





**Brighton & Hove
City Council**

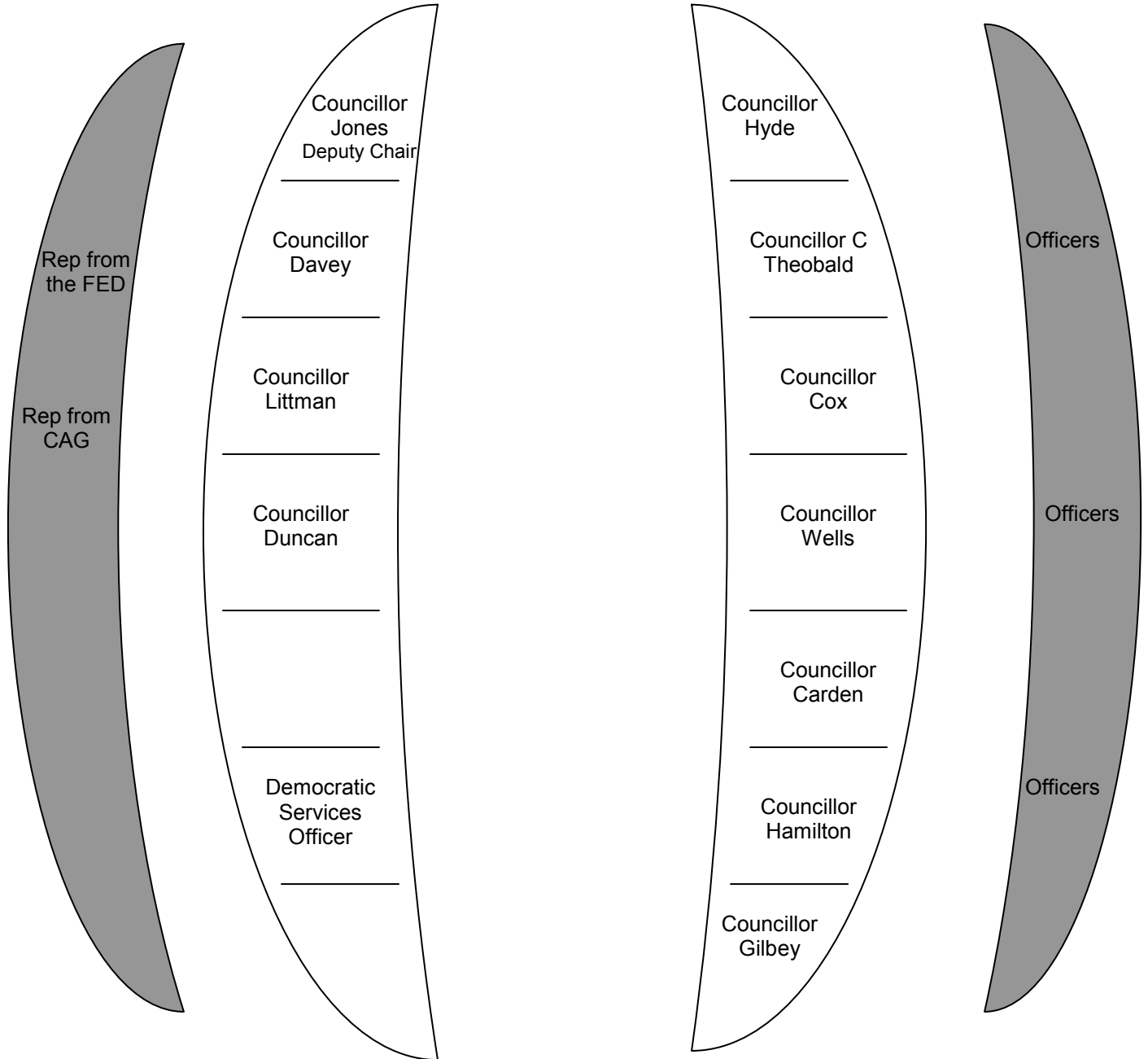
Planning Committee

Title:	Planning Committee
Date:	23 April 2014
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Duncan, Gilbey, Hamilton, Littman, C Theobald and Wells</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Ross Keatley Acting Democratic Services Manager 01273 291064 ross.keatley@brighton-hove.gov.uk</p>

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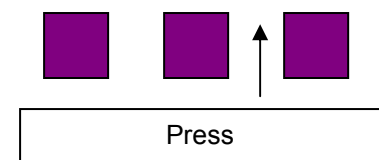
Democratic Services: Planning Committee

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



AGENDA

184. 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

185. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 2 April 2014 (copy attached).

