loss of outlook and privacy, contrary to policy QD27 of the Brighton & Hove Local Plan.

### **BH2013/03907**

#### **565 Falmer Road Brighton**

Certificate of lawfulness for proposed single storey side extension to replace existing garage with associated roof alterations.

**Applicant:** Heather McCready

**Officer:** Adrian Smith 290478

**Approved on 05/12/13 DELEGATED**

## **BRUNSWICK AND ADELAIDE**

### **BH2013/01412**

#### **Flat 2 6 Brunswick Terrace Hove**

Damp proofing works to existing coal sheds and new drainage to alleyway and coal sheds.

**Applicant:** Mr John Harwood

**Officer:** Helen Hobbs 293335

**Approved on 29/11/13 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 external finishes of the floors 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.*

#### **3) UNI**

Notwithstanding the submitted drawings the replacement inspection cover, as identified on drawing no. 1246 PO2A, shall be cast iron.

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

### **BH2013/02205**

#### **Brighton & Hove Progressive Synagogue 6 Lansdowne Road Hove**

Demolition of existing building with retention of front facade.

**Applicant:** Brighton & Hove Progressive Synagogue

**Officer:** Christopher Wright 292097

**Approved on 21/11/13 DELEGATED**

#### **1) BH01.04**

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

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

#### **2) BH12.08**

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following

commencement of demolition in accordance with a scheme for which planning permission has been granted.

*Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.*

**BH2013/03019**

**Garage South of 30 Farm Road Hove**

Erection of one bedroom house to replace existing garage.

**Applicant:** Sunland Properties Ltd

**Officer:** Liz Arnold 291709

**Approved on 27/11/13 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, 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 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.*

**3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed within the east or north elevations 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 staircase windows in the eastern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the stairs, 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 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.*

**6) 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.*

**7) UNI**

Unless otherwise agreed in writing, and other than the provision of an entrance level WC, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to first occupation and shall be retained as such thereafter.

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

**8) UNI**

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

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

**9) UNI**

The 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.*

**10) 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.*

**11) 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 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 not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby



permitted and shall thereafter be retained for use at all times.

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

**13) UNI**

No development shall take place until 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.*

**14) UNI**

The development hereby permitted shall be undertaken in accordance with the Demolition Statement and Construction and Demolition Waste Statement received on the 30th August 2013 and the Waste Minimisation Statement received on the 2nd October 2013 and the

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**15) 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.*

**16) UNI**

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.*

**17) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan			2nd October 2013
Block Plan			2nd October 2013
Existing Elevations	Ref 001/01-65BP- FR-		2nd October 2013
Existing Plan (Garage)	Ref 001-65BP-FR-		30th August 2013

Proposed Ground Plan, First Floor Plan	Ref 002-65BP-FR. AMN2		21st 2013	November
Proposed Foundation Plan, Proposed Roof Plan	Ref 003-65BP-FR. AMN1		19th 2013	November
Front Elevation, Side Elevation	Ref 004-65BP-FR. AMN2		21st 2013	November
Section A, Rear Elevation	Ref 005-65BP-FR. AMN2		21st 2013	November
Details 1, 2, 3, 4 and 5	Ref 006-65BR-FR. AMN1		19th 2013	November
Details 1	Ref. 006/1, 65BR-FR. AMN1		19th 2013	November
Detail 2	Ref. 006/2, 65BR-FR. AMN1		19th 2013	November
Detail 3	Ref. 006/3, 65BR-FR. AMN1		19th 2013	November
Detail 4	Ref. 006/4, 65BR-FR. AMN1		19th 2013	November
Details 5	Ref. 006/5, 65BR-FR		19th 2013	November
Proposed Sky View	Ref 007-65BP-FR. AMN1		19th 2013	November
Outline of 30 Farm Road to the Proposed Property	Ref 008-65BP-FR. AMN2		21st 2013	November

### **BH2013/03046**

#### **Flat 3 26 Adelaide Crescent Hove**

Internal alterations to layout of flat.

**Applicant:** Mr Brendan Mullee

**Officer:** Anthony Foster 294495

**Approved on 05/12/13 DELEGATED**

#### **1) BH01.05**

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

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

#### **2) UNI**

Any internal or external drainage pipes and/or ventilation equipment associated with the existing kitchen shall be removed and surrounding areas made good to match the existing finish.

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

**BH2013/03226**

**Flat 1 49 Brunswick Square Hove**

Installation of air vent to front elevation. (Retrospective).

**Applicant:** Dr Robert Towler

**Officer:** Steven Lewis 290480

**Refused on 25/11/13 DELEGATED**

**1) UNI**

1. The vent as installed is visually prominent within the street scene. The alien appearance of the vent, together with its positioning, level of projection and materials/finish is inappropriate to its context and has caused significant harm to the special historical and architectural character and significance of the Grade I Listed Building. The development is thereby contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Document 09 'Architectural Features.'

**BH2013/03256**

**Third Floor Flat 54 Lansdowne Place Hove**

Internal alterations to layout of flat.

**Applicant:** Mr E Allision-Wright

**Officer:** Robin Hodgetts 292366

**Approved on 25/11/13 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 new kitchen fittings shall be placed around, and shall not cut through or otherwise disrupt, existing skirtings, covings or other such mouldings.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

**BH2013/03351**

**Flat 3 1-2 Adelaide Mansions Hove**

Internal alterations to layout of flat and replacement of external entrance door.

**Applicant:** House of Wolf

**Officer:** Clare Simpson 292454

**Approved on 28/11/13 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**

Notwithstanding the proposed detail submitted with the application, no works shall take place until full details of the proposed new doors including 1:20 scale sample elevations and 1:1 scale joinery profiles the proposed internal doors and 1:1 scale joinery detail of the proposed external door have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2013/03363****Flat 3 1-2 Adelaide Mansions Hove**

Replacement of external entrance door.

**Applicant:** House of Wolf**Officer:** Clare Simpson 292454**Approved on 28/11/13 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 proposed detail submitted with the application, no works shall take place until full details of the mouldings for proposed new external door including 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and 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 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 Location Plan			30th September 2013
Block Plan			30th September 2013
Existing and proposed basement floor plan	1355/ 01	A	26th November 2013
Existing and proposed sections	1355/02	A	27th November 2013
Details	1355/03		30th September 2013

**BH2013/03381****3-4 Western Road Hove**

Prior approval for change of use from offices (B1) to residential (C3) to form 6no residential units.

**Applicant:** Mr Ahmed El-Ahwal**Officer:** Christopher Wright 292097**Prior Approval is required and is approved on 28/11/13 DELEGATED****CENTRAL HOVE****BH2013/02745****Flat 45 4 Grand Avenue Hove**

Application for Approval of Details Reserved by Condition 2 of application BH2013/00954.

**Applicant:** Colum Clinton**Officer:** Helen Hobbs 293335**Approved on 04/12/13 DELEGATED**

Report from: 21/11/2013 to: 11/12/2013

**BH2013/03084**

**Specsavers Opticians 83 and 84 George Street Hove**

Display of illuminated projecting and fascia signs.

**Applicant:** Specsavers Optical Stores

**Officer:** Robin Hodgetts 292366

**Approved on 21/11/13 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**

The advertisements hereby approved shall have an illuminance level of no more

than 600 cd/m<sup>2</sup>. Reason: To safeguard the amenity of neighbouring residents in accordance with policies QD12 and TR7 of the Brighton & Hove Local Plan and SPD07.

**BH2013/03085**

**Specsavers Opticians 83 and 84 George Street Hove**

Installation of new shop front.

**Applicant:** Specsavers Optical Stores

**Officer:** Robin Hodgetts 292366

**Approved on 21/11/13 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 shopfront details	822-PL01	A	26/09/13
Proposed shopfront details	822-PL02	B	14/11/13
Proposed plans	822-PL03		26/09/13
Existing plans and elevations	351/4010		09/09/13

**BH2013/03138**

**Flat 6 29 Tisbury Road Hove**

Replacement of existing windows with UPVC double glazed windows to rear elevation.

**Applicant:** Miss Joanne Withy

**Officer:** Clare Simpson 292454

**Approved on 25/11/13 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
Shaws window specification			18th September 2013
Technical specification: Esteem			1st October 2013
Esteem windows section			1st October 2013
Photo schedule 1 and 2			1st October 2013

**BH2013/03324**

**9 Seafield Road Hove**

Installation of metal hand rail to front entrance.

**Applicant:** Christopher Sullivan

**Officer:** Robin Hodgetts 292366

**Approved on 05/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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 railing hereby approved shall be painted black and retained as such thereafter.

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

**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			27/09/13
Proposed details	1281/5/	A	21/10/13

**BH2013/03417**

**26 Fourth Avenue Hove**

Creation of glazed enclosure to front porch.

**Applicant:** Mr Edward Telesford

**Officer:** Christopher Wright 292097

**Approved on 03/12/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the porch enclosure 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: As insufficient information has been submitted, to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			8 Oct 2013
Site Block Plan	1306/C10		8 Oct 2013

Plans & Elevations - as Existing	1306/SR01		8 Oct 2013
Plan & Elevations - as Proposed	1306/C11		8 Oct 2013

**BH2013/03430**

**71 Blatchington Road Hove**

Alteration to existing shopfront including relocation of entrance door.

**Applicant:** Richard Caidlow

**Officer:** Steven Lewis 290480

**Approved on 25/11/13 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			07/10/2013
Block Plan			07/10/2013
Elevations and Floor Plans			07/10/2013

**BH2013/03563**

**119 Church Road Hove**

Application for Approval of Details Reserved by conditions 3, 7 and 8 of application BH2013/02074

**Applicant:** Mr Elvis Kire

**Officer:** Helen Hobbs 293335

**Refused on 11/12/13 DELEGATED**

**1) UNI**

1. Insufficient information has been submitted to demonstrate compliance with condition 7 and as such the requirements of condition 7 have not been met, contrary to policies QD1 and QD16 of the Brighton & Hove Local Plan.

**2) UNI2**

2. The submitted large scale details of the roof frame are not considered acceptable and as such would not meet the requirements of condition 8, contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.

**BH2013/03643**

**44 Belfast 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 4.9m, for which the maximum height would be 3.9m, and for which the height of the eaves would be 3m.

**Applicant:** Mr James Hunt

**Officer:** Steven Lewis 290480

**Prior approval not required on 03/12/13 DELEGATED**



## **GOLDSMID**

### **BH2013/03017**

#### **56 The Drive Hove**

Recovering of flat roof incorporating insulation.

**Applicant:** Spoolfinder Ltd

**Officer:** Anthony Foster 294495

**Refused on 28/11/13 DELEGATED**

#### **1) UNI**

The proposed increase in the height of the roof, detailing, and materials would be out of scale with adjoining properties, resulting in an incongruous feature to the detriment of the existing building, and untypical of the historic roof profile expected along the skyline which would be discordant to the character of the existing house and be detrimental to the visual amenity of the street scene and the surrounding The Drive Conservation Area contrary to policies QD1, QD2, HE1 HE3, and HE6 of the Brighton & Hove Local Plan.

### **BH2013/03018**

#### **56 The Drive Hove**

Recovering of flat roof incorporating insulation.

**Applicant:** Spoolfinder Ltd

**Officer:** Anthony Foster 294495

**Refused on 28/11/13 DELEGATED**

#### **1) UNI**

The proposed increase in the height of the roof, proposed detailing, and materials would, result in an incongruous feature, untypical of the historic roof profile to the detriment of the existing Grade II listed building, contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan.

### **BH2013/03168**

#### **Police Station Holland Road Hove**

Application for approval of details reserved by conditions 7 and 10 of application BH2013/01860.

**Applicant:** Brighton & Hove City Council

**Officer:** Adrian Smith 290478

**Approved on 03/12/13 DELEGATED**

### **BH2013/03246**

#### **27 Wilbury Crescent Hove**

Erection of dormers to side and rear, installation of 1no rooflight to front and infilling of first floor window to side.

**Applicant:** Mr Stephen Strafford

**Officer:** Clare Simpson 292454

**Refused on 21/11/13 DELEGATED**

#### **1) UNI**

Policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Documents 12 'Design Guide for Extension and Alterations'(SPD12) requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The proposed side dormer is aligned off-centre and proposed be of a zinc finish which relates poorly to the existing roof from of the property. It will be highly visible when viewed from the east and would result in prominent, incongruous and inappropriately positioned alteration to the roof of the recipient property. The

proposed development would harm the appearance of the property and the wider street scene. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12.

**BH2013/03315**

**Basement Flat 46 Wilbury Road Hove**

Erection of single storey rear extension and creation of terrace to front garden area.

**Applicant:** Shelley Hunter

**Officer:** Mark Thomas 292336

**Approved on 25/11/13 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 and block plans	199.100.a		27th September 2013
Existing floor plan	199.101		27th September 2013
Existing section and side elevation	199.102		27th September 2013
Existing front and rear elevations	199.103		27th September 2013
Proposed floor plan	199.104.a		27th September 2013
Proposed section and side elevation	199.105.a		27th September 2013
Proposed front and rear elevations	199.106.a		27th September 2013

**BH2013/03335**

**2 Melville Road Hove**

Certificate of lawfulness for proposed conversion of 2no flats to single dwelling, with alterations including replacement rear conservatory and loft conversion with front and rear rooflights and rear dormer.

**Applicant:** Mr Julian Fry

**Officer:** Helen Hobbs 293335

**Split Decision on 03/12/13 DELEGATED**

**1) UNI**

Grant a lawful development certificate for conversion of 2no flats to 1 dwelling, rear dormer and rooflights for the following reason:

1.The conversion from 2 flats to a single dwellinghouse is not considered a material change of use and is therefore not classed as 'development' as specified in Part III, Section 55 of the Town and Country Planning Act 1990. Furthermore, the dormer and rooflights are permitted under Schedule 2, Part 1, Classes B and C of the Town & Country Planning (General Permitted Development) Order 1995, as amended.

### 1) UNI

Refuse a lawful development certificate for proposed rear conservatory for the following reason:

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

### **BH2013/03354**

#### **187 Dyke Road Hove**

Prior approval for change of use from offices (B1) to residential (C3) to form 4no residential units.

**Applicant:** R T Williams Insurance Brokers Ltd

**Officer:** Christopher Wright 292097

**Prior approval not required on 25/11/13 DELEGATED**

### **BH2013/03465**

#### **2 Highdown Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.85m, for which the maximum height would be 3.14m, and for which the height of the eaves would be 2.5m.

**Applicant:** Ms Shirley Waldron

**Officer:** Helen Hobbs 293335

**Prior Approval is required and is approved on 21/11/13 DELEGATED**

### **BH2013/03521**

#### **54B Goldstone Road Hove**

Replacement of existing timber windows and doors with UPVC windows and doors at basement level.

**Applicant:** Mr Stephen Ward

**Officer:** Jason Hawkes 292153

**Approved on 02/12/13 DELEGATED**

### 1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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
Photographic Schedule			15th October 2013
Proposed Window Drawings			15th October 2013
Location Plan			15th October 2013
Synerjy Specification Guide			21st October 2013

### **BH2013/03549**

#### **1 Addison Road Hove**

Creation of dormer to rear elevation. (Part retrospective).

**Applicant:** Hove Property Services

**Officer:** Emily Stanbridge 292359

Report from: 21/11/2013 to: 11/12/2013

**Approved on 06/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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 window within the rear dormer hereby approved shall be obscurely glazed and there after permanently retained as such.

*Reason: In the interests of the amenities to neighbouring occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

The window within the rear dormer as shown on drawing No D.001 Rev A, received on 28/11/2013 shall be fully installed within 3 months of the date of this permission.

*Reason: To ensure a satisfactory appearance of the development and to comply with policy QD1 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 as existing	A.002		17.10.2013
As existing	A.001		17.10.2013
As proposed	D.001	A	28.11.2013

**BH2013/03691**

**Flat 5 57 Cromwell Road Hove**

Certificate of Lawfulness for an existing roof terrace to rear.

**Applicant:** Mr Karl Schwick

**Officer:** Mark Thomas 292336

**Approved on 27/11/13 DELEGATED**

**HANGLETON & KNOLL**

**BH2013/03204**

**The Cottage Gladys Road Hove**

Erection of rear extension at first floor level and conversion into 2no flats with associated external alterations.

**Applicant:** Mrs Sally Barber

**Officer:** Steven Lewis 290480

**Refused on 21/11/13 DELEGATED**

**1) UNI**

The proposal would result in the loss of a small family dwellinghouse capable of family occupation, where there remains a high demand for suitably sized family accommodation. The development fails to satisfy the criteria of Policy HO9 as the original floor area of the dwelling is less than 115 sq. m and it has not been adequately demonstrated that the dwelling was built with four or more bedrooms contrary to policy HO9 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed extension by reason of its form, siting and the surroundings would have a harmful impact upon the amenities of adjacent occupiers by reason of an increased presence and perceived overlooking of adjacent properties, contrary to

policies QD14 and QD27 of the Brighton & Hove Local Plan.

### **3) UNI3**

The proposed extension by reason of its scale, form and detailing is considered poorly designed and would harm the appearance of the building and visual amenity of the area, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

### **4) UNI4**

The proposed flats by reason of their limited floor space, layout and dimensions of the rooms would result in a poor standard of living accommodation for the occupiers, contrary policies QD27 and HO4, HO5, HO9 and HO13 of the Brighton & Hove Local Plan.

## **BH2013/03312**

### **Sainsburys Old Shoreham Road Hove**

Display of 3 no illuminated fascia signs and 3 no non-illuminated fascia signs to single storey standalone retail unit.

**Applicant:** Sainsburys Supermarkets Ltd

**Officer:** Steven Lewis 290480

**Approved on 21/11/13 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.*

**BH2013/03313**

**Sainsburys Old Shoreham Road Hove**

Erection of single storey standalone retail unit.