186. CHAIR'S COMMUNICATIONS

187. PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 14 April 2014.

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

189. 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.

MINOR APPLICATIONS

A. BH2013/03624 - The Westbourne, 90 Portland Road, Hove - Full Planning 17 - 26

Alterations to layout of doors and windows, new canopies to front elevation, raised garden level and installation of fixed aluminium planters to west elevation of garden.

RECOMMENDATION - GRANT

Ward Affected: Westbourne

B. BH2013/03400 - 112 Carden Avenue, Brighton - Full Planning 27 - 38

Demolition of existing garages to rear and erection of 3no. bedroom detached dwelling with associated landscaping and access from existing driveway off Carden Avenue.

RECOMMENDATION – REFUSE

Ward Affected: Patcham

C. BH2013/04102 - St Wulfran's Church, Greenways, Brighton - Full Planning Permission 39 - 52

Change of use from agricultural land (Sui Generis) to burial ground (D1).

RECOMMENDATION – GRANT

Ward Affected: Rottingdean Coastal

PLANNING COMMITTEE

- D. BH2012/01263 - Amber Court, 38 Salisbury Road, Hove - Full Planning 53 - 64**
- Change of use of part of basement level of block of flats to commercial office (B1) with associated external alterations including new access ramp and cycle storage to front elevation.
RECOMMENDATION – GRANT
Ward Affected: Brunswick & Adelaide
- E. BH2014/00433 - 17 Old Shoreham Road, Hove - Full Planning 65 - 78**
- Erection of single storey rear extension with associated landscaping and parking alterations.
RECOMMENDATION – REFUSE
Ward Affected: Hove Park
- F. BH2013/04082 - Land Rear of 4-34 Kimberley Road, Brighton - Full Planning 79 - 96**
- Erection of 4no two storey dwellings (C3) with off-street parking, associated landscaping works and re-surfacing of access road.
RECOMMENDATION – GRANT
Ward Affected: Moulsecoomb & Bevendean
- G. BH2014/00294 - 39-40 King's Road, Brighton - Householder Planning Consent 97 - 106**
- Replacement of existing timber sash windows with UPVC sash windows on first, second, third and fourth floors.
RECOMMENDATION – REFUSE
Ward Affected: Regency
- H. BH2013/03946 - Block C & D, The Priory, London Road, Brighton - Full Planning 107 - 122**
- Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level.
RECOMMENDATION – MINDED TO GRANT
Ward Affected: Patcham

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

PLANNING COMMITTEE

INFORMATION ITEMS

- 191. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** **123 - 124**
(copy attached).
- 192. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** **125 - 232**
(copy attached)
- 193. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **233 - 236**
(copy attached).
- 194. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **237 - 238**
(copy attached).
- 195. APPEAL DECISIONS** **239 - 272**
(copy attached).

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

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

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

Date of Publication - Friday, 11 April 2014

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 2 APRIL 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Deane, Duncan, Gilbey, Hamilton, Littman, K Norman and Wells

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

Officers in attendance: Paul Vidler (Deputy Development Control Manager); Nicola Hurley (Area Planning Manager); Paul Earp (Senior Planning Officer); Sanne Roberts (Planning Officer – Conservation); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

PART ONE**172. PROCEDURAL BUSINESS****172a Declarations of substitutes**

172.1 Councillor Deane was present in substitution for Councillor Davey and Councillor K. Norman was present in substitution for Councillor C. Theobald.

172b Declarations of interests

172.2 Councillor Hamilton declared an interest in respect of Item 117(b) Application BH2013/03142 – The Mill House, 131 Mill Lane, Portslade as his letter of objection was listed as part of the application report; as such he would be withdraw from the meeting during the consideration, debate and vote on the application.

172.3 Councillor Mac Cafferty noted, in respect of Item 117(a) BH2013/03930 – Bowling Green, Dyke Road Park, Dyke Road, Hove, that he been in correspondence with the applicant over technical matters, but he referred these onto appropriate Officers for response; at no point had he expressed an opinion on the application and as such he would remain present during the consideration, debate and vote on the application.

172.4 Councillor Mac Cafferty noted, in respect of Item 117(I) BH2014/00431 – Isfield Road Brighton, that he been in correspondence with an objector over technical matters, but

he referred these onto appropriate Officers for response; at no point had he expressed an opinion on the application and as such he would remain present during the consideration, debate and vote on the application.

172c Exclusion of the press and public

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

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

172d Use of mobile phones and tablets

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

173. MINUTES OF THE PREVIOUS MEETING

172.1 Councillor Wells noted that at Item 165(f) paragraph (3) should read ‘Councillor Wells stated that the site visit had showed that the application would improve the property, and he did *not* object to the loss of the ‘L’ shape.’

172.1 **RESOLVED** – That, with the above amendment, the Chair be authorised to sign the minutes of the meeting held on 12 March 2014 as a correct record.

174. CHAIR'S COMMUNICATIONS

174.1 The Chair stated that training would be held on Tuesday 22 April at 10.00 am in the Council Chamber at Hove Town Hall. The session would be led by Stephen Milner: Head of Development Viability & Disposals at the District Valuer Service and would cover the Basics of Viability Appraisals.

174.2 The Chair announced the sad passing of Mr Chris Kift who had served as the Co-Opted representative from ‘the Fed’ to the Committee. The Chair expressed his and the Committee’s sadness at his passing and extended thoughts to his family and friends.

175. PUBLIC QUESTIONS

175.1 There were no public questions.

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

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

Application:	Requested by:
BH2013/03400 - 112 Carden Avenue, Brighton	Councillor Hyde

177. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A. BH2013/03930 - Bowling Green, Dyke Road Park, Dyke Road, Hove - Full Planning - Change of use of bowling green (D2) to open air theatre (sui generis) with associated alterations including landscaping and erection of acoustic wall.

(1) The Senior Planning Officer, Paul Earp, gave a presentation by reference to photographs plans and elevational drawings. The application was for a change of use for the bowling green at Dyke Road Park to become an open air theatre. The site was located on the west side of Dyke Road and was not in a conservation area, but had residential properties to the north and east. The area was surrounded by quite thick landscaping, and the bowling green was currently fenced off and disused after its closure by the local authority in 2013. At the time of closure local community groups had been asked to put forward plans for alternative uses and this was the only scheme that had come forward; the proposed operator was now a registered charity. The theatre would mainly open May to September, Wednesdays to Saturdays and performances would finish by 2200 hours. It was expected the facility would be used by local artists, performers and schools and the terraces of the amphitheatre would be cut out of the existing land; the base would be lowered by approximately 1.5 metres and the terraces raised by a similar height to create the amphitheatre. The existing bowling green club house would be used as an ancillary office and work shop; there would also be no permanent lighting at the site.

(2) The main issues related to the change of use; however, City Parks had no strategy for the alternative use of the site and the amphitheatre was considered an attractive addition to the park. In terms of parking spaces there was some indication from both BAHSVIC and Cardinal Newman School that their car parks could be used in conjunction with the site. In relation to increased transport activity it was recommended that this was managed through a S106 contribution of £26k for pedestrian and cycle improvements. The charity had expressed concerns about this level of contribution and it was agreed that the payments could be phased based on the level of use. In respect of consultation there had been 12 letters of support received and no objections. The applicant had also requested amendments to Conditions 11 and 14 in respect of the maximum number of performances and people; the impact on transport network and the days of operation. The Local Planning Authority considered that these conditions were appropriate and could be monitored; if the conditions proved too restrictive then the applicant would be able to apply for an amendment. The application was

recommended to be minded to grant subject to conditions, informatives and the S106 agreement.