**Applicant:** Sainsburys Supermarkets Ltd

**Officer:** Jason Hawkes 292153

**Approved on 21/11/13 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	CHQ.13.10285 -PL01		27th September 2013
Existing Site Plan	CHQ.13.10285 -PL02		27th September 2013
Proposed Site Plan	CHQ.13.10285 -PL03		27th September 2013
Existing & Proposed Detail Plans	CHQ.13.10285 -PL04		27th September 2013
Proposed Timpson Pod Details	CHQ.13.10285 -PL05		27th September 2013
Existing & Proposed Elevations	CHQ.13.10285 -PL06		27th September 2013
Proposed Elevations			27th September 2013

**BH2013/03343**

**1 Isabel Crescent Hove**

Erection of a two storey two bedroom semi detached dwelling.

**Applicant:** Alex Lalljee

**Officer:** Helen Hobbs 293335

**Approved on 28/11/13 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 dwelling hereby permitted shall match in material, colour, style, bonding and texture those of No. 1 Isabel Crescent.

*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**

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.*

**4) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

**5) 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 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.*

**6) 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 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.*

**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 and block plan	TA713/01		1st October 2013
Block and site plan	TA713/02		1st October 2013
Existing ground floor plan	TA713/03		1st October 2013
Existing front elevation	TA713/04		1st October 2013
Existing rear elevation	TA713/05		1st October 2013
Existing side elevation	TA713/06		1st October 2013
Existing rear elevation	TA713/07		1st October 2013
Existing front elevation	TA713/08		1st October 2013
Proposed floor plans	TA713/10		1st October 2013
Proposed front elevation	TA713/11		1st October 2013
Proposed rear elevation	TA713/12		1st October 2013
Proposed side elevation	TA713/13		1st October 2013
Proposed side elevation	TA713/14		1st October 2013
Proposed front elevation	TA713/15		1st October 2013

### 9) UNI

No development shall commence until a scheme for sound insulation and alternative means of ventilation to the hereby approved dwellinghouse has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until construction has been completed in accordance with the agreed details. The development shall be retained as such thereafter.

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

### **BH2013/03356**

#### **126 Stapley Road Hove**

Erection of conservatory and single storey extension to the rear.

**Applicant:** Mr Sherwood & Miss Goodman

**Officer:** Helen Hobbs 293335

**Refused on 26/11/13 DELEGATED**

### 1) UNI

The proposed extensions, by virtue of their size, siting, design and roof form, relate poorly to existing property and form a discordant and overdeveloped appearance, detracting from the character and appearance of the existing dwelling and the surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide on Extensions and Alterations (SPD12).

### **BH2013/03527**

#### **3 Knoll Close Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.8m, and for which the height of the eaves would be 2.6m.

**Applicant:** My Syed Hosain

**Officer:** Mark Thomas 292336

**Prior approval not required on 27/11/13 DELEGATED**



## **NORTH PORTSLADE**

### **BH2013/03537**

#### **15 Foredown Close Portslade**

Certificate of lawfulness for proposed loft conversion incorporating rooflights to front, window to side and dormer with Juliet balcony to rear.

**Applicant:** Mrs Jacqui De-Groot

**Officer:** Emily Stanbridge 292359

**Approved on 25/11/13 DELEGATED**

## **SOUTH PORTSLADE**

### **BH2013/00284**

#### **Land Adjoining St Nicholas C of E Junior School Locks Hill Portslade**

Erection of 2no detached two storey dwellings with associated parking and landscaping.

**Applicant:** Mr T Jennings

**Officer:** Jason Hawkes 292153

**Approved on 25/11/13 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 hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive without the prior submission of a report to the Local Planning Authority which sets out the results of a survey to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. The report must first be agreed in writing by the Local Planning Authority and shall then be carried out in strict accordance with the approved details.

*Reason: To ensure that wild birds building or using their nests are protected, in accordance with QD18 of the Brighton & Hove Local Plan.*

#### **4) 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 character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.*

#### **5) UNI**

No development shall commence until details of the boundary gates onto Locks

Hill have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 & QD2 of the Brighton & Hove Local Plan.*

**6) UNI**

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

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

**7) UNI**

No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the 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 to be retained. No development or other operations shall take place except in complete accordance with the approved Construction Specification/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.*

**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 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.*

**9) UNI**

No development shall commence until full details of Lifetime Homes standards have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

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

**10) 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.

#### **11) UNI**

Notwithstanding the submitted Waste Minimisation Statement, no development shall take place until a detailed written 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.

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

#### **12) UNI**

No development shall commence 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 & Hove Local Plan.*

#### **13) 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.*

#### **14) 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.*

**15) UNI**

No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and thereafter retained.

*Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.*

**16) UNI**

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.*

**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.*

**18) 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 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.*

**19) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	P001		28th February

			2013
Site Plan with Tree Protection Area Amended	P002		6th November 2013
Ground Floor and First Floor Plan 'Narnia West'	P100 West		5th February 2013
Ground Floor and First Floor Plan 'Narnia East'	P100 East		5th February 2013
Window Heights and Eye Levels 'Narnia East'	P155		5th June 2013
Elevations 'Narnia East'	P170 East		5th August 2013
Elevations 'Narnia West'	P170 West		28th October 2013
Recessed Gutter Detail, Section Thru Truss	P100		15th August 2013
Recessed Gutter Detail, Section Thru Downpipe	P100		25th August 2013

### **BH2013/01278**

#### **Former Infinity Foods Site 45 Franklin Road & 67 67a & 67b Norway Street Portslade**

Demolition of existing buildings and construction of a three-storey commercial building (class B1 office space) and two and three storey buildings to form 31no dwellings with associated car parking, access and landscaping works.

**Applicant:** Taylor Wimpey (South West Thames) Ltd

**Officer:** Jason Hawkes 292153

**Approved after Section 106 signed on 26/11/13 COMMITTEE**

#### **1) UNI**

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

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

#### **2) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover to Franklin Road shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

#### **3) UNI**

Plan Type	Reference	Version	Date Received
Apartment Block 2BF, Front Elevation	011202-WIM-S WT-2BF-E1		22nd April 2013
Apartment Block 2BF, Side Elevation	011202-WIM-S WT-2BF-E2		22nd April 2013
Apartment Block 2BF, Side Elevation	011202-WIM-S WT-2BF-E3		22nd April 2013
Apartment Block 2BF, Rear Elevation	011202-WIM-S WT-2BF-E4		22nd April 2013
Bin / Cycle Stores Elevations & Floor Plans	011202-WIM-S WT-BS1A		13th August 2013
Commercial Building First Floor Plan	011202-WIM-S WT-COM-P2		22nd April 2013
Commercial Building Second	011202-WIM-S		22nd April 2013

Floor Plan	WT-COM-P3		
Commercial Offices, Front Elevation	011202-WIM-S WT-COM-E1		22nd April 2013
Commercial Offices, Side Elevation	011202-WIM-S WT-COM-E2		22nd April 2013
Commercial Offices, Side Elevation	011202-WIM-S WT-COM-E3		22nd April 2013
Commercial Offices, Rear Elevation	011202-WIM-S WT-COM-E4		22nd April 2013
Type D Floor Plans	011202-WIM-S WT-D-P1		22nd April 2013
Type A Floor Plans	011202-WIM-A -P1		22nd April 2013
Type B Floor Plans	011202-WIM-B -P1		22nd April 2013
House Type A & B Front, Side & rear Elevations	011202-WIM-S WT-A-B-E1		22nd April 2013
House Type C & D Rear & Side Elevations	011202-WIM-S WT-C-D-E2	A	23rd April 2013
House Type C & D Front Elevation	011202-WIM-S WT-C-D-E1	A	25th September 2013

#### 4) UNI

Plan Type	Reference	Version	Date Received
House Type G Front & Side Elevation	011202-WIM-S WT-G-E1		22nd April 2013
House Type G Front & Rear Elevation	011202-WIM-S WT-G-E2		22nd April 2013
House Type E & F Rear & Side Elevation	011202-WIM-S WT-E-F-E2		22nd April 2013
House Type E & F Front & Side Elevation	011202-WIM-S WT-E-F-E1		22nd April 2013
House Type C & D Rear & Side Elevation	011202-WIM-S WT-C-D-E2		22nd April 2013
Application Street Scenes			13th June 2013
Planting Proposals	CSa/2139/102		22nd April 2013
As Existing Arrangement Building 'No.67'	B2612/13_02		21st May 2013
As Existing Plans Building 'No.67B'	B2612/13_03		21st May 2013
As Existing Elevations 'No.67B'	B2612/13_04		21st May 2013
As Existing Arrangement Building 'No.67A'	B2612/13_05		21st May 2013
Tree Constraints Plan	8086/01/	Rev A	22nd April 2013
Topographical Survey	17398		22nd April 2013
External Works Plan	CSa/2139/103		22nd August 2013
Planting Proposals	CSa/2139/102		22nd August 2013

#### 5) UNI

The affordable housing shall be provided in accordance with the Tenure Plan drawing 011202-WIM-SWT-04/C which secures 7 affordable units.

*Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.*

**6) UNI**

The proposed development shall not commence until a scheme for the details of the provision of affordable housing, as part of the development, has been submitted to and approved in writing by the local planning authority. Save where condition 5 below applies, the affordable housing shall be provided in accordance with the approved scheme which shall include:

- i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team and for the purposes of this condition 4 and condition 5 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.*

**7) UNI**

Should all the residential units hereby approved not have been constructed to at least first floor level by the third anniversary of the date of this permission, 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:

- 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.
- iv. 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.*

**8) 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.*

**9) 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.*

**10) UNI**

The first floor side window in the elevation of the proposed dwelling hereby permitted immediately adjacent the southern boundary of the site (as indicated on drawing no.0011202-WIM-SWT-E-F-E1) shall be obscure glazed and non-opening, unless the parts of the window which can be opened is 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) 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.*

**12) 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.*

**13) UNI**

The employment/commercial building shall only be used for B1 use only and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

**14) UNI**

No deliveries or waste collection shall occur at the B1 premises except between the hours of 08:00 and 19:00 on Monday to Fridays and 09:00 and 17:00 on Saturdays, Sundays, Bank or Public Holidays.

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

**15) UNI**

The office accommodation shall not be open except between the hours of 08:00 to 19:00 Monday to Fridays and 09:00 and 17:00 on Saturdays, Sundays, Bank or Public Holidays.

*Reason: To safeguard the amenities of the locality and to comply with policies*



*SU10 and QD27 of the Brighton & Hove Local Plan.*

**16) UNI**

One of the 7 affordable units is to be built to wheelchair standards. No development shall commence until details of the wheelchair accessible unit have been submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

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

**17) UNI**

No development shall take place until a Site Waste Management Plan, 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.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policy SU13 of the Brighton & Hove Local Plan, policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.*

**18) UNI**

No works 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.*

**19) UNI**

No development shall commence until details of the proposed means of foul and surface water sewerage disposal and measures to be undertaken to divert public sewers have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the agreed details.

*Reason: To ensure that adequate surface water and foul sewerage drainage is available prior to the development commencing and to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan.*

**20) UNI**

No development shall commence until full details of the phased construction programme have been submitted and agreed in writing by the Local Planning Authority. The programme shall specify that the commercial element shall be built to shell and core prior to occupation of the residential units. The scheme shall be implemented fully in accordance with the agreed details unless otherwise agreed in writing.

*Reason: So as to ensure the implementation of the entire scheme and to comply with policies TR1, TR2, TR4, TR7, TR14, TR18, TR19, SU2, QD1, QD2, QD3, QD4, QD5, QD6, QD15, QD16, HO2, HO3, HO4, HO5, HO6 and HO13 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove Submission City Plan Part One.*

**21) UNI**

No works 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.*

#### **22) UNI**

No works shall take place above the ground floor slab level of any part of the development hereby approved until details showing the type, number, location and timescale for implementation of the compensatory bird and bat boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

*Reason: To 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.*

#### **23) UNI**

No works shall take place above the ground floor slab level of any part of the development hereby approved 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.*

#### **24) UNI**

No works shall take place above the ground floor slab level of any part of the development hereby approved until full details of Lifetime Homes standards have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

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

#### **25) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no works shall take place above the ground floor slab level of any part of the residential development hereby approved 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.*

#### **26) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no works shall take place above the ground floor slab level of any part of the commercial development hereby approved 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' of relevant BREEAM assessment for all non-residential development has been submitted to, and approved in writing by,

the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**27) UNI**

No works shall take place above the ground floor slab level of any part of the development hereby approved until a feasibility study for rainwater harvesting has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed details.

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

**28) UNI**

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

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

**29) UNI**

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

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

**30) UNI**

No works shall take place above the ground floor slab level of any part of the development hereby approved, 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.*

**31) UNI**

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

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as

appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

**32) UNI**

The development hereby permitted shall not be occupied or brought into use until

there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

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

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

### **33) UNI**

30) No works 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 hard surfacing, boundary treatments (including new 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.*

### **34) 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.*

### **35) 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 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.*

### **36) UNI**

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

BREEAM assessment within overall '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.*

### **37) UNI**

Within 6 months of occupation of the residential and commercial 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 (employees, 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.*

### **38) 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
Planning Layout	011202-WIM-S WT-01	D	25th September 2013
Information Layout	011202-WIM-S WT-02	B	13th August 2013
Storey heights Plan	011202-WIM-S WT-03	B	13th August 2013
Tenure Plan	011202-WIM-S WT-04	C	25th September 2013
Unit Types Plan	011202-WIM-S WT-05	B	13th August 2013
Location Plan	011202-WIM-S WT-06	A	13th June 2013
Refuse Strategy	011202-WIM-S WT-07		22nd April 2013
Street Scene	011202-WIM-S WT-SSCC		7th May 2013
Street Scene	011202-WIM-S WT-SSDD		13th June 2013
Street Scene	011202-WIM-S WT-SSBB		13th June 2013
Type F Floor Plans	011202-WIM-F -P1		22nd April 2013
Type E Floor Plans	011202-WIM-E -P1		22nd April 2013
Type G Floor Plans	011202-WIM-S WT-G-P1		22nd April 2013
2BF Apartments Ground Floor Plans	011202-WIM-S WT-2BF-P1		22nd April 2013
2BF Apartments First Floor Plan	011202-WIM-S WT-2BF-P2		22nd April 2013
2BF Apartments Second Floor Plans	011202-WIM-S WT-2BF-P3		22nd April 2013

**BH2013/03022****1 Victoria Park Gardens Portslade**

Erection of maximum 3ft wooden fence over existing wall. (Retrospective)

**Applicant:** Affinity Sutton**Officer:** Liz Arnold 291709**Approved on 03/12/13 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			4th September 2013
Annotated Photograph	Pic001		16th October 2013
Plan	0913/PLAN1		16th October 2013
Plan	0913/PLAN1		27th September 2013
Plan	BNP_5		4th September 2013

**BH2013/03332****21 Trafalgar Road Portslade**

Erection of single storey rear extension.

**Applicant:** R Warren**Officer:** Helen Hobbs 293335**Approved on 25/11/13 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 development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing ground floor plan, roof plans location and block plan	208TR21/01		30th September 2013
Existing rear and side elevations and section A-A	208TR21/02		30th September 2013
Proposed ground floor plan and roof plan, with the exception of the 'Existing Block Plan'	208TR21/03	A	30 <sup>th</sup> September 2013

Proposed rear and side elevations and section A-A	208TR21/04	A	30th September 2013
---	------------	---	---------------------

**BH2013/03443**

**Portslade County Infants School Locks Hill Portslade**

Application for Approval of Details Reserved by Condition 3 of application BH2013/01411.

**Applicant:** Brighton & Hove City Council

**Officer:** Christopher Wright 292097

**Approved on 03/12/13 DELEGATED**

**BH2013/03512**

**9 Vale Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.92m, for which the maximum height would be 3.625m, and for which the height of the eaves would be 2.575m.

**Applicant:** Mr & Mrs John Baring

**Officer:** Mark Thomas 292336

**Prior approval not required on 25/11/13 DELEGATED**

**HOVE PARK**

**BH2013/02616**

**Land rear of 285 Dyke Road Hove**

Erection of 1no three bedroom bungalow with access from The Droveaway.

**Applicant:** Lakeside Investments Ltd

**Officer:** Jason Hawkes 292153

**Refused on 22/11/13 COMMITTEE**

**1) UNI**

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.

**2) UNI2**

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.

**BH2013/02917**

**Cottage Hove Recreation Ground Shirley Drive Hove**

Change of use from public toilets (sui generis) to cafe (A3) incorporating erection of single storey extension and associated works.

**Applicant:** Miss Leah Keating

**Officer:** Jason Hawkes 292153

**Approved on 25/11/13 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 café hereby permitted shall not be used except between the hours of 07.00 and 19.00 on any day.

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

**3) UNI**

No deliveries or waste collections shall occur at the premises except between the hours of 08:00 and 19:00 on Monday to Saturdays and not at anytime on Sundays, Bank or Public Holidays.

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

**4) UNI**

No development shall commence on site until a scheme which provides for the retention and protection of adjacent trees has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.

*Reason: To protect the trees in the vicinity of the site, 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**

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. 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.*

**6) UNI**

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

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

**7) UNI**

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

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

**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
General Arrangement	QS-P96	B	13th November



**9) UNI**

Noise associated with plant and machinery incorporated within the development shall be controlled such that Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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

**BH2013/03284**

**Hove Rugby Football Club Hove Recreation Ground Old Shoreham Road Hove**

Application for variation of conditions 4 and 5 of application BH2012/03147 (Change of use of public toilets to offices and store room for Hove Rugby Club and external alterations to layout of doors and windows) to state that the existing toilet facilities within the Hove Rugby Football Club building shall be made available for use by members of the general public for 40 hours a week in the summer season and 50 hours a week in the winter season, and condition 5 to state that Hove Rugby Football Club would put a notice in the door or window each week displaying the toilet opening times for that week.