Questions for Officers, Debate and Decision Making Process

- (3) In response to Councillor K. Norman the Senior Planning Officer confirmed the heights of the terracing and went on to explain that the area was very well screened and the terraces would not be higher than the existing wire fence and beyond the site there was a substantial belt of trees that would also form additional screening.
- (4) In response to Councillor Littman it was confirmed that the 'Friends of Dyke Road Park' had not formed part of the statutory consultees, but they had supported the application and the Local Planning Authority were satisfied that a sufficient number of notices had been displayed around the site.
- (5) Councillor Deane asked about the grassy bank that would be created and it was agreed that the landscaping scheme could include a suggestion that this area be used to form a community garden.
- (6) In response to queries from Councillor Gilbey the following information was provided: the seating was 70 metres from the road; the terraces would be of sufficient size to accommodate wheelchairs and the wider site was wheelchair accessible. The Principal Transport Officer, Steven Shaw, also explained that the proposed S106 contribution was based on balancing the likely use and the transport impact; it was felt that the proposed conditions would allow for the activity to be monitored and for the applicant to apply for a variation if this proved to be too restrictive.
- (7) Councillor Jones asked about the possibility of extending activities to Sundays as he was of the view this would be important during the summer and festival seasons. The Senior Planning Officer explained that the original application had specified Wednesday to Saturday with some matinee performances on Sundays. Environmental Health Officers had expressed concern about the lack of an acoustic report – whilst the activity was unlikely to create a great deal of noise there was concern in relation to spectators arriving and leaving in the afternoon. The Deputy Development Control Manager noted that the request for regular use on Sundays had been received late in the application process and the Officer appraisal had been based on the original submission and any further recommendation would be difficult without an acoustic report.
- (8) In response to the Chair the Senior Solicitor, Hilary Woodward, explained that if the application were granted then the applicant would be able to apply for a variation of conditions which would be determined within the usual timescale with reasonable consultation. It was also noted that any additional days of activity would need to be consulted on if they had not formed part of the initial consultation.
- (9) The Chair and Councillor Hyde suggested an informative that 'the Committee were sympathetic to the request to operate on Sundays and if the application were granted it would be open to the applicant to request an extension to the days of operation.'

- (10) Councillor Hamilton noted that the numbers at the site would be relatively low and he did not agree with the S106 contributions and the proposed payment triggers. He stated that the scheme was very worthwhile, and he proposed that no S106 contributions be required. The Deputy Development Control Manager noted that the use on the site was new, and although the applicant was a charity they should not be considered or treated differently to any other applicant as the impacts would be the same. It was noted that there had been considerable negotiation and the triggers for the payments was considered an appropriate way forward.
- (11) Councillor Cox noted that he agreed with the comments made by Councillor Hamilton and expressed his concern that the Council should be doing its utmost to facilitate this type of activity and he supported the position that the S106 contributions should be waived.
- (12) Councillor Littman went to suggest that the Committee discuss Conditions 11 & 14, and in particular that Condition 11 be removed. Councillor Duncan noted that he agreed with this approach; the Chair suggested condition 11 could be amended to read "The development hereby approved shall hold a maximum of 15 performances/events each calendar month". The Senior Solicitor added that changes to Condition 14 may need further consultation.
- (13) Councillor Hamilton reiterated that the S106 contribution should be waived.
- (14) Councillor Wells stated that he thought the scheme was well designed and wished the operator every success.
- (15) The Chair then sought the Committee's agreement to the waiver of the s106 contribution and his suggested changes to Condition 11 should the application be granted. Firstly the Committee unanimously agreed to remove the S106 contribution from the application. Secondly the Committee unanimously agreed to amend Condition 11 to read 'The development hereby approved shall hold a maximum of 15 performances/events each calendar year'.
- (16) At this point in the proceedings the Chair invited the applicant to comment; the applicant asked that the application be deferred as they were of the view the Committee had based some of their decisions on inaccuracies. The Senior Solicitor advised that Members should be clear on the information before them and a deferral could be necessary to ensure they had the right information.
- (17) The Committee then agreed unanimously to defer the application to clarify matters. The application would be brought to a future meeting.
- 177.1 **RESOLVED** – That the application be deferred to clarify potential matters of inaccuracy.

MINOR APPLICATIONS

- B. **BH2013/03142 - The Mill House, 131 Mill Lane, Portslade - Removal of Variation or Condition** - Application for variation of conditions 3, 4 and 5 of application BH2013/01223 (Erection of single storey rear extension with associated external

alterations) to allow the extension to be open between 07.00am to 11.00pm Mondays to Saturdays inclusive and 07.00am to 11.00pm Sundays, Bank or Public Holidays, to allow off sales of alcohol to be made to customers in the new extension and to allow the use of machinery and plant between the hours 7.00am and 11.00pm Mondays to Saturdays inclusive and from 7.00am until 10.00pm on Sundays, Bank or Public Holidays.

- (1) The Committee agreed to forego a presentation and move straight to the vote.
- (2) A vote was taken in respect of conditions 3 & 5 and the Officer recommendation to grant planning permission was not carried on a vote of 10 against with 1 abstention.
- (3) A vote was then taken in respect of condition 4 and the Officer recommendation to refuse planning permission was carried on a vote of 9 in favour; 1 against and 1 abstention.
- (4) In respect of the decision not to vary conditions 3 & 5 reasons for the refusal were proposed. These reasons were then read to the Committee and it was agreed that they reflected what had been put forward by Members. A recorded vote was then taken with the reasons for refusal and Councillors: Mac Cafferty, Jones, Hyde, Cox, Deane, Duncan, Gilbey, Littman and K. Norman voted that permission be refused and Councillor Carden, abstained from the vote.

177.2 **RESOLVED** - That the Committee:

- (a) Has taken into consideration the Officer recommendation, but resolves to **REFUSE** to vary conditions 3 & 5 for the reason (i) set out below; and,
- (b) Agrees with the reasons for the recommendation set out in section 11 of the report and resolves to **REFUSE** to vary condition 4 for the reason (ii) set out below.

Reasons for Refusal

- i. Conditions 3 and 5, if varied as proposed, would fail to safeguard the amenities of the locality by reason of noise nuisance in this predominantly residential area and would therefore be contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan 2005.
- ii. The off sales of alcohol from the extension would increase the potential for noise, disturbance and public disorder detrimental to the residential amenity of the locality, contrary to policies SU10, SR12 and QD27 of the Brighton & Hove Local Plan.

Note: Councillor Hamilton was not present during the debate and vote on this application.

- C. **BH2013/02798 -13A-14 Stone Street & 19A Castle Street, Brighton - Full Planning**
- Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of

existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings in respect of application BH2013/02798 for full planning permission and BH2013/02799 for listed building consent. The site was divided into two distinct parts, and the two areas formed one unit with all of the buildings in a poor state of repair. The building to the north of the site was listed and the building to the south also had protection as part of the curtilage of the listing and by virtue of being in a conservation area. The building on the Stone Street frontage was also on the Council's buildings at risk register. The application sought permission for the conversion of the two-storey office building on Stone Street and demolition of the existing building on Castle Street. In terms of the listed building there was a separate application for consent for the alterations. The main considerations related to the loss of employment space, the design and appearance, impact on the listed building and conservation area, the level of accommodation, transport and highways considerations, land contamination and the suitability for student accommodation.
- (2) The Local Plan sought to address the loss of employment space, but it did not cover sui generis use which was not protected by policy, and the buildings were currently in a poor state of repair. In the Stone Street property there were limited historical features and the principle of retaining and converting was welcomed. At the Castle Street frontage there were currently structural defects and it was proposed to demolish the building and replace it with a contemporary building. The building was seen as complimentary in terms of the height of the neighbouring buildings; the Heritage Officer had considered the height appropriate for this location and the design was appropriate and would match the streetscene. In relation to the suitability for student accommodation it was noted there were supporting documents. In terms of the design this was worked around the listed building, and some of the habitable rooms had restricted light; however, this was addressed with rooflights and considered acceptable. For the reasons set out in the report the application for full planning was recommended to be granted and the listed building consent was recommended for approval.

Public Speaker(s) and Questions

- (3) Mr Chris Beasley, a local resident, spoke in objection to the application and stated that the application sought to demolish the historic stables and replace the building with a 'blank three-storey wall' which would not be admired. The proposed student accommodation would be very small and crowded which would create a burden on the facilities. It was felt that the student accommodation would be depend on the use by the proposed operator, and was unnecessary with other student sites opening up in the city; the high density was also not considered compatible with the neighbourhood. The Regency area of Brighton should be preserved as a tourist attraction, and there was a need for good quality housing rather than student accommodation. In summary the application was contrary to policy, would not contribute to the area and was 'shabby' architecture. Concern was also expressed about the future use of the site if the operator were to pull out; residents and locals were asking the Committee to refuse the application.