**Applicant:** Hove Rugby Football Club

**Officer:** Jason Hawkes 292153

**Approved on 02/12/13 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced before 5th February 2016.

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan			03/10/2012
Block Plan			03/10/2012
Existing Plans	01/1208545		22/10/2012
Existing Elevations	02/1208545		02/10/2012
Existing Elevations	03/1208545		02/10/2012
Proposed Floor Plans	04/1208545		02/10/2012
Proposed Elevation (South)	05/1208545		02/10/2012
Proposed Elevations (East & West)	06/1208545		02/10/2012

**3) UNI**

A notice shall be clearly displayed in a door or window indicating public access times for the use of the toilets by the public (including those requiring disabled access).

*Reason: To secure accessible toilets in Hove Recreation Park and in accordance with policy HO20 of the Brighton & Hove Local Plan.*

#### 4) UNI

Hove Rugby Football Club toilets shall be maintained and made available for use by the public when the rugby club, or any part thereof, is open or in use.

*Reason: To secure accessible toilets in Hove Recreation Park and in accordance with policy HO20 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.*

### **BH2013/03375**

#### **48 Hill Brow Hove**

Non Material Amendment to BH2013/00032 to changes to rear landscaping and amendment to front landscaping.

**Applicant:** Mr A Nelson

**Officer:** Helen Hobbs 293335

#### **Refused on 10/12/13 DELEGATED**

#### 1) UNI

The proposed revisions to the scheme approved under application BH2012/00032 are considered to be material and would require the submission of a further application.

### **BH2013/03380**

#### **43 The Martlet Hove**

Conversion of integral garage to living accommodation incorporating replacement of garage door with window.

**Applicant:** Mrs Maeve Berry

**Officer:** Christopher Wright 292097

#### **Approved on 11/12/13 DELEGATED**

#### 1) BH01.01

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

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

#### 2) BH03.03

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

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

#### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			16 Oct 2013
Existing and Proposed Plans & Elevations	114/13/01		02 Oct 2013

**BH2013/03412****48 Hill Brow Hove**

Erection of front porch and alterations to front garden.

**Applicant:** Mr Anthony Nelson

**Officer:** Helen Hobbs 293335

**Approved on 03/12/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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, approved and proposed plans	1214-100POR		7th October 2013
Existing, Approved and proposed elevations	1214-101POR		7th October 2013

**BH2013/03459****14 The Martlet Hove**

Installation of 4no rooflights to rear elevation.

**Applicant:** Mrs Leoni Achurch

**Officer:** Emily Stanbridge 292359

**Approved on 25/11/13 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 and Location plans	A2913/01		10.10.2013
Existing elevations	A2913/05		10.10.2013
Existing Plans	A2913/02		10.10.2013
Proposed elevations and section	A2913/04		10.10.2013
Proposed Plans	A2913/03		10.10.2013

**BH2013/03525****35 Shirley Drive Hove**

Remodelling of existing front porch, erection of first floor side extension over existing garage, replacement windows and installation of new ground floor side window on the North elevation.

**Applicant:** Mr & Mrs Peter Chadwick

**Officer:** Helen Hobbs 293335

**Approved on 11/12/13 DELEGATED****1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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	130502/SO		16th October 2013
Block plan	130502/PO	B	16th October 2013
Ground floor plan as existing	S1		16th October 2013
First floor plan as existing	S2		16th October 2013
Roof plan as existing	S3		16th October 2013
Site plan as existing	S4		16th October 2013
Front elevation as existing	S5		16th October 2013
Side elevation (south) as existing	S6		16th October 2013
Rear elevations as existing	S7		16th October 2013
Side elevation (north) as existing	S8		16th October 2013
Section A-A as existing	S9		16th October 2013
Section A-A as existing	S10		16th October 2013
Ground floor plan as proposed	P51	B	16th October 2013
First floor plan as proposed	P52	B	16th October 2013
Roof plan as proposed	P53	B	16th October 2013
Site plan as proposed	P54	B	16th October 2013
Front elevation as proposed	P55	B	16th October 2013
Side elevation (south) as proposed	P56	B	16th October 2013
Rear elevation as proposed	P57	B	16th October 2013
Side elevation (north) as proposed	P58	B	16th October 2013
Section A-A as proposed	P59	B	16th October 2013
Section A-A as proposed	P60	B	16th October 2013

**BH2013/03621**

**Unit 1 Goldstone Retail Park Newtown Road Hove**

Display of internally illuminated fascia signs.

**Applicant:** TJX Europe

**Officer:** Steven Lewis 290480

**Approved on 02/12/13 DELEGATED**

**1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

**2) BH10.02**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

**3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.*

**4) BH10.04**

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.*

**5) BH10.05**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**BH2013/03645****27 Mill Drive Hove**

Certificate of lawfulness for proposed loft conversion incorporating rooflights to front and dormers to side and rear.

**Applicant:** Mr Miles Broe

**Officer:** Robin Hodgetts 292366

**Approved on 06/12/13 DELEGATED**

**BH2013/03690****Marche House Woodland Drive Hove**

Application for approval of details reserved by condition 7 of appeal decision of application BH2012/02739.

**Applicant:** Threadneedle Entertainment Ltd

**Officer:** Steven Lewis 290480

**Refused on 03/12/13 DELEGATED**

**WESTBOURNE****BH2013/01500****166 Portland Road Hove**

Erection of 1no two bedroom semi detached house. (Part Retrospective)

**Applicant:** Mr S Cohen

**Officer:** Paul Vidler 292192

**Approved on 04/12/13 DELEGATED**

**1) 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
Site location plan			7 June 2013
Block plan			28 May 2013
Existing plans and elevations	11,457		14 June 2013
Proposed elevations	001001		28 May 2013
Proposed plans			28 May 2013

**2) 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 and the scheme has been carried out in full as approved. The refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

**3) UNI**

No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

*Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies*

*QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

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

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

**5) UNI**

(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**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

**7) UNI**

The development hereby permitted shall not be occupied until the redundant vehicle crossover adjacent to the application site on Raphael Road has been reinstated back to footway by raising the existing kerb and footway in accordance with a specification that has been submitted to and approved in writing by the Local Planning Authority.

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

**8) UNI**

(i) The development hereby permitted shall not be occupied 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.

#### **9) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of this permission, 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.*

### **BH2013/02192**

#### **39 and 39a Cowper Street Hove**

Extension of existing ground floor studio flat into existing front lock up shop and basement store to create 3 bedroom maisonette flat with creation of lightwell to basement and other associated works.

**Applicant:** Mr Nat Trotman

**Officer:** Christopher Wright 292097

**Approved on 25/11/13 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 occupied until the sustainability measures detailed within the Sustainability Checklist / supporting statement received on the 2nd July 2012 have been fully implemented, and such measures shall thereafter be retained as such.

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

#### **3) UNI**

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

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

#### **4) UNI**

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

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



Plan Type	Reference	Version	Date Received
Details As Existing	32883/1		28 Jun 2013
Location Plan	32883/3		28 Jun 2013
Site Plan	32883/4	A	28 Jun 2013
Details As Proposed	32883/5		28 Jun 2013

### 5) UNI

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

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

### **BH2013/03418**

#### **5 Princes Square Hove**

Replacement of existing crittall windows with double glazed aluminium framed windows.

**Applicant:** Mrs C Elves

**Officer:** Steven Lewis 290480

**Approved on 28/11/13 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
Elevations, Location plans for replacement windows	103/01	A	08/10/2013
Elevations of proposed windows and details	103/05	A	14/10/2013

### **BH2013/03501**

#### **Flat 1 62 Pembroke Crescent Hove**

Replacement of existing window with door on ground floor to South elevation.

**Applicant:** Mr Michael Hawksworth

**Officer:** Helen Hobbs 293335

**Approved on 11/12/13 DELEGATED**

#### 1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 October 2013
Part ground floor plan as existing	2013-16/1		11th October 2013
Part ground floor plan as proposed	2013-16/5		11th October 2013
South elevation as proposed	2013-16/6		11th October 2013
Detail of door 2013	16/7		11th October 2013
Photographs			11th October 2013

## **BH2013/03600**

### **10 Westbourne Place Hove**

Application for variation of condition 2 of application BH2013/01175 (Conversion of commercial premises (B1) to form 2no three bedroom houses, including demolition of rear air raid shelter and single storey extension and addition of pitched roof to unit 2 and first floor rear extension) to permit alterations including rear ground floor bay extension and fenestration, internal layout and landscaping alterations.

**Applicant:** Creative Developments UK Ltd

**Officer:** Liz Arnold 291709

**Approved on 05/12/13 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
Block and Site Location Plan	TA686/01	Rev. A	22nd October 2013
Proposed Roof Plan	TA686/10	Rev. D	28th November 2013
Proposed Floor Plans	TA686/11	Rev. F	28th November 2013
Proposed Elevations	TA686/12	Rev. E	13th November 2013
Proposed Side Elevation and Section AA	TA686/13	Rev. E	28th November 2013
Proposed Front Elevation	TA686/16	Rev. D	13th November 2013

#### **2) UNI**

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

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

(ii) The development hereby permitted shall not be occupied or brought into use

until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (b).

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

### **3) UNI**

Notwithstanding the details shown on drawing nos. TA686/11 rev F and TA 686/13 ref E received on the 28th November 2013, the lower half of the north facing window to bedroom 2 shall be obscurely 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.*

### **4) UNI**

Access to the flat roof over the extensions 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**

Other than the roof tiles to both houses and the boarding to the entranceway to the southern house hereby approved, the external finishes of the development hereby permitted shall match in materials, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development 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.*

### **6) UNI**

The development hereby permitted shall be completed with a natural slate pitched roof and painted tongue and groove boarding in accordance with the samples received on 22 May 2013 and drawing no.TA686/16 rev D received on 13th November 2013, and shall thereafter be retained at all times.

*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 & HE6 of the Brighton & Hove Local Plan.*

### **7) UNI**

All new windows shall be painted timber vertical sliding sashes to match exactly the original sash windows to the building, and the windows shall be retained as such thereafter.

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

### **8) UNI**

The landscaping scheme detailed on drawing no.TA686/11 rev F received on the 28th November 2013, shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from

the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

#### **9) 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, HE6 and QD27 of the Brighton & Hove Local Plan.*

#### **10) 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.*

#### **11) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover fronting the site shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

#### **12) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on 11 April 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.*

#### **13) UNI**

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

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

#### **14) UNI**

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

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

#### **15) 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 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.*

## **WISH**

### **BH2013/02667**

#### **First Floor Flat 7 Ruskin Road Hove**

Installation of front and rear rooflights (Part Retrospective).

**Applicant:** Mr Paul Horsted

**Officer:** Christopher Wright 292097

**Approved on 22/11/13 DELEGATED**

#### **1) UNI**

This decision is based on the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing Site and Location Plan	001	A	27 Sep 2013
Existing Plans and Elevations	002	A	27 Sep 2013
Proposed Roof Plans and Elevations	005		27 Sep 2013

### **BH2013/03277**

#### **40 St Leonards Avenue Hove**

Replacement UPVC windows to front elevation.

**Applicant:** Mrs Margaret Longstaff

**Officer:** Helen Hobbs 293335

**Refused on 22/11/13 DELEGATED**

#### **1) UNI**

The proposed first floor windows, by reason of their material and appearance, would poorly contrast with those at ground floor level and would be detrimental to the character and appearance of the property and wider street scene. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide on Extensions and Alterations (SPD12).

### **BH2013/03378**

#### **First Floor Flat 272 New Church Road Hove**

Installation of 4no rooflights to front and rear roof slopes.

**Applicant:** John Pescod

**Officer:** Emily Stanbridge 292359

**Approved on 21/11/13 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
Proposed Loft Conversion	PE/01	A	29.10.2013

**BH2013/03407**

**5 Tandridge Road Hove**

Application for Approval of Details Reserved by condition 3 and 7 of application BH2013/00103.

**Applicant:** Kristian Gavin

**Officer:** Jason Hawkes 292153

**Split Decision on 21/11/13 DELEGATED**

**BH2013/03455**

**52 St Leonards Road Hove**

Alterations to first floor rear window to form bay window with tile hanging.

**Applicant:** Ken George

**Officer:** Emily Stanbridge 292359

**Approved on 25/11/13 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 plans	CH572/ 001		09.10.2013
Existing plans	CH572/ 002		09.10.2013
Existing elevations and sections	CH572/ 003		09.10.2013
Proposed plans Bay window	CH572/ 006		09.10.2013
Proposed elevations and sections Bay window	CH572/ 007		09.10.2013

**BH2013/03480**

**1 Woodhouse Road Hove**

Erection of single storey side extension, conversion of garage to habitable room and raising of driveway area to create street level parking bay

Report from: 21/11/2013 to: 11/12/2013

(Part-Retrospective).

**Applicant:** Lucy Farndon

**Officer:** Liz Arnold 291709

**Approved on 28/11/13 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
Plans and Elevations as Existing	9681/01		10th October 2013
Plans and Elevations as Proposed	9681/02	Rev. C	13th November 2013

**BH2013/03494**

**9 Glebe Villas Hove**

Erection of single storey rear extension.

**Applicant:** Donna M Clitheroe & Daniel E Clitheroe

**Officer:** Helen Hobbs 293335

**Refused on 09/12/13 DELEGATED**

**1) UNI**

The proposed single storey rear extension, by reason of its design, siting, size, roof form and height, would form a poorly designed addition, and due the footprint extending beyond the side wall of the house, the proposal would relate poorly to the original plan form of the property. The development would therefore significantly harm the character and appearance of the existing property, street scene and surrounding area, contrary to the Policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide for Extensions and Alterations 12.

**2) UNI2**

The proposed single storey rear extension, by virtue of its positioning, height, and design, would adversely affect the amenities of the occupiers of No. 11 Glebe Villas resulting in an overbearing visual impact, loss of outlook and loss of light/sunlight. As such the proposal would detrimentally impact on the residential amenity of this adjacent property and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/03813**

**22 Kendal Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.4m, for which the maximum height would be 3.6m, and for which the height of the eaves would be

2.5m.

**Applicant:** Mr Ian Robins

**Officer:** Robin Hodgetts 292366

**Prior approval not required on 06/12/13 DELEGATED**

### **Withdrawn Applications**

**BH2013/03758**

#### **6 Braemore Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, front rooflights and rear dormers and alterations to fenestration on side elevation.

**Applicant:** Paul James Consulting

**Officer:** Emily Stanbridge 292359

**WITHDRAWN ON 29/11/13**



**PLANS LIST 8 January 2014****PATCHAM**

**Application No: BH2013/04052**  
**5 Ashley Close, Brighton**

Front garden: 1no Cherry (T1) - remove lowest limb over driveway and reduce crown by approx 30%. Rear garden: 1no Fig (T2) - remove overhanging branches. Line of Sycamores (G3) - reduce in height by approx 50% back to where previously cut. 1no Elder (T5) - reduce in height by 50%. 1no Sycamore (T6) - Remove stem nearest lawn and reduce remaining tree by approx 30%.

Applicant: Mr Robert Jamison  
**Approved on 13 Dec 2013**

**Application No: BH2013/04068**  
**5 Ashley Close, Brighton**

Fell 1no Sycamore (T4). None of the trees have enough public visibility to justify a Tree Preservation Order.

Applicant: Mr Robert Jamison  
**Approved on 13 Dec 2013**

**Application No: BH2013/04153**  
**15 Old Patcham Mews**

Fell 1no Silver Birch (T1). Tree has outgrown its present location and is responsible for damage to garden structures.

Applicant: Melanie Hughes  
**Approved on 13 Dec 2013**

**Application No: BH2013/04198**  
**Church Lodge, 11 Church Hill**

Fell 1no Lawson Cypress (T1) - although the tree is clearly visible along Church Hill thus has some public amenity value, its location means that its long-term retention is unsustainable due to the high probability of structural damage to the adjacent wall.

Applicant: Mr Peter Lahaise  
**Approved on 12 Dec 2013**

**PRESTON PARK**

**Application No: BH2013/03806**  
**35a Chatsworth Road**

Fell 1no Willow (T1) - significant decay in trunk making the tree hazardous.

Applicant: Mr J Hatch  
**Approved on 28 Nov 2013**

**Application No: BH2013/03854**  
**18 Florence Road, Brighton**

Fell 1no Elm (T1) - tree has limited public visibility thus low public amenity value. Its present location is not sustainable in the long-term as its proximity to built structures is already starting to cause damage. Fell 1no Bay Laurel (T2) - tree has no public visibility thus no public amenity value.

Applicant: Mr G Hart  
**Approved on 29 Nov 2013**

**Application No: BH2013/03953**  
**8 Southdown Place**

Rear garden of 8 Southdown Place: 1no Macrocarpa (clad with clematis)(T1) - reduce all overhang back to the boundary and bevel the top in as much as possible to increase light levels to rear garden of 81 Edburton Avenue.

Applicant: Mrs Lawson  
**Approved on 29 Nov 2013**

**Application No: BH2013/04122**  
**19A Preston Park Avenue, Brighton**

Fell one Ash and one Conifer. Both trees have very limited public visibility thus of low public amenity value. A replacement hedge of Beech is being planted that will have greater long term sustainability.

Applicant: Philip Else  
**Approved on 13 Dec 2013**

**Application No: BH2013/04123**  
**19B Preston Park Avenue, Brighton**

1no Sycamore - thin crown by 20%.

Applicant: Philip Else  
**Approved on 13 Dec 2013**

**Application No: BH2013/04130**  
**Dyke Road Mansions, Dyke Road, Hove**

1no Aesculus hippocastanum (T1):- a) reduce upper canopy by approximately 2.5m by pruning back to previous pruning points; b) thin remaining canopy by 20%; c) lift crown all round to give maximum clearance of 4m by removing small sub-lateral branches. No pruning wounds are to exceed 100mm in diameter.

Applicant: Peter Fuller  
**Approved on 06 Dec 2013**

## **REGENCY**

**Application No: BH2013/04045**  
**11 Vine Place**

1no Ailanthus (T1) - reduce crown by one-third.

Applicant: Mr James Cox  
**Approved on 05 Dec 2013**

**Application No: BH2013/04134**  
**St Georges House, 43 Dyke Road**

1no Elm (T14) remove deadwood and crown lift to 5.6m over road. 1no Sycamore (T16) remove deadwood, prune away from building by 3m and over road to 5.5m. 3no Elms (T17, T20, T21) remove deadwood. 2no Elms (T18, T22) deadwood and crown lift over road to 5.5m. 1no Sycamore (T19) crown lift over building by 2m. 2no Sycamores (T23, T24) deadwood, crown lift over road to 5.5m. Plus cut back Euonymus overhang by T22, T23 and T24.

Applicant: Mr Richard Green  
**Approved on 12 Dec 2013**

## **WITHDEAN**

**Application No: BH2013/03903**  
**3 Friar Close**

1no Sycamore (T1) and 1no Chestnut (T3) - reduce by 2-3m.

Applicant: Mr J Hatch  
**Refused on 06 Dec 2013**

**Application No: BH2013/04157**  
**3 Friar Close**

1no Chestnut (T2) reduce by 1-2m - T2 is not subject to a TPO thus consent for works is not required. 1no Chestnut (T4) reduce the long lateral limbs in the lower crown by 2.5m back to a suitable pruning point. No wounds are to exceed 100mm in diameter.

Applicant: Mr J Hatch  
**Approved on 06 Dec 2013**

**Application No: BH2013/04190**  
**Woodside Lodge, Tivoli Crescent**

Fell 1no Sycamore (T8) - tree has little public visibility thus little public amenity value; its present location is unsustainable due to weakness of adjacent retaining wall. Replacement tree required Tulip tree, Turkish Hazel or Liquidambar.

Applicant: Mr O'Flanagan  
**Approved on 13 Dec 2013**

### **QUEEN'S PARK**

**Application No: BH2013/04135**  
**1 South Avenue**

1no Kansan Cherry (T1) thin and shape balance by 1.5m all over.

Applicant: Mr Richard Green  
**Approved on 12 Dec 2013**

### **ROTTINGDEAN COASTAL**

**Application No: BH2013/03942**  
**94 Dean Court Road, Rottingdean, Brighton**

Fell one Evergreen Oak (T1).

Applicant: N Vaid  
**Refused on 28 Nov 2013**

**Application No: BH2013/04042**  
**20 Burnes Vale, Rottingdean**

1no Sycamore (T108) crown reduce by 25% back to previous pruning points - excessive shading.

Applicant: Mr Matthew Haynes  
**Approved on 29 Nov 2013**

**Application No: BH2013/04056**  
**94 Dean Court Road, Rottingdean, Brighton**

Fell one Horse Chestnut (T2) - tree is in terminal decline with major areas of decay in the main crown structure - becoming hazardous.

Applicant: N Vaid  
**Approved on 28 Nov 2013**

### **BRUNSWICK AND ADELAIDE**

**Application No: BH2013/03965**  
**107 Lansdowne Place**

Fell 1no Fig (T1) due to damage to boundary wall and garden overshadowing. Tree has no public visibility thus no public amenity value.

Applicant: Mr Terry Squires  
**Approved on 29 Nov 2013**

### **CENTRAL HOVE**

**Application No: BH2013/04053**  
**66 Seafield Road, Hove**

Fell one Sycamore (T1). Although the tree has some public visibility it is not sufficient for a TPO.

Applicant: Donal Hutchinson  
**Approved on 28 Nov 2013**

**Application No: BH2013/04124**  
**31 Albany Villas, Hove**

1no Lime (T1):- a) lift lower edge of canopy by 3m; b) thin remaining crown by no more than 25%. No pruning wounds are to exceed 75mm in diameter.

Applicant: Peter Fuller  
**Approved on 06 Dec 2013**

**Application No: BH2013/04200**  
**66 Seafield Road**

1no Sycamore (T1) cut back branches overhanging north-west corner of new house.

Applicant: Mr Donal Hutchinson  
**Approved on 12 Dec 2013**

**Application No: BH2013/04201**  
**30-32 St Aubyns, Hove**

3no Ash (G1) and 2no Sycamores (G2) - clear ivy and reduce canopies by up to 30%.

Applicant: Mr James Cox  
**Approved on 13 Dec 2013**

**Application No: BH2013/04202**  
**25 Vallance Gardens, Hove**

5no Sycamores (G1) - cut back branches overhanging into neighbouring properties to within boundary limits. Crown clean the canopies to include removal of major deadwood, broken and crossing branches, crown lift canopies to give approx. 5m ground clearance.

Applicant: Mr James Cox  
**Approved on 13 Dec 2013**

## **GOLDSMID**

**Application No: BH2013/03949**  
**Eaton Hall, Eaton Gardens, Hove**

T2 Chestnut - reduce & re-shape by 30%; T8 Crab Apple - reduce & re-shape by 20%; T9 Crab Apple - reduce & re-shape by 30%; T10 Crab Apple - deadwood & crown lift to 2m; T12 Lime - reduce & re-shape by 30%, thin by 15% & crown lift to 4.5m; T13 Rowan - crown lift to 2m over path.

Applicant: Jon Lee  
**Approved on 28 Nov 2013**

## **HANGLETON & KNOLL**

**Application No: BH2013/04126**  
**32 Hangleton Lane, Hove**

1no Fraxinus excelsior - thin by 20% lowest limb on east side and crown clean.

Applicant: Peter Fuller  
**Approved on 13 Dec 2013**

### **SOUTH PORTSLADE**

**Application No: BH2013/03745**  
**Loxdale Centre, Locks Hill, Portslade**

Fell 1no Beech (T1) - extensive dieback of crown, previously reduced but die back continues. Fell 1no Elm (T3) - excessive wind pruning.

Applicant: Mrs Karen Lilly  
**Refused on 12 Dec 2013**

**Application No: BH2013/03795**  
**Loxdale Centre, Locks Hill, Portslade**

1no Elm (T2) - extensive wind pruning, 2m total crown reduction.

Applicant: Mrs Karen Lilly  
**Refused on 12 Dec 2013**

**Application No: BH2013/04209**  
**Loxdale Centre, Locks Hill, Portslade**

Fell 1no Robinia (T4) - severely leaning.

Applicant: Mrs Karen Lilly  
**Approved on 12 Dec 2013**

**Application No: BH2013/04211**  
**Loxdale Centre, Locks Hill, Portslade**

Group of Sycamore and Elm (G5) - line of trees forming the boundary with Highlands Road, 1.5m reduction to maintain the height achieved at time of previous pruning.

Applicant: Mrs Karen Lilly  
**Approved on 12 Dec 2013**

**WESTBOURNE**

**Application No: BH2013/03839**  
**49 Pembroke Crescent, Hove**

Fell one Holly.

Applicant: Mr Mark Haddock  
**Refused on 28 Nov 2013**

**Application No: BH2013/03899**  
**54 New Church Road**

Fell 1no Elm (T1) leaning towards wall/road with severe basal decay. Decay at base renders the tree unsuitable for a TPO.

Applicant: Mr Peter Fuller  
**Approved on 28 Nov 2013**

**Application No: BH2013/04050**  
**24 New Church Road**

1no Sycamore (T1) - reduce by approximately 30%.

Applicant: Ben McWalter  
**Approved on 05 Dec 2013**

**Application No: BH2013/04125**  
**14 Pembroke Avenue, Hove**

1no Laurus nobilis - 25% canopy reduction.

Applicant: Peter Fuller  
**Approved on 06 Dec 2013**



**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2013/02063

41 Hove Park Road Hove

Remodelling and extension of main roof to facilitate loft conversion incorporating rooflights and a lantern light. Installation of lantern lights to flat roof at rear.

APPEAL LODGED

21/11/2013

Planning Committee

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2013/03137

105 Church Road Hove

Demolition of rear ancillary storage area and erection of single storey extension.

APPEAL LODGED

25/11/2013

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2013/03094

105 Church Road Hove

Demolition of rear ancillary storage area and erection of single storey extension to accommodate Estate Agents (A2).

APPEAL LODGED

25/11/2013

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****GOLDSMID**

BH2013/02213

Flat 2 Richmond House 21 Wilbury Villas Hove

Removal of existing conservatory and replacement with timber framed single storey extension. Revised fenestration to existing extension.

APPEAL LODGED

22/11/2013

APPLICATION DECISION LEVEL Delegated

---

**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**REGENCY**

BH2013/02129

36 Castle Street Brighton

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

APPEAL LODGED

29/11/2013

Delegated

---

**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**HOVE PARK**

BH2013/01805

89 Hove Park Road Hove

Erection of tree house in rear garden. (Retrospective).

APPEAL LODGED

03/12/2013

Delegated

---

**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**WESTBOURNE**

BH2013/03023

30 Aymer Road Hove

Erection of boundary fence. (Part retrospective)

APPEAL LODGED

09/12/2013

Planning Committee

**Brighton & Hove  
City Council****INFORMATION ON HEARINGS / PUBLIC INQUIRIES****8<sup>th</sup> January 2014**

---

**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: 8<sup>th</sup> 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: 8<sup>th</sup> 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: 11<sup>th</sup> 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: 11<sup>th</sup> 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**

**APPEAL DECISIONS**

	<b>Page</b>
<b>A – 11 HANGLETON GARDENS, HOVE – HANGLETON &amp; KNOLL</b>	<b>263</b>
Application BH2012/02228 – Appeal against refusal for the erection of a dormer at the rear. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>B – SAINSBURY’S SUPERMARKET LTD, 93 LEWES ROAD, BRIGHTON – ST. PETER’S &amp; NORTH LAINE</b>	<b>267</b>
Application BN/82/0515 – Appeal against conditions 14 & 15. <b>APPEAL ALLOWED</b> (delegated decision)	
<b>C – 1A WARMDENE WAY, BRIGHTON – PATCHAM</b>	<b>273</b>
Application BH2013/01886 – Appeal against refusal for single storey side extension. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>D – 106 DEAN COURT ROAD, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL</b>	<b>277</b>
Application BH2013/01585 – Appeal against refusal for new dormer window to replace existing velux. Dormer to be constructed on the north east elevation, adjacent to, and matching existing dormer. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>E – 73 BALSDEAN ROAD, WOODINGDEAN, BRIGHTON – WOODINGDEAN</b>	<b>279</b>
Application BH2013/02480 – Appeal against refusal for Single storey infill extension to front elevation with pitched roof. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>F – 17 SPRINGFIELD ROAD, BRIGHTON – PRESTON PARK</b>	<b>281</b>
Application BH2012/03434 – Appeal against refusal for reconfiguration of existing flats and maisonette and the erection of a four storey side/rear extension to form 4no. one-bed flats and 3no. two-bed flats (4no. additional units in total).. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>G – 24 ALBERT ROAD, BRIGHTON – ST PETER’S &amp; NORTH LAINE</b>	<b>285</b>
Application BH2013/00478 – Appeal against refusal for the creation of a single storey extension to existing garage and roof alterations to facilitate storage area above and associated works. <b>APPEAL DISMISSED</b> (delegated decision)	

**H – 19B CAMELFORD STREET, BRIGHTON – QUEEN’S PARK 289**

Application BH2013/00593 – Appeal against refusal to renew and raise existing roof with original tiles and introduce a lead lined dormer to the rear (south) façade. It is proposed that the existing sloped external wall to the rear (south) is rotated to the vertical and an external space created adjacent behind this at the upper floor to provide amenity provision for the property for which there is currently none. Refine the parapet detail to the north façade, thereby enhancing the proportions of the flat. **APPEAL ALLOWED** (delegated decision)

**I – 41 PRINCE’S ROAD, BRIGHTON – ST. PETER’S & NORTH LAINE 293**

Application BH2013/02737 – Appeal against refusal rear extension. **APPEAL DISMISSED** (delegated decision)

**J – 49 SACKVILLE GARDENS, HOVE – WESTBOURNE 297**

Application BH2013/01809 – Appeal against refusal for enlargement of kitchen under approved application BH2013/00923 to construct rear single-storey extension in Conservation Area and addition of roof dormer and Conservation type rooflights to rear roof including removal of two velux rooflights. Inclusion of extra information on dormer window to remove previous condition. **APPEAL ALLOWED** (delegated decision)

**K – 120 ELDRED AVE, BRIGHTON – WITHDEAN 301**

Application BH2013/02161 – Appeal against refusal for raised decking to rear with stores & utility room below (revision to BH2012/03562) retrospective. **APPEAL ALLOWED** (delegated decision)

**L – 7 QUEEN CAROLINE CLOSE, HOVE – HOVE PARK 305**

Application BH2013/02095 – Appeal against refusal for two storey rear extension and porch to front entrance. **APPEAL DISMISSED** (delegated decision)

**M – 4 TERMINUS PLACE, BRIGHTON – ST. PETER’S & NORTH LAINE 309**

Application BH2013/01899 – Appeal against refusal two rear dormers & front conservation rooflight in connection with a loft conversion. **APPEAL DISMISSED** (delegated decision)

**N – FLAT 3, DERWENT LODGE, 103 BUCKINGHAM ROAD, BRIGHTON – ST. PETER’S & NORTH LAINE 311**

Application BH2013/01121 – Appeal against refusal for additional storey above top floor flat (extension to flat 03). **APPEAL ALLOWED** (delegated decision)

---

## Appeal Decision

Site visit made on 15 October 2013

**by Alan Woolnough BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 November 2013**

---

**Appeal Ref: APP/Q1445/X/12/2184113**

**11 Hangleton Gardens, Hove, East Sussex BN3 8AB**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Miss Azaria Munro against the decision of Brighton & Hove City Council.
- The application ref no BH2012/02238, dated 16 July 2012, was refused by notice dated 31 August 2012.
- The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended.
- The existing development for which a LDC is sought is the erection of a dormer at the rear.

**Summary of Decision: The appeal is dismissed.**

---

### The Property and the Development

1. The appeal property as originally built was a two storey semi-detached dwellinghouse with a hipped roof. It was subsequently enlarged by means of single storey additions at the rear and a two storey side extension with a hipped roof. On the evidence before me, second floor accommodation was then created within the extended roof, served by rooflights, in 2004.
2. The development for which a LDC is sought is a further addition, comprising a flat roofed dormer window which has been inserted into the rear roof slope and enlarges the second floor accommodation. This extends across the property's original roof and also part of the roof of the two storey side extension.

### Reasoning

3. The Appellant contends that the erection of the rear dormer is lawful by reason of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO). Schedule 2 to the GPDO defines various categories of permitted development which, by reason of Article 3, benefit from deemed planning permission. Class B of Part 1 of Schedule 2 defines as permitted development the enlargement of a dwellinghouse consisting of an addition to its roof, subject to various limitations and conditions.
4. Limitation B.1(c) specifies that development is not permitted by Class B if the cubic content of the 'resulting roof space' would exceed the cubic content of the 'original roof space' by more than 50 cubic metres (in the case of a semi-

detached house). Article 1(2) of the GPDO specifies that the term 'original' means, in relation to a building (other than on Crown land) existing on 1 July 1948, as existing on that date and, in relation to a building built after that date, as so built.

5. The Appellant asserts that the cubic capacity of the dormer is 17.39 cubic metres and that the area of extended roof directly above the original dwelling is 16.85 cubic metres, giving a total of 34.24 cubic metres. He further advises that the hipped roof directly above the two storey side extension has a cubic capacity of 18.3 cubic metres such that, if this were to be included in the overall enlargement of the original roof space for the purposes of Class B, the 50 cubic metres tolerance would be exceeded by 2.54 cubic metres.
6. The Council has calculated a slightly smaller excess beyond the 50 cubic metres threshold of only 1.41 cubic metres, resulting from a dormer volume of 18.35 cubic metres, an extended roof directly above the original dwelling of 16.53 cubic metres and a side extension roof volume also of 16.53 cubic metres. I note that, for the purposes of the Appellant's calculations, 'as built' measurements were verified on site whereas, in the absence of evidence to the contrary, I assume the Council to have worked from drawings.
7. I cannot be certain which set of measurements/calculations is the more accurate. However:
  - both parties are agreed that the roof additions as a whole exceed 50 cubic metres in volume; and
  - the point of contention between them is whether or not the roof of the two storey side extension should be included in the calculation of the difference between the 'resulting roof space' and the 'original roof space' for the purposes of applying Class B.I have no reason to take issue with the first bullet point. My decision as to lawfulness hinges on the correct interpretation of the matter of law summarised in the second bullet point. Consequently, there is no need for me to resolve the discrepancies in calculation that have arisen between the parties in order to determine the appeal.
8. The Appellant presents an argument to the effect that, for the purposes of applying Class B, the roof of the two storey extension should not be added into the calculation as to do so 'bridges two entirely different classes' of the GPDO. In effect, she seeks to draw a distinction between that part of the property's roof (as it existed immediately prior to the erection of the dormer) directly over the extension and the remainder, irrespective of the fact that part of the latter (over the original hip) was constructed at the same time as the extension. However, I find no basis in law for such a distinction.
9. Firstly, advice on pages 7 & 8 of the DCLG publication *Permitted development for householders: Technical guidance* (January 2013)<sup>1</sup>, hereinafter referred to as the PDTG, makes it clear that when considering whether a development proposal is permitted development, all of the Classes within the Parts of Schedule 2 to the GPDO need to be taken into account. It goes on to say that changes to the roof of a house are not permitted development under Class A but may be permitted development under Class B or C. In other words, the

---

<sup>1</sup> The LDC application pre-dates this publication and my decision must relate to the time of the application. However, the relevant provisions of the PDTG in its current form have not changed from the previous version of the document published in August 2010.



extension in its entirety could not have fallen wholly into Class A and 'bridging' different Classes in these particular circumstances is not incorrect. Nor does the fact that the extension roof might conceivably have formed part of a structure erected in part as permitted development under Class A<sup>2</sup> somehow preclude it from being regarded as an addition to the original roof space. On the contrary, in circumstances where an additional roof directly adjoins the original, as in this case, it is a matter of logic that it must have added to the original roof space.