- (4) In response to Councillor Hyde it was stated by Mr Beasley that he could not confirm the nature of the listing of the Castle Street property.
- (5) Councillor Mac Cafferty asked Mr Beasley about the harm to the area he had highlighted, and Mr Beasley explained that the street had reached capacity and there was too much of this type of 'high rise' building.
- (6) Mr Richard Wrattan spoke in support of the application in his capacity as the architect. He stated that the firm had been involved in the scheme for approximately five years and were pleased to put forward a scheme to regenerate the site. The Stone Street buildings had been listed in August 2012 and this limited the form of the proposed building; with this in mind it was considered the best proposal was a single residential unit. The Castle Street aspect of the scheme was not listed as it had not passed the appropriate test, and whilst retention would have been favourable a structural engineer has assessed the site and considered the building to be beyond economical repair. It had also been considered that flats were not appropriate at this location at this part of the street had more commercial activity. The approach from the local language school was seen as an appropriate use and the site would be managed by a local letting agent. The Committee were invited to approve the applications.
- (7) In response to Mr Gowans the architect explained that the proposed render and brick work were common and popular within the city; it was recognised that the aluminium windows were modern, but they were beneficial in marine areas.
- (8) Councillor Deane asked about the building being beyond economic repair and Mr Wrattan explained that there were significant problems with the courtyard wall, which despite repair works was likely to collapse. The existing building joists would not comply with building regulations, and the building was unlikely to have foundations and would need new ones before any work were undertaken. Councillor K. Norman continued this line of question, and Mr Wrattan explained that the building could not be retained as it was in such a poor state of repair and any alterations would be dangerous to those working at the site and the floors were unsafe.
- (9) The Chair expressed his concerns about the protection of the listed building during construction; in response Mr Wrattan explained the funding for the works to the listed buildings was through the student accommodation and the developer was very keen to bring the listed building back into use. In response to further questions from the Chair it was explained by Mr Wrattan that the Castle Street height was considered appropriate and this had been decided in consultation with Officers and the proposed materials had come from discussions with the Conservation Officer.

Questions for Officers

- (10) The Area Planning Manager clarified that when the listing had been made it had not been considered necessary to extend this to the whole site.
- (11) In response to Councillor Gilbey the impact of the three-storey building on the listed building when viewed from the street was clarified using a sectional drawing.

- (12) In response to Mr Gowans it was confirmed that the submission of the one application to include both aspects of the site was quite appropriate; this application differed slightly as it had two separate street frontages.
- (13) The Planning Officer (Conservation), Sanne Roberts, confirmed to Councillor Hyde that the Castle Street building was not considered to warrant statutory listing; however it currently had curtilage listing and was a 'non designated heritage asset' and a candidate for the local list. The Chair explored this issue further and asked how this related to the Officer recommendation; it was explained that this was a material consideration and much of the original building had been replaced with concrete blocks or patched and the building was in a very poor state of structural repair. It was also considered against the advantages of removing the building from the buildings at risk register.

Debate and Decision Making Process

- (14) Councillor Littman noted that the report referenced that the Castle Street scheme was acceptable in conjunction with the changes across the rest of the site; he stated that in his view the Castle Street scheme not acceptable on its merits.
- (15) My Gowans noted that the Conservative Advisory Group (CAG) had objected to the application, but they welcomed the Stone Street aspect; whilst the Castle Street aspect was highly controversial. He stated it was important to consider the immediate local historic environment; the history of the site; the volume of building; the building line and the proportions of the windows and doors. The building line of the non designated heritage asset had an existing yard as it had been built as a stable and there was historic interest in this – replacing this with the new building line would completely remove that history on the site. Mr Gowans stated he was not convinced by the arguments in relation to the building materials and there would be little or no relationship to the listed building. He summarised that the application should be refused as the Castle Street aspect did not preserve or enhance the conservation area and in no way helped to understand or appreciate the listed building.
- (16) Councillor Hyde stated that the Stone Street proposal was most welcome; however, she felt that the Castle Street proposal was not acceptable. She was pleased to understand the wider site was captured by the curtilage listing, and felt that features such as flint could be used to restore the site. She had concerns in relation to the materials, and pointed to better more sympathetic schemes on the street in contrast to the 'faceless' proposal. For the reasons that the Castle Street aspect was inappropriate she would not be able to support the Officer recommendation.
- (17) Councillor Gilbey stated that she agreed with the comments made by Councillor Hyde and as such she would not support the Officer recommendation.
- (18) Councillor Wells stated he was not satisfied with the buff brick proposed and would prefer to see flint on Stone Street to tie the two aspects together as it would be more in-keeping.