10. Secondly, the Appellant's line of reasoning conflates the concepts of what type of roof enlargement might be categorised as permitted development under Class B and what should be regarded as part of the *resulting roof space* for the purposes of applying that Class. This confusion is highlighted by the statement made on her behalf that 'if the application for the roof conversion should have included the roof over the extension, the applicant is, in effect, being requested to apply twice for Planning Permission for the same roof'<sup>3</sup> and by the suggestion that 'as the two storey extension is not part of the original building and was the subject of a separate Planning Approval its cubic capacity falls outside the controls of Class B'<sup>4</sup>.
11. The two concepts are quite distinct, as is readily apparent from interpretive paragraph B.3 of Class B. This records that the 'resulting roof space' means the roof space as enlarged, taking into account any enlargement to the original roof space, *whether permitted by Class B or not* [my emphasis]. Notwithstanding the Appellant's contrary interpretation, this in fact gives a clear indication that, irrespective of how an existing roof space has attained its present size over and above that of the original roof space, no part of it can be disregarded in calculating how much more might be added to the roof as permitted development.
12. It is self-evident from the wording of the GPDO that Parliament intended additions to the roof of a dwellinghouse to be subject to a cumulative limit. Contrary to the Appellant's interpretation of paragraph B.3, I find nothing therein to suggest that certain types of addition to the original roof, such as the roof of a side extension, should not contribute to that limit. I attach no significance to the fact that Class B refers to 'an addition or alteration to **its** roof' [the Appellant's emphasis]. The suggestion that the use of the singular draws a distinction between the original roof and later additions is spurious and unsubstantiated.
13. The Appellant's stance that 'any additions beyond the original dwelling are dealt with by way of either Class A (extensions) or relevant planning applications', to the effect that they cannot form part of a 'resulting roof space', has no foundation in law. I am aware of no Government guidance or Court judgment which supports such an interpretation of the GPDO. The fact that the roof over the extension contains the stairs that now serve the dormer accommodation but did not do so until after the latter had been constructed has no significant relevance. It formed part of the roof space of the

---

<sup>2</sup>It would appear from the Appellant's submissions that the two storey side extension at No 11 did not itself benefit from permitted development rights and that, in fact, express planning permission was granted for it, variously stated as having been at some time during the 1980s or, alternatively, in 1994.

<sup>3</sup> Letter to Ms Hobbs from Jon Andrews Ltd dated 3 August 2012.

<sup>4</sup> Letter for the attention of Mr Hodgetts from Jon Andrews Ltd dated 30 March 2012.

dwellinghouse as a whole at the point of dormer construction irrespective of what it contained at that time.

14. It follows that, for the purposes of applying Class B, the roof over the two storey extension must properly be regarded as having added to the original roof space of the dwellinghouse and, thus, as forming part of the 'resulting roof space' that includes the subject dormer. In such circumstances, the dormer must be viewed as having increased the roof space of the property to a volume more than 50 cubic metres greater than that of the original roof space. It cannot therefore benefit from deemed planning permission pursuant to the GPDO. Express planning permission not having been granted, it is unlawful.

### **Conclusion**

15. For the reasons given above I conclude that the Council's refusal to grant a LDC was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

### **Formal Decision**

16. The appeal is dismissed.

*Alan Woolnough*

INSPECTOR



---

## Appeal Decision

Site visit made on 11 November 2013

**by David Harmston FRICS DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 November 2013**

---

**Appeal Ref: APP/Q1445/A/13/2195989**

**Sainsbury's Supermarkets Limited, 93 Lewes Road, Brighton BN2 3QA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Sainsbury's Supermarkets Limited against the decision of Brighton & Hove City Council.
- The application (Ref BN/82/0515) was granted on 4 November 1983.
- The development permitted is the erection of a retail store and ancillary facilities.
- The conditions in dispute are Nos 14 and 15. These state:

*'Condition 14. No part of the retail store should be open for trade during the hours of 2200 to 0700 Monday to Saturday and at no time on Sunday.'*

*'Condition 15. No deliveries shall be made to the retail store during the hours of 2200 to 0700 Monday to Saturday and at no time on Sunday.'*

- The reason given for both conditions is: *'To protect the amenities of the residents in the area.'*
- On 15 July 1993 (application ref:- 92/0916/FP) planning permission was granted on appeal<sup>1</sup> for the continuation of the use of the retail store without complying with the above conditions but subject to all the other conditions imposed on the original grant of planning permission and subject to three new conditions as follows:

*'1. The retail store shall only be open for trade between the hours of 0700 and 2200 Mondays to Saturdays and between 1000 and 1600 hours on Sundays.'*

*'2. No deliveries shall be made to the retail store during the hours of 2100 to 0700 Mondays to Saturdays and a maximum of two deliveries only shall be made to the store between the hours of 1000 and 1600 on Sundays.'*

*'3. No roll pallets shall be used in the delivery yard on Sundays.'*

- The proposal now (Ref:- BH2012/01521, dated 17 May 2012) was described on the application form as *'Relaxation of Conditions 14 and 15 of BN/82/0515 granted 4.11.83 proposed now to read: 'no part of the retail store should be open for trade and no deliveries made during the hours of 2200 to 0700 on any day.'*
- Permission for the relaxation of the conditions in the form applied for was refused permission by the Council on 5 October 2012 for the following reason: *'The increase in the delivery hours and the increase in the number of delivery vehicles would have an unacceptable detrimental impact on the amenity of residents of nearby properties contrary to policies QD27 and SU10 of the issue decision notice.'*

---

<sup>1</sup> Appeal Ref:- T/APP/N1405/A/92/215090/P5

## Decision

1. The appeal is allowed and planning permission is granted for the continuation of the use of the retail store at Sainsbury's Supermarkets Limited, 93 Lewes Road, Brighton BN2 3QA without complying with conditions 14 and 15 set out in planning permission Ref No:- BN/82/0515, granted on 4 November 1983 by the Brighton Borough Council and condition 2 of the planning permission granted on appeal under reference T/APP/N1405/A/92/215090/P5 (application ref:- 92/0916/FP), dated 15 July 1993, but subject to all the other conditions imposed therein in both permissions, insofar as the same are still subsisting and capable of taking effect, and subject to the following new conditions:
  1. No deliveries shall be made to the store between 2100hrs and 0700hrs on Mondays to Saturdays or at any time on Sundays and Public Holidays except between 0900hrs and 1700hrs. On Sundays and Public Holidays there shall be no more than four deliveries to the store within the hours hereby permitted.
  2. The delivery hours to the store and the restriction on the maximum number of deliveries to take place on Sundays and Public Holidays by virtue of the terms of the above condition shall be for a temporary period of 12 months from the date of this decision. Thereafter the restrictions on the delivery hours on all days, and the restriction on the maximum number of deliveries to take place on Sundays and Public Holidays, shall revert to those permitted by virtue of Condition 2 of the planning permission granted on appeal under reference T/APP/N1405/92/215090/P5 (Application Ref:- 92/0916/FP), dated 15 July 1993.

## Preliminary Matters

2. There is a complex planning history surrounding the development and its delivery hours, amongst other matters. The store was originally granted planning permission in November 1983 (Ref BN/82/0515) with conditions imposed thereon controlling its opening hours and permitted delivery times. In 1992 permission was sought to vary two of the conditions of the original permission to allow for Sunday trading and to extend the permitted delivery hours (Ref 92/0916/FP). This was refused and, following a public inquiry, an appeal against that decision was allowed and the conditions of the original permission varied to allow for Sunday trading with a restriction on the store's opening hours as well as the times during which deliveries to it could be made.
3. The application to which this appeal relates was made in the form of a submission for the removal or variation of conditions following a grant of planning permission. The description of the development applied for relates specifically to two of the conditions imposed on the original grant of planning permission for the store in 1983. The Council's decision notice refers to the development applied for as being for a variation of condition No 2 of the permission granted on appeal in July 1993 which itself permitted the continued use of the store without compliance with Conditions 14 and 15 of the 1983 permission, subject to new (replacement) conditions.
4. In the Design and Access Statement the appellant states that '*This application seeks to vary condition 2 of permission 92/0916/FP to allow 4 deliveries to the foodstore between 9am and 5pm on Sundays and Bank Holidays for a*

*temporary period of 12 months.* Notwithstanding, I consider that it is necessary to consider the terms of both conditions 14 and 15 of the original 1983 permission as well as condition 2 of the 1993 appeal decision in relation to the delivery times and numbers if a variation thereto is to be granted. I have therefore determined this appeal on this basis. I have used the term 'Public Holidays' rather than 'Bank Holidays' throughout as this is a more appropriate description.

### **Main Issue**

5. The main issue in this appeal is whether the extended hours during which deliveries to the store could take place, and the additional number of deliveries, both on Sundays and Public Holidays only, would unacceptably harm the living conditions of the nearby residents through the generation of undue noise and disturbance on those days.

### **Reasons**

6. The appeal site comprises a large supermarket located in central Brighton with customer car parking provided on the ground floor. Access for delivery vehicles is at the rear of the building via a ramped driveway leading upwards from Hollingdean Road to a large, gated service yard. The area surrounding the site is mixed in character and land use with dwellings, shops, public houses and other forms of commercially used property all within the vicinity. The main line railway station is not far distant to the south-west and Lewes Road, to which the site has its main access, is a very busy traffic route leading northwards out of the City. The neighbourhood to the site is one of vibrancy and a high level of activity with heavy traffic in the surrounding roads.
7. There are no physical changes proposed to the store or its means of access for deliveries. The removal of the conditions in dispute and their replacement in the manner suggested would have the effect of allowing deliveries to the store to take place over a slightly greater timeslot on Sundays and Public Holidays adding one hour for such a process at the beginning and end of the day. Deliveries could therefore take place from 0900hrs to 1700hrs as opposed to between 1000hrs and 1600hrs as occurs now in accordance with the conditions imposed on the 1993 permission. Additionally the number of deliveries taking place throughout this period would be increased from two to four. There would be no changes to the permitted delivery restrictions on Mondays to Saturdays.
8. The residential properties most likely to be affected by any noise generated by the movements of delivery vehicles to and from the store are those situated in Hollingdean Road and D'Aubigny Road. These are situated to the rear of the store, to the north-east and south-west of the ramped service access. The appellant commissioned and submitted a Noise Assessment with the application and this has been updated in association with the appeal. This draws on the guidance set out in the National Planning Policy Framework (the 'Framework') and includes assessments based on BS 4142 (*Rating Industrial Noise Affecting Mixed Residential Areas 1997*) and BS 8233: 1999 (*Sound Insulation and Noise Reduction for Buildings – Code of Practice*).

9. The Assessment identifies the dwellings in D'Aubigny Road and Hollingdean Road as being the most sensitive locations for noise disturbance emanating from the delivery operations to the store. In these positions, background noise is dominated by the ambient noise levels generated by traffic using Lewes Road and other local traffic movements. In respect of internal noise levels from delivery events, the Assessment concludes that the noise level would be at or below the good target level of 30db at all sensitive receptors with windows opened or closed and within L<sub>Amax</sub> levels under the same conditions. In a worst case scenario for the delivery event within the service yard during the proposed hours with the existing background noise level at LA<sub>90</sub> at the nearest residential receptors, the one hour average noise levels would be at least 10db below the background noise level during the same period.
10. This evidence is robust and is worthy of attracting substantial weight in this appeal. No counter evidence has been advanced to refute it and I can therefore conclude that the extended delivery hours sought, which in themselves would add only one hour to each side of the previously permitted delivery hours, would have no material effect on the living conditions of the adjoining residents in terms of disturbance by noise intrusion. Further, the increase in the number of vehicles would have very little impact as the two additional trips would be spread throughout the day and, based on the findings of the Noise Assessment; in themselves they would cause no significant nuisance in any event.
11. The appellant operates a communications system for delivery vehicles whereby an 'early warning' is given to the store of the impending arrival of vehicles so that the security gates can be opened and preparations made thereby reducing or eliminating altogether the need for vehicles to wait on the road or the ramp. Other measures, such as the switching off of refrigeration units fitted to the lorries prior to entering the yard, have been put in place to reduce noise emissions.
12. I have seen and considered the representations that have been made by local residents in relation to this proposal. These include concerns regarding air pollution. In this respect the situation that would arise with a change in the hours that deliveries could take place would be unlikely to change to any material extent as the number of deliveries that would take place to the store in total over a given period of time would not necessarily increase if the condition were to be modified in the manner proposed. For instance, there is no restriction on the number of deliveries to the store that could take place on Mondays to Saturdays within the permitted hours.
13. It is reasonable to assume that if the current restriction to a maximum of two deliveries in number on Sundays and Public Holidays (during the permitted hours) were to remain in place, then, to compensate, more deliveries would be likely to take place at other times as the overall demand for delivered goods to the store is not likely to be determined by the times at which they can take place. The total air pollution thus created, in these circumstances, would be unchanged.
14. I note the objections made concerning the traffic generated in association with the home delivery service which has been introduced since the store first opened. However, that is not a matter at issue in this appeal which relates

only to the number and times of deliveries to the store on Sundays and Public Holidays and not the delivery of goods from the store. Various points have been made about the history of the store's operations and the fact that its design and access arrangements are now out of date. I consider that there is weight in the points made in this vein. However, I am only able to consider the proposal to amend the disputed condition on its merits and the suggestions that have been made to alter the store's fabric, such as by an improvement to the delivery bays, are not matters that I can consider.

15. In my conclusion the two additional hours during which deliveries to the store could take place, and the two additional deliveries, would have very little, if any, negative impact on the living conditions of the adjoining residents based on the findings of the Noise Assessment and all the other information before me. Policy QD27 of the Brighton & Hove Local Plan seeks to ensure that all developments will not be the cause of material nuisance and loss of amenity to residents. Policy SU10 refers specifically to noise nuisance requiring new developments to minimise their impact in such respect with the use of attenuation measures where appropriate. These policies are consistent with the guidance set out at paragraph 123 of the Framework. For the reasons I have given I do not consider that the modest changes to the original condition as proposed would have any unacceptable impacts on the living conditions or amenities of the local residents and there would therefore be no material conflict with either the local plan or the Framework.
16. As originally submitted this application did not seek a 12 month trial period for the testing of the revised conditions although it was referred to in the Design and Access Statement accompanying the application. The Council's suggested revised conditions include reference to a 12 month trial period as does the appellant's statement, but in a different form. Paragraph 111 of Circular 11/95 (*The Use of Conditions in Planning Permissions*) advises that some uses may be 'potentially detrimental' to existing uses nearby, but there is insufficient evidence to be sure of their effects. In these circumstances it might be appropriate to grant a temporary permission in order to give the development a trial run, having regard to the test of reasonableness.
17. In replacing the original conditions in dispute I have considered the tests and advice set out in Circular 11/95 together with all the material considerations relevant to the main issue. I have allowed for the enhanced hours during which deliveries to the store can take place together with the increase in the number of deliveries from two to four. The Council has suggested a 'trial period' condition for 12 months and the appellant has accepted this in principle in a revised form. This was promoted in order that it could be demonstrated that the additional deliveries, and the times at which they could take place, would comply with the noise level targets set out in the Noise Assessment.
18. In relation to the trial period, the appellant suggests that an appropriate wording to be incorporated within the new, single condition would be to the effect that, after the trial period has elapsed, the revised delivery times should be allowed to continue unless the Council gives written notice to the contrary prior to the expiration of the 12 month period. This form of wording would place the onus for action on the Council and I consider that it is more appropriate for the appellant to demonstrate that the terms of the Noise Assessment have been adhered to during the 12 month period. If that proves

to be the case then a further application could be made for the continuation of the use with the revised delivery arrangements without a restriction on its time period having regard to all the material considerations relevant at that time. That would be a matter for the Council to determine in due course and is not prejudged by this decision.

19. I have afforded weight in the planning balance to all the points made in relation to this proposal. Nothing, however, overrides my conclusions above and the reasons for them.

*David Harmston*

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/D/13/2206686**

**1a Warmdene Way, Brighton, BN1 8NW**

- 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 Robert Walters against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01886, dated 4 June 2013, was refused by notice dated 5 August 2013.
  - The development proposed is a single storey side extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposed development on the character and appearance of the host property and surrounding area; and
  - The effect of the proposed development on the living conditions of the occupants of No. 1 Warmdene Way, with particular reference to outlook.

### Reasons

#### *Character and appearance*

3. The appeal site accommodates a modern bungalow, within a short cul-de-sac street. There is a mix of dwelling types clustered at the end of the street, where its narrow width restricts views of the site. The proposal incorporates a side extension of almost the full depth of the appeal dwelling, on the side immediately adjacent to 1 Warmdene Way.
4. Although the street itself is narrow, the majority of its buildings are set within gardens, giving the locality a suburban character. The extension would be very close to the existing side wall of No. 1. The appellant notes that the separation of the two dwellings would be about 1.5 metres. This close separation is not reflected within the layout of the surrounding buildings, and the closing of the gap between No. 1 and the appeal dwelling would appear jarring and cramped, within the otherwise open character. Although a boundary hedge restricts some views from the street, and the extension would be reasonably subservient to the main dwelling, there would be sufficient views of the

proposed extension from the public realm that it would appear incongruous within the street scene.

5. The proposed extension would also have an unusual roof arrangement that would add a new side-facing hip onto an existing hip. This would appear awkward and detrimental to the overall appearance of the house. For these reasons, I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the host property and surrounding area. It would not comply with *Brighton & Hove Local Plan (2005) Policy QD2*, which requires new development to take into account local characteristics, such as the design of existing buildings, among other factors. The proposal would also not comply with Policy QD14, which states that permission for extensions will only be granted if they are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
6. I note the appellant's point regarding the status of the local plan. In my view, the aforementioned policies have a good degree of consistency with the *National Planning Policy Framework (the Framework)*, which seeks high quality design, as one of its core planning principles (paragraph 17). For the reasons set out above, the proposed development does not achieve this standard, and the proposal is therefore not in compliance with either the adopted Local Plan, or the Framework.

#### *Living conditions*

7. The proposed extension would be in close proximity to 1 Warmdene Way. Having visited this property, I consider that there are two habitable rooms that would be affected by the proposed extension. The first is the main bedroom, which has its main outlook towards the street. Although the proposed extension would be visible from its main window, it would not be sufficiently visible or enclosing to result in significant harm to living conditions. A secondary window also serves this room, which would directly face the proposed extension. This is small in size, and is clearly ancillary to the main window in the room. The extension would be visible through this window, but because of its size and secondary nature, the extension would not result in unreasonably harmful effects to the living conditions of users of this room.
8. Of greater concern is the impact on a smaller bedroom, which has a main window directly facing the shared boundary with the appeal site, and the location of the proposed extension. This room also has a secondary window, which is rear facing. However, the main outlook from this bedroom is towards the boundary, and this would be severely compromised by the extension. Although only part of the extension would be visible above the boundary fence, the extension would be built close enough to the boundary to restrict outlook, and result in a significant sense of enclosure for users of this room.
9. I therefore conclude that the proposed development would have a harmful impact on the living conditions of occupants of 1 Warmdene Way, with particular reference to outlook. The proposal would not comply with the Council's Local Plan Policy QD27, which states that permission for any development will not be granted where it would cause material nuisance and loss of amenity to existing and adjacent residents. This policy is consistent with the Framework, which states as a core planning principle (paragraph 17)

that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

*Other matters*

10. I note the appellant's point regarding the sustainability of the proposed development, and paragraphs 14 and 65 of the Framework. In particular, paragraph 65 notes that permission should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. In this case, the concerns have not been mitigated by the provision of good design. In any case, such considerations would not be sufficient to outweigh my strong concerns regarding the effects of the proposed development on both the character and appearance of the dwelling and wider area, and the living conditions of neighbours.

**Conclusion**

11. 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 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/13/2205819**

**106 Dean Court Road, Rottingdean, Brighton, BN2 7DJ**

- 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 Michael Spurgin against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01585 was refused by a notice dated 29 July 2013.
  - The development proposed is a new dormer window to replace existing velux. Dormer to be constructed on the north east elevation, adjacent to, and matching existing dormer.
- 

### Decision

1. The appeal is dismissed.

### 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 the surrounding area.

### Planning Policy and Guidance

3. Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan 2005 seek, amongst other things, to ensure that the development is well designed, sited and detailed in relation to the property to be extended and makes a positive contribution to the visual quality of the environment. Government policy contained in the National Planning Policy Framework (the Framework) also attaches great importance to good design.
4. The Council has produced a Supplementary Planning Document (SPD12) which is entitled "*design guide for extensions and alterations*". Section 3.5 relates to roof extensions and alterations. The document has been the subject of public consultation and recently adopted by the Council. As such, it forms a material consideration in the determination of this appeal.

### Reasons

5. No 106 contains accommodation at first floor level which is provided within the roof space and a gable ended addition over the garage of the chalet bungalow. Bedroom one and its en suite are served by a dormer window and roof light in the front roof slope of the dwelling.
-

6. Dean Court Road is a long residential street which serves an eclectic mix of housing. However, at its northern end it adjoins open countryside where dwellings are more consistent in terms of design and comprise predominantly modest sized bungalows with simple and uninterrupted roof slopes. I saw that No 106 adjoins, and is therefore located between, this development and the more varied form of housing found along the remainder of Dean Court Road.
7. I note that the undated and unreferenced drawing submitted in support of the application was considered by the Council to be inaccurate in a number of respects. Following the Council's decision, the Appellant sent an amended plan to the Council and this was referred to in the appeal statement and forwarded to me at my request. This drawing provides details that are materially different from the application drawing - particularly in terms of the positioning of the dormer windows within the front roof slope. In the light of this, and as the Council has not been formally requested to consider this drawing and, therefore, it has not been the subject of public consultation, I do not intend to take it into account in the determination of the appeal.
8. I note that it is the Appellant's intention to replace the roof light serving the en suite to bedroom one with a dormer window to match the existing in terms of design, siting, scale and materials. However, it was evident from my site visit that the application drawing does not provide the accurate information that would be necessary for me to determine whether the proposal would be acceptable in terms of the main issues in this appeal.

### **Conclusion**

9. Whilst I appreciate that the views given above may be a disappointment to the Appellant, an assessment of the proposed development and, if appropriate, any subsequent grant of planning permission could only be undertaken on the basis of drawings which show an accurate depiction of the scheme that is being proposed. Thus, I must conclude on the information before me that it has not been established that the development would not cause harm to the character and appearance of the host dwelling and the surrounding area. Nor have I been able to determine that the proposal would comply with the Council's relevant policies, SPD12 and national policy contained within the Framework. Accordingly, for these reasons, the appeal must fail.

*S A F Simpson*

INSPECTOR

---

## Appeal Decision

Site visit made on 12 November 2013

**by Chris Preston BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 November 2013**

---

**Appeal Ref: APP/Q1445/D/13/2206864**  
**73 Balsdean Road, Brighton, East Sussex BN2 6PG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Richard Smith against the decision of Brighton & Hove City Council.
  - The application Ref BH/2013/02480, dated 16 July 2013, was refused by notice dated 17 September 2013.
  - The development proposed is: Single storey infill extension to front elevation with pitched roof.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. Balsdean Road is a linear residential street which gradually rises up across an elevated hillside. The dwellings on the northern side of the carriageway are situated at a higher level than the road and those to the south set down below it. In common with a number of surrounding dwellings No 73 is a bungalow but has a basement garage and driveway which is cut into the hillside.
4. Although the individual appearance of dwellings along the street is varied, the building form is relatively consistent, particularly on the northern side of the road in the vicinity of the appeal site. Almost without exception, the dwellings within the immediate area are set out on an L-shaped floorplan, with a front gable projecting beyond the main body of the house. No 73 conforms to this pattern.
5. As one rises up the road, these projecting gables are the dominant feature, breaking up the mass of building and providing a regular rhythm and spacing between the dwellings. This rhythm forms an essential element in the character of the road. The impact of the front gables is heightened by the sloping nature of the street, with each dwelling stepping up in height relative to its neighbour.

6. The proposed development would relate poorly to this established pattern by removing the L-shaped floorplan and creating a comparatively wide and unbroken façade across the frontage of the dwelling. This would substantially erode the feeling of space between the dwelling and the neighbouring property at no 71.
7. Although the physical gap between the buildings would be unaltered, the proposal would remove the staggered effect created by the projecting bay. As described above, the projecting bays are a critical element in the design of the street, creating a varied building line. In contrast, the proposal would result in a solid mass of walling across the site frontage significantly eroding the feeling of space between the two dwellings. As a consequence, the resultant dwelling would have a negative effect upon the established rhythm of the street, appearing as a dominant and incongruous feature.
8. Although I note that the proposed materials would match the existing building, the resulting roof form of the dwelling, with two front gables and a valley gutter in-between would appear complex and out of kilter with the more simple arrangement seen on adjacent properties.
9. In view of the above, I consider that the proposal would cause harm to the established character of the surrounding area and, in this respect, would be contrary to policies QD2 and QD14 of the Brighton and Hove Local Plan (2005).

### **Conclusion**

10. For the reasons set out above, and having regard to all other matters raised, I conclude that this appeal should be dismissed.

*Chris Preston*

INSPECTOR



---

## Appeal Decision

Site visit made on 14 October 2013

**by Louise Phillips MA (Cantab), MSc, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 3 December 2013**

---

**Appeal Ref: APP/Q1445/A/13/2197927**  
**17 Springfield Road, Brighton BN1 6DB**

- 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 Alfred Haagman, Lincoln Holland Holdings Ltd, against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03434, dated 26 October 2012, was refused by notice dated 26 March 2013.
  - The development proposed is the reconfiguration of existing flats and maisonette and the erection of a four storey side/rear extension to form 4no. one-bed flats and 3no. two-bed flats (4no. additional units in total).
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application form gives the name of the applicant as Mr Alfred Haggman. However, at my site visit, I was able to confirm with his agent that the correct spelling is Haagman.

### Main Issues

3. The main issues are the effect of the proposed development upon the living conditions of neighbouring occupiers, particularly those at numbers 15 and 19 Springfield Road; and the character and appearance of the host building and wider area.

### Reasons

4. The appeal property is a semi-detached house on the north side of Springfield Road. It is of four storeys, with a raised ground floor level and a semi-basement level. It is presently subdivided into two flats and a maisonette.

### *Living Conditions*

5. The evidence indicates that the proposed development has the potential to affect three properties: number 15 Springfield Road, the adjoining property to the west; number 19 Springfield Road, a subdivided detached property to the east; and number 1 Beaconsfield Parade, which backs onto the garden of the appeal property to the north east.

6. Number 15 Springfield Road has a large side and rear extension which is similar in scale and design to the appeal proposal. The two extensions together would effectively make a recess of the main rear elevation of the building and the sense of enclosure at the rear of number 15 (and indeed the appeal property itself) would increase as a result. This would be apparent from the main elevation bay windows and from the garden area adjacent to the property. However, given the large size of the building, and of the garden area to number 15 (albeit it is used largely for parking), the recessed area would remain relatively open and the outlook from the bay windows would not be unduly compromised. For these reasons, the effect of the proposed development would not be excessively overbearing upon the occupiers of number 15 Springfield Road.
7. Similarly, the Daylight Assessment undertaken by the appellant, dated March 2012, has concluded that the rear windows of this property would remain adequately lit. Given that number 15 is oriented to the south-west of the appeal property, I am satisfied that this would be the case.
8. Number 19 Springfield Road is a three storey property (including the basement) converted into several flats. It occupies a relatively small plot for the size of the building, being closely bounded to the rear by number 1 Beaconsfield Parade, which has a small garden filled with mature trees. The rear garden of number 19 is similarly small and already quite enclosed, but it is well maintained and appears to be well used. The proposed extension would be close to the boundary and the present gap between the properties through which the garden receives light would be substantially reduced. Given that the extension would be almost as deep as the garden and be four storeys tall, the existing sense of enclosure experienced in the garden would be considerably increased to the detriment of its use.
9. The enclosing effect of the proposed extension would also be apparent from the windows in the north-facing rear elevation of number 19; and from the west-facing windows in the ground floor rear extension and main side elevation at second floor level. These west-facing windows would face the extension directly. The evidence is not completely clear about which rooms the various windows serve, but from the information available, which includes third party representations, it seems that most serve kitchens or bedrooms. Both are rooms that occupiers may wish to spend time in and it is therefore reasonable to expect that both will provide an acceptable living environment. The combination of the close proximity, height and depth of the proposed extension would be overbearing when viewed from these windows and the outlook from the west-facing windows in particular would be negatively affected to an unreasonable degree.
10. Furthermore, the Daylight Assessment referred to above indicates that the basement and ground floor windows of number 19, particularly the west facing windows on the ground floor extension, would experience a reduction in daylight that was noticeable. The latter would also experience a reduction in sunlight below recommended levels. While the assessment attributes some of the reduction in available light to obstructions within the site itself, I consider that the proposed extension would be a significant contributing factor. This reduction in light, combined with the enclosing and overbearing effects I have identified above, would have an unduly detrimental effect upon the living conditions of occupiers at number 19 Springfield Road. I appreciate that the

extension has been designed with an angled corner to diminish this effect, and I recognise that the Daylight Assessment assumed a deeper square corner. However, I am not persuaded that this design feature is a sufficient concession to overcome the harm that I have found.

11. I have also considered the effect of the proposed extension on living conditions at number 1 Beaconsfield Parade. In this case the mature trees within the garden are so dense and so close to the property that any additional harm resulting from the proposed extension would be minimal. Nonetheless, given the effect upon the occupiers of number 19 Springfield Road, the proposed development would be contrary to Policy QD14 of the Brighton and Hove Local Plan 2005, which requires that extensions to existing buildings should not result in significant loss of outlook, daylight, sunlight or amenity to neighbouring properties; and to Policy QD27 of the same Plan, which states that planning permission will not be granted if the development would cause loss of amenity to adjacent occupiers.

#### *Character and Appearance*

12. The appeal property is a large and attractive building and is thus important in the street scene of Springfield Road and in the views available to neighbouring occupiers. In terms of the street scene, the proposed extension would be set well back from the front of the property, which is itself set back behind a reasonably deep front garden. The extension would appear subservient to the main dwelling and, indeed, would be difficult to see except when standing in the immediate vicinity of the property or just to the east. It is unfortunate that the extension would narrow the visual gap between the appeal property and number 19, but such gaps are not particularly characteristic of the street scene and no significant harm would be caused to the wider area. However, as discussed above, I am concerned about the effect of narrowing the gap upon conditions in the rear garden of number 19.
13. I agree with the Council that the proposed extension would be of no particular benefit in terms of restoring symmetry with number 15, but given the degree to which the extension to that property is set back, the symmetry of the main elevations is not unduly affected. I also appreciate that the Council considers certain existing extensions in Springfield Road to be visually harmful, but for the reasons I have given, I do not consider that the appeal proposal would be unduly harmful to the character and appearance of Springfield Road. Similarly, the detailing on the proposed extension has been designed to complement that of the main building, and the appellant has responded to pre-application advice from the Council in order to make the extension appear subservient in the street scene. When viewed from the front, the extension would not be harmful to the character and appearance of the host dwelling.
14. However, given the scale of the proposed extension, it would be highly visible from the neighbouring properties at the rear of the site. From here, the angled corner, with a traditional and therefore overhanging roof, would appear as an awkward feature. I recognise that this design is intended to reduce the impact on the living conditions of neighbouring occupiers, but for the reasons given above, I am not satisfied that it would be successful. As such, the feature would simply appear incongruous and the effect would be magnified by the large size of the extension. It would be harmful to the character and appearance of this attractive building and thus it would also be harmful to the

character and appearance of the wider area, albeit it from a small number of private vantage points. This would be contrary to Policy QD14 of the Brighton and Hove Local Plan 2005, which requires extensions to be well designed and sited in relation to the property to be extended, adjoining properties and the surrounding area.

*Other Matters*

15. It is clear from the evidence that the appellant has engaged in pre-application correspondence with the Council in seeking to resolve a number of issues. I have considered the information submitted in respect of matters including the standard of accommodation to be provided; compliance with the Lifetime Homes Standards and the Code for Sustainable Homes; the archaeological potential of the site; the treatment of the rear communal garden; and the provision of cycle parking facilities. I find no reason to disagree with the Council that, where necessary, an appropriate outcome could be secured by conditions. While third party representations have raised concerns about the parking situation in Springfield Road, I appreciate that the appellant has removed parking from the proposal in order to retain the rear garden and overcome a previous highway-related objection. However, my view in relation to these matters does not outweigh the harm that I have found in respect of living conditions and character and appearance.
16. In reaching my conclusions, I have had regard to the National Planning Policy Framework, particularly paragraph 14 on sustainable development, and Section 6 on delivering a wide choice of high quality homes. While the proposal would deliver additional housing of mixed size, the harm it would cause would outweigh the benefit in this regard.

**Conclusion**

17. For the reasons given above I conclude that the appeal should be dismissed.

*Louise Phillips*

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: 3 December 2013**

---

**Appeal Ref: APP/Q1445/A/13/2201112**

**24 Albert Road, Brighton BN1 3RN**

- 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 Z Solomon against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00478, dated 14 February 2013, was refused by notice dated 23 April 2013.
  - The development proposed is the creation of a single storey extension to existing garage and roof alterations to facilitate storage area above and associated works.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description used on the application form differs from that on the planning appeal form and decision notice. The original description reads; 'Amendment to previous planning approval BH2010/00041.' For clarity and the avoidance of doubt, I have used the Council's description as re-iterated by appellant in his appeal form.
3. The development has been carried out. However, the plans submitted differ from the development carried out on site. For example, the uppermost portion of the front first floor windows is screened by the eaves, whilst in the proposed drawings the windows would sit just below the eaves. The space between the top of the garage door and the sill of the windows is shown to be wider on the drawings than has been built. In addition, the garage doors shown on the drawings are off centre, whereas the existing structure has a wider left hand corner post, resulting in the garage door being centred within the front elevation. These differences, when considered cumulatively, result in the proposal being materially different to the structure that has been built.
4. I note that the appellant suggests that the differences in detailing could be overcome by the use of conditions. Having had regard to *Circular 11/95: Use of conditions in planning permission* (the Circular), I consider that the changes required to the existing structure would be substantial. Interested parties might want to comment on the modifications, particularly given that the site is in a conservation area. In such cases, paragraph 84 of the Circular advises conditions should not be used as a remedy. I conclude that the use of conditions to significantly alter the proposed scheme would not be reasonable,

and as such would fail to meet the tests of the Circular. I have, therefore, considered the proposal based on the originally submitted plans.

### **Main Issue**

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the West Hill Conservation Area.