- (19) Councillor Duncan stated that the scheme was 'almost there,' but he could not support the proposal before the Committee. He noted that the Stone Street aspects had merits and that the city needed more residential and student accommodation.
- (20) Councillor Jones noted that the two aspects of the scheme were distinct, and he felt the Committee were being asked to accept Castle Street to achieve a good scheme at Stone Street; however the Castle Street aspect was not of a standard that he was willing to accept.
- (21) Councillor Mac Cafferty referenced policy and stated that the Committee should seek to grant schemes in conservation areas that preserved or enhanced their character or appearance. Whilst the proposal on Stone Street was commendable it was felt this did not offset the problems with the Castle Street aspects of the scheme and the proposed height, massing and building line did not respect the rhythm and vernacular of the street. It was felt that any scheme needed to respect both the old life of the building as well as the new use and the scheme could not be supported in its current form.
- (22) A vote was taken and the Officer recommendation that full planning be minded to grant was not carried on a vote of 9 against with 3 abstentions. Councillor Littman proposed reasons for the refusal and these were seconded by Councillor Duncan. A short recess was then held to allow the Chair, Councillor Littman, Councillor Duncan, the Deputy Development Control Manager, the Senior Solicitor, the Planning Officer - Conservation and the Area Planning Manager to draft the reasons in full. These reasons were then read to the Committee and it was agreed that they reflected what had been put forward by Members. A recorded vote was then taken with the reasons for refusal and Councillors: Mac Cafferty, Jones, Hyde, Deane, Duncan, Gilbey, Hamilton, Littman and K. Norman voted that permission be refused and Councillors: Carden, Cox and Wells abstained from the vote.

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

- i. The proposed building on Castle Street by reason of its height, massing, density, scale, building line and materials, and by virtue of it being an incongruous feature in the street scene, fails to preserve or enhance the character or appearance of the Regency Square Conservation Area contrary to policies HE6, QD1 and QD2 of the Brighton and Hove Local Plan 2005.

D. BH2013/02799 - 13A-14 Stone Street & 19A Castle Street, Brighton -Listed Building Works - Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units.

- (1) The presentation and debate on this application were considered at minute 177(C).
- (2) A vote was taken and the Officer recommendation that listed building consent be approved was not carried on a vote of 9 against with 3 abstentions. Councillor Littman proposed reasons for the refusal and these were seconded by Councillor Duncan. A

short recess was then held to allow the Chair, Councillor Littman, Councillor Duncan, the Deputy Development Control Manager, the Senior Solicitor and the Area Planning Manager to draft the reasons in full. These reasons were then read to the Committee and it was agreed that they reflected what had been put forward by Members. A recorded vote was then taken with the reasons for refusal and Councillors: Mac Cafferty, Jones, Hyde, Deane, Duncan, Gilbey, Hamilton, Littman and K. Norman voted that permission be refused and Councillors: Carden, Cox and Wells abstained from the vote.

177.4 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation to grant listed building consent, but resolves to **REFUSE** listed building consent for the reasons set out below:

- ii. The existing building on Castle Street has protection by virtue of being within the curtilage of a listed building and is of historical significance. There are no acceptable detailed proposals for its development. The proposed development is therefore contrary to policy HE2 of the Brighton and Hove Local Plan 2005.

E. BH2013/03624 - The Westbourne, 90 Portland Road, Hove - Full Planning - Alterations to layout of doors and windows, new canopies to front elevation, raised garden level and installation of fixed aluminium planters to west elevation of garden.

- (1) The Chair noted that he had received a request for a site visit in respect of the application; this proposal was seconded by Councillor Wells and put before the Committee and a majority of Members agreed to defer the application to allow a site visit to take place.

177.5 **RESOLVED** – That the application be deferred to allow a site visit to take place.

F. BH2013/04029 - 158 Tivoli Crescent North, Brighton - Householder Planning Consent - Erection of a two storey extension at lower ground and ground floor levels and an extension at first floor level to rear elevation with associated alterations. Addition of windows and rooflights to side elevations (Part-Retrospective).

- (1) The Committee agreed to forego a presentation and the Area Planning Manager, Nicola Hurley, provided an update in respect of a minor typographical in relation to objectors listed in the report.
- (2) A vote was taken and the Officer recommendation to grant planning permission was unanimously agreed by the 12 Members present.