### **Reasons**

6. The appeal site is located within the West Hill Conservation Area which the Conservation Area Character Statement states is characterised by being a mainly residential area between Brighton Station and the Seven Dials parts of the city. Albert Road, in particular, is characterised by a terrace of dwellings along its northern side with the appeal site located on the southern side, which is characterised by the spacious development of three storey semi-detached houses dating from the 1870s and 1880s of which the appeal building is one.
7. Whilst there are some limited examples of garages on the side of dwellings within the area, these tend to be detached from the main dwelling or are set back from the front elevations by a greater distance than that shown on the drawings showing the proposal. No 25 Albert Road forms the other half of the semi-detached properties, and visually the building provides a complete unit within the street scene. There is a single storey timber detached garage to the side of No 25, which is set back from the front elevation, with a space between the building and the garage. Given its siting and single storey form, the garage to the side of that part of the building does not detract from the balanced appearance of the two dwellings.
8. The proposed garage would be set back a small distance from the front elevation of the building, and cover the gap between the flank wall of No 24 and the boundary wall with No 17 Buckingham Road. The original garage was an unimposing single storey structure with a flat roof, which covered a smaller footprint. The proposed scheme consists of a two storey garage with hipped roof. The proposed scheme has tried to respect the architectural significance of the host dwelling by incorporating some design details.
9. However, these details would result in an awkward juxtaposition between the proposed garage and the main dwelling, which further exacerbates the visual discordance arising from the proposed scheme. Furthermore, when the garage is considered in the context of abutting one side of the entire building it would not only result in a visual unbalancing of Nos 24 and 25, but would also appear out of scale with the four storey host building. Therefore, whilst the harm to the significance of the conservation area is less than substantial, the benefits of the scheme to the appellant in providing additional living space are not sufficient to outweigh that harm.
10. I note that the site has a long planning history dating back to an application in 1989. Whilst these are important material considerations, I have not been provided with the technical details of these schemes. In any case, whilst this history refers to the principle of the development, they do not overcome the harm to the conservation area arising from the proposal before me I have identified.
11. I therefore conclude that the proposed development fails to preserve or enhance the character or appearance of the West Hill Conservation Area

contrary to Policies QD14 and HE6 of the *Brighton and Hove Local Plan 2005*, which, amongst other aims, seeks to ensure that proposed development is detailed in relation the property and should show a high standard of design and detailing.

*Cullum J A Parker*

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: 3 December 2013**

---

**Appeal Ref: APP/Q1445/A/13/2202024**

**19b Camelford Street, Brighton, East Sussex BN2 1TQ**

- 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 Charles Meloy against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00593, received by the Council on 5 March 2013, was refused by notice dated 30 April 2013.
  - The development proposed is described as "to renew and raise existing roof with original tiles and introduce a lead lined dormer to the rear (south) façade. It is proposed that the existing sloped external wall to the rear (south) is rotated to the vertical and an external space created adjacent behind this at the upper floor to provide amenity provision for the property for which there is currently none. Refine the parapet detail to the north façade, thereby enhancing the proportions of the flat."
- 

### Decision

1. The appeal is allowed and planning permission is granted "to renew and raise existing roof with original tiles and introduce a lead lined dormer to the rear (south) façade. It is proposed that the existing sloped external wall to the rear (south) is rotated to the vertical and an external space created adjacent behind this at the upper floor to provide amenity provision for the property for which there is currently none. Refine the parapet detail to the north façade, thereby enhancing the proportions of the flat" at 19b Camelford Street, Brighton, East Sussex BN2 1TQ in accordance with the terms of the application, Ref BH2013/00593, received by the Council on 5 March 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Unless otherwise stated on the approved plans 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.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 0120/PA/100, 0120/PA/101, 0120/PA/102, 0120/PA/202 Revision A, 0120/PA/201, 0120/PA/301, 0120/PA/302, and 0120/PA/401.

### Procedural matters

2. I note that a revised drawing to replace 0120/PA/202, labelled revision A, was submitted by the appellant following a request from the local planning authority

during the application process. It was agreed by the parties on site that the proposal should be considered against the Revision A drawing, which differs by having three string courses on the St James Street elevation rather than two. My decision is therefore based upon this drawing.

### **Main Issues**

3. The main issues are the effect of the proposed development on the character and appearance of the East Cliff Conservation Area, bearing in mind that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, and on the living conditions of adjoining neighbours in terms of privacy, noise and disturbance.

### **Reasons**

#### *Character and appearance*

4. The East Cliff Conservation Area, covering a large area of the City of Brighton and Hove, is characterised by a mixture of building types and uses. Most buildings within the Conservation Area appear to date from the 18<sup>th</sup> Century onwards. In particular, Camelford Street runs on a north/south axis and is characterised by being a narrow, single lane, with the terraced dwellings on either side having a mixture of roof forms which run on a north-south axis. There are a number of examples of dormers within the front roof slopes; these vary in design.
5. The appeal building, No 19b Camelford Street, is sited on a corner location and is a three storey flat located above a shop that faces onto St James' Street to the north, although the flat is accessed via a front door which opens onto Camelford Street on the eastern elevation. The roof of the building follows that of the buildings facing onto St James Street, being on an east-west axis. Whilst connected to the end of the terrace along Camelford Street, the appeal building is visually a part of St James Street frontage, with its flank wall facing Camelford Street.
6. The proposal includes a number of alterations to the host property including the raising of the roof so that it is of a similar height to that at the adjoining dwelling along St James Street and the introduction of a third string course to the front elevation. These alterations would ensure that the building retains the visual cohesion of the frontages of buildings along St James Street. I am, therefore, satisfied that these elements of the proposal would not detract from the character or appearance of the East Cliff Conservation Area or of the building.
7. The raised roof height would also allow the existing mansard roof to be squared off to the rear to enable the introduction of a balcony and full length dormer on the rear of the building, facing south. The dormer proposed would have a full length glazed doors leading out onto a small terrace area. I observed during my site visit that only the top half of the dormer would be visible from street level along Camelford Street looking northwards due to the bottom half being obscured by the parapet wall serving the terrace area. The dormer would be lead lined with the raised parapet wall in front of it hung-tile clad. Both of these are found within the local street scene and are therefore considered sympathetic to the parent building.

8. I note the Council's recently adopted *Design Guide for Extensions and Alterations SPD 2013* (SPD), which requires that dormer windows are kept as small as possible and no larger than that required for the opening used. This requirement is fairly consistent with the advice provided in the *Supplementary Planning Guidance Note 1 – Roof Alterations and Extensions* [undated], (SPGBH1), which the SPD replaced in early 2013. In this case the dormer would have a flat roof and full length French style doors opening out onto the small terrace area. The size of the dormer is no larger than that required for the doors to be inserted.
9. Furthermore, whilst I note that other dormers along Camelford Street are of a smaller traditional size and form, there are a wide range of design styles and materials used with some dormers being overly large. I also note that those dormers are on the front roof slopes, facing into the highway forming a distinct visual group, whereas the dormer at 19b would be on the rear roof slope facing into the gable of No 19 Camelford Street.
10. Whilst the dormer would be the first along Camelford Street facing southward, it is important to appreciate that the main façade of the building faces onto St James Street. There are a number of other dormers to the rear of buildings along St James Street, which also face southward and it is the context of that group of dormers in which the proposed dormer should be appreciated. I am, therefore, satisfied that a dormer in this location and of the design proposed would be acceptable.
11. I conclude, therefore, that the proposal would preserve or enhance the character or appearance of the East Cliff Conservation Area and as such would accord with Policy QD14 of the *Brighton and Hove Local Plan 2005* (BHLP), SPGBH1, and the SPD, which, amongst other aims, require developments to be well designed, use materials sympathetic the parent building, and for dormers to be kept as small as possible in relation to the opening proposed.

#### *Living conditions*

12. The flat consists of a living room and kitchen on the first floor, a bedroom and bathroom on the second floor, with the third floor located within the existing mansard roof accessed via a narrow staircase, and this is used as a bedroom. There is an existing roof top terrace at No 19a Camelford Street, which it is possible to look into from an existing rooflight at the appeal property. It is understood that the terrace does not have planning permission, but has been present for a number of years.
13. The introduction of a balcony area would allow the occupiers of No 19b to sit outside at roof level, albeit an additional storey above that at No 19a. Given the roof level at 19b is higher than that at 19a, most noise from users of the balcony would be directed over the terrace and to the roofs along Camelford Street. Furthermore, whilst I recognise that the balcony could give rise to increased noise levels, I consider that the city centre location of the building, directly adjacent to a busy high street, is such that the ambient noise in the area is greater than one would find in a suburban area, for example. I do not, therefore, consider that the proposal would result in unacceptable levels of noise or disturbance for adjoining neighbours.
14. Whilst there would be an increase in the ability to overlook the terrace at No 19a, the parapet wall proposed would help prevent direct views downwards. I

also note that the terrace at No 19a is already overlooked by windows on the opposite side of Camelford Street. The proposal would result in the loss of some privacy and a greater perception of being overlooked, especially on the terrace at No 19a. However, when considered in the context of the proposed parapet wall, the level of usage of the balcony and the existing nearby windows, I do not consider that it would result in a materially harmful loss of privacy or perception of overlooking detrimental to the living conditions of neighbouring occupiers.

15. I conclude, therefore, that the proposal would not result in a harmful loss of privacy, or the creation of harmful levels of noise and disturbance. I find, therefore, that the proposal accords with Policies QD14 and QD27 of the BHLP which, amongst other aims, seek to ensure development does not cause material nuisance, loss of amenity or significant noise disturbance.

### **Conditions**

16. In addition to the standard time limit condition, the Council has suggested one further condition. I have had regard to Circular 11/95 (the Circular) during my consideration of this condition. The use of matching external finishes or as stated on the approved plans is necessary to preserve or enhance the character or appearance of the East Cliff Conservation Area. A further condition requiring that the development be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

### **Conclusion**

17. For the reasons given above I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR



## Appeal Decision

Site visit made on 27 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: 3 December 2013**

---

**Appeal Ref: APP/Q1445/D/13/2207857**

**41 Prince's Road, Brighton, BN2 3RH**

- 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 C Lean against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02737 was refused by notice dated 7 October 2013.
  - The development proposed is a rear extension.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect of the proposed rear extension on the character and appearance of the host property. As the property lies within the Round Hill Conservation Area I also have a statutory duty to consider whether or not the development would preserve or enhance the character or appearance of that Area.

### Reasons

3. Prince's Road is characterised by modest Victorian terraced houses. Many of the rear elevations have paired two-storey outriggers with pitched roofs. No 41 has already been extended with an infill between the outrigger and the shared boundary with No 43. This infill extension has a mono-pitched roof. The proposal seeks to add another single storey extension that would project beyond the existing rear elevation and would span the full width of the property. It would also have a mono-pitched roof, the upper end of which would be just below the first floor windowsill of the outrigger.
4. The rear elevations of the surrounding properties display considerable variety. Nos 43 and 45 have flat roof single-storey extensions that project beyond their rear outriggers. No 37 appears to be a double width property that has been substantially altered and it also has a large single storey rear extension with a flat roof above which is a smaller flat roof extension. I note that the Council has no planning history for any of these extensions, all of which appear to have been constructed some time ago. The presence of the existing extensions is therefore not a material consideration of significant weight in my consideration of the appeal proposal, which I must determine on its individual planning merits having regard to current planning policy.

5. The Council has recently adopted a Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12), which sets out specific advice in relation to rear extensions of properties with outriggers. It advises that single storey infill extensions between the outrigger and the shared boundary, such as that which has already been implemented at No 41, are acceptable. However, single storey extensions should not normally extend beyond the rear wall of the outrigger or wrap around the rear elevation. Developments of this kind fail to preserve the original plan of the house.
6. No 41 is paired with No 39 and their outriggers remain in their original condition. The proposed extension would therefore disrupt the form and plan of the original dwellings. This would be harmful to the character of the house and would be contrary to the advice of SPD12. In addition the roof slopes of the existing rear infill extension and that of the proposed additional extension would be different. This would create an awkward connection between the two roofs and would result in the proposal failing to integrate satisfactorily with the existing dwelling and its extension. Moreover, the mix of sloping and flat roofs on this and the surrounding extensions would contribute to a further erosion of the character of the rear of this terrace of Victorian houses.
7. I am also mindful that Prince's Road lies within the Round Hill Conservation Area, an area characterised by 19<sup>th</sup> century terraced buildings with continuous frontages. Government policy in respect of the historic environment is set out in the National Planning Policy Framework. Paragraph 126 advises that heritage assets should be recognised as 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. This approach is reflected in saved Policy HE6 of the Brighton & Hove Local Plan, which requires development within conservation areas to preserve or enhance the character or appearance of the area.
8. Although the rear of No 41 is not visible from any public viewpoints, the Victorian outrigger is a distinctive feature of this and other properties in the vicinity. The construction of overly large rear extensions that are not sympathetic to the original form of the dwellings can therefore be harmful to the heritage assets within the conservation area. Although the harm to an individual building may be less than substantial, the incremental and cumulative loss of these original features could adversely affect the conservation area and the heritage asset as a whole.
9. I appreciate that the construction of a new extension could provide an opportunity to make the house more thermally efficient. However, this small-scale public benefit would be outweighed by the harm to the original features of the house. I therefore consider that the proposal would fail to preserve the conservation area.
10. I conclude that the proposed extension would be harmful to the character and appearance of the host property and the Round Hill Conservation Area. It would be contrary to saved Policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan and the advice of SPD12. These policies and guidance require all extensions to be well designed, sited and detailed in relation to the property to be extended and the surrounding area, especially in areas protected for their historic interest.

### **Other matters**

11. The Council considered the potential effects of the proposed extension on the living conditions of occupants of adjoining properties and concluded that they would not suffer material harm. I see no reason to come to a different view and note that there were no objections to the scheme from neighbours. However, these positive aspects of the proposal do not diminish the harm I have identified.
12. The appellant's concerns about the noise and fumes from the Veolia depot in Hollingdean Lane are not matters that I can consider in the context of this appeal. I note that the appellant would prefer to extend his existing home for his growing family rather than move house. However, these personal circumstances are likely to be short term when compared with the permanent alterations to a dwelling. They are therefore insufficient to justify setting aside harm to the character and appearance of the area.

### **Conclusion**

13. For the reason set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR







---

## Appeal Decision

Site visit made on 27 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: 3 December 2013**

---

**Appeal Ref: APP/Q1445/D/13/2207651**

**49 Sackville Gardens, Hove, East Sussex BN3 4GJ**

- 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 Edward Shuttleworth against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01809 was refused by notice dated 30 July 2013.
  - The development proposed is enlargement of kitchen under approved application BH2013/00923 to construct rear single-storey extension in Conservation Area and addition of roof dormer and Conservation type rooflights to rear roof including removal of two velux rooflights. Inclusion of extra information on dormer window to remove previous condition.
- 

### Decision

1. The appeal is allowed and planning permission is granted for erection of single-storey rear extension, removal of 2 No rooflights and creation of dormer to rear roofslope, insertion of 3 No rooflights to rear side facing roofslope at 49 Sackville Gardens, Hove BN3 4GJ, in accordance with the application Ref: BH2013/01809, dated 4 June 2013 subject to the following conditions:
  - 1) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 2) The development shall not be carried out other than in complete accordance with the details shown on the submitted plans, numbers: CH534/001B, CH534/002, CH534/003, CH534/004, CH534/005B, CH534/006B, CH534/007B and CH534/009.
  - 3) The rooflights hereby permitted shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
  - 4) Access to the flat roof of the extension hereby permitted shall be for maintenance or emergency purposes only and shall not be used as a roof garden, terrace or similar amenity area.
  - 5) No development shall take place until 1:20 scale elevation drawings and detailed section drawings showing the window design and frame details of the proposed rear dormer window hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

### **Procedural matter**

2. The Council's decision notice simplified the description of the development to: 'erection of single storey rear extension, removal of 2 No rooflights and creation of dormer to rear roofslope, insertion of 3 No rooflights to rear side facing roofslope'. I have used this more succinct description in my determination of the appeal.

### **Main issue**

3. The main issue is the effect of the proposed extension and roof alterations on the character and appearance of the host property. As the property lies within the Sackville Gardens Conservation Area I also have a statutory duty to consider whether or not the development would preserve or enhance the character or appearance of that Area.

### **Reasons**

4. The Sackville Gardens Conservation Area is predominantly characterised by large semi-detached dwellings, most of which appear to have been built at the end of the 19<sup>th</sup> century. Many original features have been retained. No 49 is one of these well-proportioned semis set in a small plot. It has a substantial two-storey outrigger at the rear of the dwelling.
5. The Council granted planning permission for a rear extension and alterations to the roof in June 2013, Ref: 2013/00923, subject to various conditions. The appeal proposal differs only insofar as the rear extension would be 4.5m in depth instead of 4m. It would therefore occupy an increased proportion of the depth of the outrigger. Although the pair of sash windows that currently occupy the sidewall of the house would be lost to this elevation, it is intended that they will be re-used on the rear elevation of the extension.
6. The flank wall of the proposed extension would not include any windows or architectural features and could therefore have a bland appearance. However, it is not a wall that is visible from any public viewpoints and is not excessively long when compared with the depth of the outrigger or the flank elevation of the house as a whole. In the context of the overall size of the host property, the enlarged extension would be a modest addition that would be subservient to it. I am therefore not persuaded that it would have an unduly dominant appearance. Furthermore, as the shared boundary with No 47 is currently only a low wall, the insertion of any windows or doors would be likely to attract objections relating to loss of privacy for the adjoining occupants.
7. The Council adopted its Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12) after it approved the earlier scheme. I have therefore considered the proposal in the light of the advice set out in this document alongside the existing permission. The SPD includes specific guidance in relation to extensions on properties with outriggers as it seeks to prevent overly large extensions that overwhelm the original dwelling. However, as the appeal proposal does not project as far as the existing outrigger, does not wrap around it, or result in the replacement of a boundary wall or fence, it would comply with these aspects of the SPD. The height of the proposed extension has been determined by the ceiling heights within the host property and to ensure effective integration with the existing structure. The additional height above the recommended 2m is therefore justified in this case and, in my view, is in proportion with the host property.

8. Government policy in respect of the historic environment is set out in the National Planning Policy Framework. Paragraph 126 advises that heritage assets should be recognised as 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. This approach is reflected in saved Policy HE6 of the Brighton & Hove Local Plan, which requires development within conservation areas to preserve or enhance the character or appearance of the area. As the proposed extension is entirely to the rear of the property, would comply with the objectives of SPD12 and would not result in the loss of historic features that are worthy of retention, I am satisfied that the Area would not be harmed.
9. The Council considered the effects of the proposed dormer window and rooflights on the appearance of the host property, taking account of the guidance set out in SPD12 and the location of the dwelling within the Sackville Gardens Conservation Area. It concluded that these alterations would not give rise to harm to the host property or the conservation area. I see no reason to take a different view.
10. I therefore conclude that the proposal would not be harmful to the character and appearance of the host property and that the Sackville Road Conservation Area would be preserved. The proposal would comply with saved Policies QD14 and HE6, which require development to be of a high quality and respect its setting, especially in areas protected for their historic interest.

### **Other matters**

11. I note that the occupant of No 47 raised concerns about the potential for overshadowing and loss of privacy arising from the development. The Council considered these matters and concluded that there would be no undue loss of amenity for these neighbours. I concur with this assessment and consider that the scheme would comply with the advice set out in SPD12 in relation to effects on adjoining occupiers. On my site visit I saw that some vegetation along the shared boundary been removed and this has resulted in greater inter-visibility between the gardens. However, since this did not require planning permission it is not a matter for me to address in the context of this appeal.

### **Conditions**

12. The Council imposed a series of conditions on the previous application, Ref: BH2012/00293 and I have considered these having regard to the similarities between the two schemes. As work has already begun the standard time limit condition is not required. Conditions requiring matching materials and specifying the rooflights are needed in the interests of the appearance of the development. It is necessary that the development shall be implemented in accordance with the approved plans and therefore a condition specifying the plans is required for the avoidance of doubt and in the interests of proper planning. A condition restricting access to the roof of the extension is justified to protect the privacy of the adjoining occupier.
13. I note that the appellant submitted additional details in relation to the rear dormer window with the appeal in the expectation that the condition on the previous permission could be discharged. However, it is more appropriate for these details to be approved by the local planning authority. I have therefore imposed this condition for avoidance of doubt and the sake of consistency.

**Conclusion**

14. For the reasons set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be allowed, subject to conditions.

*Sheila Holden*

INSPECTOR



## Appeal Decision

Site visit made on 27 November 2013

by **C J Leigh BSC(HONS) MPHIL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 December 2013

---

**Appeal Ref: APP/Q1445/D/13/2205165**

**120 Eldred Avenue, Brighton, BN1 5EH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr N Collins against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02161, dated 12 April 2013, was refused by notice dated 22 August 2013.
  - The development proposed is described as 'raised decking to rear with stores & utility room below (revision to BH2012/03562) retrospective.
- 

### Preliminary matters

1. The works are most accurately described as set out on the Council's decision notice, namely the erection of a garden store incorporating roof terrace and balustrade above and the formation of steps and flanking wall between the terrace and rear garden, and I have determined this appeal on that basis. I saw at my site visit that the works the subject of this appeal have been largely undertaken, though not yet fully complete.

### Decision

2. The appeal is allowed and planning permission granted for the erection of a garden store incorporating roof terrace and balustrade above and the formation of steps and flanking wall between the terrace and rear garden at 120 Eldred Avenue, Brighton, BN1 5EH, in accordance with the terms of the application, Ref BH2013/02161, dated 12 April 2013, subject to the development being carried out in accordance with the following approved plans: 433/02 & 433/03.

### Main issues

3. The main issues in this appeal is the effect of the development upon, firstly, the living conditions of adjoining occupiers and, secondly, the character and appearance of the surrounding area.

### Reasons

#### *Living conditions*

4. I have been informed of the planning history relating to the appeal property, and also to other properties in the vicinity. I see the essential matter being the grant of permission in May 2011 for raised decking to the rear of the property with garden store below (ref. BH2011/00666). The development as-built on site differs from this permission with the appellant informing me the depth of

the terrace being 2.3m as oppose to the permitted 2m, which is not disputed by the Council.

5. The terrace as-built allows views towards the rear gardens of adjoining properties. However, I could ascertain from my site visit that views over these gardens would also be possible if the terrace was to the lesser depth as permitted under application BH2011/00666. In my judgment there is only a marginal increase in the ability to overlook adjoining gardens from the as-built situation, and this does not lead to a material loss of privacy to adjoining occupiers. Similarly, the marginal increase in size of the terrace does not indicate any likelihood that there would be a material increase in noise and disturbance to adjoining neighbours that might occur from the approved terrace.
6. The increased depth leads to some partial additional ability to look towards the rear windows of the adjoining property of 118 Eldred Avenue, due to the projection beyond the rear building line of that house. However, to achieve such views one must stand in a very limited part of the as-built terrace, and so there is little material loss of privacy. Furthermore, I note that the existing rear terrace to No. 118 similarly projects beyond the rear building line and so affords the opportunity to look towards No. 120 and its garden. In any event, the proposed development shows the erection of a 1.8m high privacy screen along the edge of the terrace. This would be sufficient to prevent unreasonable views into the windows of No. 118 from the appeal property (and *vice versa*), as well as providing adequate screening from noise and disturbance.
7. It is thus my conclusion on the first issue that the development would accord with Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 which resist new development, including extensions, that would result in significant noise disturbance, loss of privacy or outlook to neighbouring properties.

#### *Character and appearance*

8. The scale, siting and design of the extension and terrace differ from the approved raised decking to the rear of the property. However, the development would still be appropriate to the character of the host property and the wider area, where I saw a number of properties have also had rear extensions with terraces. The works would incorporate facing brickwork, with the use of render and timber boarding to part of the staircase. Although these materials would differ from the host property, it is a modest and non-obtrusive use of these contemporary materials and not imposing upon the house or wider area. The glazed balustrades would similarly be modest additions. The size of the works would remain proportionate to the host property and its plot.
9. On the second issue it is concluded that the design and scale of the development would be acceptable and not harmful to the appearance of the host property or the surrounding residential area. Thus, it would be consistent with the objectives of Policy QD14 of the Local Plan that seeks to ensure all new extensions are well designed, sited and detailed in relation to the property and the surrounding area.

#### *Conclusions and conditions*

10. For the reasons given, and having regard to all other matters raised, the appeal is allowed. The Council have suggested a condition requiring matching materials. However, the drawings show certain materials would not match and,

in any event, as noted above the development is largely complete. I therefore consider the only necessary condition to be one specifying the approved drawings in order that the development shall be carried out in accordance with the approved plans, including the use of the materials as shown. This is also for the avoidance of doubt and in the interests of proper planning, and to ensure the inclusion of the shown balustrades and privacy screen.

**C J Leigh**

INSPECTOR





---

## Appeal Decision

Site visit made on 27 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: 4 December 2013**

---

**Appeal Ref: APP/Q1445/D/13/2207833**  
**7 Queen Caroline Close, Hove, BN3 6WW**

- 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 Patel against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02095 was refused by notice dated 28 August 2013.
  - The development proposed is two storey rear extension and porch to front entrance.
- 

### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues are:
  - a) the effects of the proposed extensions to the front and rear of the house on the character and appearance of the host property and the surrounding area;
  - b) the effect of the proposed rear extension on the living conditions of the adjoining properties in relation to visual intrusion and overshadowing.

### Reasons

#### *Character and appearance*

3. Queen Caroline Close is a cul-de-sac serving a dozen modern, detached two-storey dwellings set in small plots. It is part of a larger residential estate on the outskirts of Hove. The proposal is to construct a front porch and a two-storey rear extension to No 7.
4. Although the houses are not identical, several have mono-pitched roofs that extend across the front elevations above the ground floor bay windows. These features help to integrate the attached garages with the remainder of the dwellings and provide limited shelter over the front entrances. The proposed porch at No 7 would disrupt this feature and enclose an area that would project beyond this roof and the front elevation of the house. The additional depth of the porch, together with its pitched roof with a gable front would result in it failing to integrate satisfactorily with the host property. It would also appear to be an alien and incongruous addition to the street scene, as it would be at odds with the common features of the surrounding properties, especially those on either side of No 7. I consider this would adversely affect the street scene.

5. The proposed rear extension would replace the existing conservatory. However, it would be deeper, projecting further into the garden and would occupy the full width of the house. Its ridge height would be only just below that of the existing dwelling. The result would be a large and bulky extension that would appear out of proportion with the host property. The proposal would dominate and overwhelm the existing house, rather than being subservient to it. I consider this would be to the detriment of its original character and style.
6. Although the proposed rear extension would not be visible from Queen Caroline Close, it would be seen from the houses and gardens in the surrounding area. As a consequence of its enlargement it would appear more prominent and out of keeping with its neighbours. I consider this would adversely affect the character and appearance of the area as a whole.
7. The Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12), adopted in June 2013, advises that extensions should not dominate or detract from the original building or the character of an area. They should play a subordinate 'supporting role' that respects the design, scale and proportions of the host building. It advises that extensions should not be deeper than half the depth of the main body of the original building. It also recommends that roofs of extensions should be set lower than the main ridge of the building. The scale and proportions of the proposal would conflict with this advice.
8. I therefore conclude that the front porch and two-storey rear extension would be harmful to the character and appearance of the host property and the surrounding area. They would be contrary to saved Policy QD14 of the Brighton & Hove Local Plan, which requires development to be well designed, sited and detailed in relation to the host building, adjoining properties and the surrounding area. The proposal would also fail to comply with the advice set out in SPD12.

#### *Living conditions*

9. The flank walls of Nos 6 and 7 are close to the shared boundary. No 6 is set back on its plot and has a conservatory. However, the proposed extension would project beyond the rear elevation of No 6. Its height and depth would therefore introduce a sense of enclosure for the occupants of No 6. This would be apparent from the conservatory and in the part of the garden closest to the house. There would also be a loss of outlook from the ground floor window near the shared boundary. The proposed extension would therefore appear visually intrusive and overbearing, making the house and garden of No 6 a less pleasant place to be. Furthermore, the position of the proposed extension, to the south of No 6, would give rise to overshadowing of the area immediately adjacent to its rear elevation. This would also adversely affect the living conditions of the occupants.
10. The garage of No 8 is attached to the northern side of this adjoining property and there is therefore a significant gap between the flank walls of Nos 7 and 8. Although the additional bulk of the proposed extension could be seen from No 8 and its rear garden, the separation distance between the two dwellings would prevent it appearing visually intrusive. Neither would there be any harmful loss of outlook from the ground floor windows.

11. Notwithstanding the lack of harm to the occupants of No 8, I conclude that the proposed extension would be harmful to the living conditions of the occupants of No 6 arising from visual intrusion and overshadowing. It would therefore be contrary to saved Policies QD14 and QD27 of the Local Plan, both of which seek to protect the amenity of adjoining occupiers.
12. I appreciate that neither of the neighbours have objected to the proposal and this led the appellant to believe that his application would be acceptable. However, I must consider the longer-term effects of the development on both existing and potential future occupants and in doing so I have found that it would be harmful to the occupants of No 6.

**Other matter**

13. I note that the appellant was dissatisfied with the way in which the Council handled the application. However, this is not a matter for me to consider in the context of this appeal, which is confined to a consideration of the proposal on its individual planning merits.

**Conclusion**

14. For the reasons set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR





## Appeal Decision

Site visit made on 27 November 2013

by **C J Leigh BSC(HONS) MPHIL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 December 2013

---

**Appeal Ref: APP/Q1445/D/13/2206477**

**4 Terminus Place, Brighton, BN1 3PR**

- 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 T Fitzgerald against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01899, dated 4 June 2013, was refused by notice dated 7 August 2013.
  - The development proposed is two rear dormers & front conservation rooflight in connection with a loft conversion.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the West Hill Conservation Area, within which the appeal site lies.

### Reasons

3. The property is one of an attractive terrace of small houses that rise from Terminus Road. The vicinity of the area is characterised by similar short terraces of houses to the south, whilst to the west are the larger houses of Clifton Street that are set at a higher level. There is a good degree of consistency in the roofscape of the area, with few alterations evident; those that do exist, which include the examples pointed out by the appellant, are the exception and as a consequence the general appearance of the roofs in the vicinity is largely unaltered. The form of the roofs and the degree of originality make a positive contribution to the West Hill Conservation Area.
4. The proposed development would see a conservation-style roof light in the front roofslope, which would have no harmful effect upon the appearance of the building. The scheme would also see two dormers windows in the rear roof slope. I share the Council's concerns that these would appear over-dominant to the roof and the house below due to their size and proportions: they would in fact be larger than the size of the first floor windows beneath in the subject property. They would sit in a high position on the roof. These matters together would all create an imbalanced appearance to the rear elevation, and this unfortunate effect would be incongruous to the terrace and the wider area.

5. I acknowledge there are some alterations to roofs in the wider area, including dormer additions. However, as noted above these are very much the exception and the character of the area is largely one of unaltered roofslopes. In any event, such changes do not justify the construction of the two rear dormers as shown which would be disproportionate in scale and unduly imposing to the character of the host property and the area.
6. It is therefore concluded that the proposed development would be harmful to the character and appearance of the West Hill Conservation Area, and this would be contrary to Policies QD2, QD14 and HE6 of the Brighton and Hove Local Plan 2005 which, amongst other matters, seek to ensure all new development is well designed, sited and detailed and has no harmful effect on the townscape and roofscape of conservation areas. It would also be inconsistent with the advice contained in the Council's Design Guide for Extensions and Alterations SPD 12 (2013) relating to the design of roof extensions and alterations.
7. I agree the proposed development would not be harmful to the privacy of adjoining residents. I also acknowledge that the appellant has undertaken refurbishment works to the property. However, these matters do not outweigh the conflict with adopted planning policies as noted above, and the appeal is dismissed accordingly.

**C J Leigh**

INSPECTOR

---

## Appeal Decision

Site visit made on 25 November 2013

**by Michael Boniface MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 December 2013**

---

**Appeal Ref: APP/Q1445/A/13/2205009**

**Flat 03, Derwent Lodge, 103 Buckingham Road, Brighton, BN1 3RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Shelaine Siepel against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01121, dated 8 April 2013, was refused by notice dated 17 June 2013.
  - The development proposed is an additional storey above top floor flat (extension to flat 03).
- 

### Decision

1. The appeal is allowed and planning permission is granted for an additional storey above the top floor flat (extension to flat 03) at Flat 03, Derwent Lodge, 103 Buckingham Road, Brighton, BN1 3RB in accordance with the terms of the application, Ref BH2013/01121, dated 8 April 2013, subject to the conditions contained in the attached schedule.

### Main Issue

2. The main issue is the effect on the character and appearance of the appeal property and the West Hill Conservation Area.

### Reasons

3. Buckingham Road is a pleasant residential street comprising pairs of substantial three storey Victorian villas. Buildings stand at various levels to account for the local topography which slopes steeply upwards towards Dyke Road. The appeal property forms a top floor flat within a 1960's style block standing on the junction of Buckingham Road with Dyke Road. The utilitarian form and design of the building is in stark contrast with the traditional Victorian architecture surrounding.
4. Derwent Lodge stands at a height just above the eaves level of the adjacent Victorian building, 101 Buckingham Road. On the other side, and adjoining, is Derwent Court which is read as a single block of flats along with the building containing the appeal property. However, this part of the building rises to a much greater height, stepping up from the level of Derwent Lodge by an additional two storeys when viewed from Buckingham Road. This includes a protrusion from the roof, similar to that now proposed. This creates a jarring discord between Derwent Lodge and Derwent Court through an abrupt change in height.

5. The proposed extension would stand above Flat 03, helping to bridge the change in height between Derwent Court and No.101. The topography of the area is important to its character, resulting in buildings along Buckingham Road creating stepped roof lines which increase in height as they progress up the hill. As such, each building tends to be slightly taller than the neighbouring pair of villas and I see no reason why Derwent Lodge should be an exception to this characteristic.
6. The addition would be set back from the front and rear elevation of the principal building, identifying it as a later addition and reducing its mass. The use of a contrasting white render would further assist in this respect and this is again in keeping with the existing roof protrusion adjacent. The relationship between Derwent Lodge and No.101 is particularly poor when viewed from the park to the rear where the modern interventions that have joined the two buildings are particularly prominent. The proposed extension would be seen in this context and would have little visual impact from this viewpoint.
7. Whilst the overall height, mass and bulk of the existing block of flats comprising of Derwent Lodge and Derwent Court is anomalous within the streetscene, the proposed small scale addition would not materially increase this. In fact, the small addition would improve the visual relationship between the block and the adjacent residential building and contribute to the character of the area, enhancing its significance, through a more appropriate stepping up in height in accordance with land levels.
8. I conclude that the development would not harm the appearance of the appeal property or the block of flats it forms a part of. Furthermore, the improved relationship with the adjacent Victorian building would enhance the character or appearance of the West Hill Conservation Area. I find no conflict with policies QD14 and HE6 of the Brighton and Hove Local Plan (2005) which together, seek to achieve high quality design that respects local character, particularly in the conservation area.
9. I note concerns raised by a neighbour to the site with regards to overshadowing, overlooking and loss of privacy. However, the Council have concluded that no impact on living conditions would result given the siting of the proposed extension relative to the neighbouring buildings and I agree with this assessment. The proposed extension is well removed from neighbouring windows and would have a similar outlook to the existing flats towards the public realm.
10. In light of the above, and having considered all other matters, the appeal is allowed.
11. The Council has suggested a number of conditions in the event that the appeal was allowed. I have imposed the statutory time period for commencement of development and a condition requiring accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have also found it necessary to require samples of the proposed materials, finishes and detailed design of the guarding, privacy screens and openings to ensure an appropriate appearance and to protect the character of the conservation area.

*Michael Boniface*

INSPECTOR



### **Schedule of 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: 0237.EXG.001, 0237.EXG.002, 0237.PL.001 and 0237.PL.002.
- 3) No development shall take place until samples of the materials to be used (including colour of render, paintwork and other finishes) in the construction of the external surfaces of the extension 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.
- 4) No development shall take place until full details of the glazed guarding and privacy screen, including 1:20 scale elevation drawings and sections, have been submitted to and approved in writing by the local planning authority. The approved guarding and privacy screen shall be completed prior to occupation of the extension hereby permitted and thereafter retained.
- 5) No development shall take place until full details of all new windows and doors, including 1:20 scale elevation drawings and sections, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained as such.