177.6 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.

G. BH2013/03456 - 39 & 41 Withdean Road, Brighton - Full Planning - Demolition of existing houses and erection of 3no detached houses with associated landscaping

- (5) The Committee agreed to forego a presentation and move straight to the vote.

- (6) A vote was taken and the Officer recommendation to grant planning was carried on a vote of 11 in support and 1 against.
- 177.7 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.
- H. BH2014/00228 - 1 Meadow Close, Rottingdean - Full Planning** - Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores. (Part-retrospective).
- (7) The Committee agreed to forego a presentation and move straight to the vote.
- (8) A vote was taken and the Officer recommendation to grant planning permission was carried unanimously by the 12 Members of the Committee present.
- 177.8 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.
- I. BH2014/00431 - 31 Isfield Road, Brighton - Full Planning** - Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis) including insertion of window to north east elevation.
- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The property currently had an existing single storey extension at the rear and permission was sought for the change of use. The main considerations related to the impact of the change of use. Currently the property was in use as a 6 bedroom C4 small house in multiple occupancy and it was licensed prior to the 2013 changes – as such the C4 use was considered to be established. Based on the level of HMO occupancy in the radius it was calculated that 15.5% were in HMO occupancy – City Plan policy CP21 discussed rates above 10% warranting a reason for refusal; however, as the use HMO was established the application should be considered in terms of the impact of the additional bedroom. The impact was considered acceptable and for these reasons the application was recommended for approval.

Questions for Officers, Debate and Decision Making Process

- (2) In response to Councillor Duncan it was confirmed that details in relation to the cycle parking would be covered under the proposed Condition 6.
- (3) In response to Councillor Mac Cafferty the dimensions of the seventh bedroom were confirmed.
- (4) A vote was taken and the Officer recommendation to grant planning permission was carried on a vote of 8 in support, 2 against and 2 abstentions.

- 177.9 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.
- J. BH2013/03993 - Park Manor, London Road, Patcham - Full Planning** - Roof extension to form 4no three bedroom penthouse flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store.
- (9) The Committee agreed to forego a presentation and move straight to the vote.
- (10) A vote was taken and the Officer recommendation to grant planning permission was carried on a vote of 9 in support, 2 against and 1 abstention.
- 177.10 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.
- K. BH2013/04299 - 22 & 24 Carden Avenue, Brighton - Full Planning** - Demolition of existing day care centre and chalet bungalow and erection of 4no semi-detached and 1no detached four bedroom houses (C3).
- (11) The Committee agreed to forego a presentation; before the vote was taken Councillor K. Norman highlighted that the residents affected by this scheme had been moved to another centre and he was satisfied that appropriate steps had been taken to mitigate the closure as part of the application.
- (12) A vote was taken and the Officer recommendation to grant planning permission was carried unanimously by the 12 Members of the Committee present.
- 177.11 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.
- L. BH2013/03400 - 112 Carden Avenue, Brighton - Full Planning** - Demolition of existing garages to rear and erection of 3no. bedroom detached dwelling with associated landscaping and access from existing driveway off Carden Avenue.
- (1) The application was deferred for a site visit as listed at minute item 176.1.
- 177.12 **RESOLVED** – That the application be deferred to allow a site visit to take place.
- M. BH2013/03914 - 61-107, 109-155, 206-252 Donald Hall Road & 13-59, 61-107 Bowring Way, Brighton - Full Planning** - Installation of render to all elevations, replacement of existing windows and balcony doors with UPVC windows and balcony doors, new felt covering to roof and associated external alterations and landscaping to 5no blocks of flats.
- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The site

related a number of tower blocks and each of the five blocks was six-storeys with a flat roof; other blocks in the wider area were also the subject of separate applications. Permission was sought for rendering and the replacement of windows and balcony doors and works to the roof; the application had been re-advertised due to change in the boundary ownership – since then there had been one additional letter of support and one additional letter of objection. The main considerations related to the appearance of the building, amenity and the impact on the natural environment. In terms of the render it was considered that this would improve the appearance of the building and the insulation would not be visible and was acceptable. Some concern had been raised in respect of slow worms and the ecologist had recommended a precautionary approach. For the reasons set out in the report the application was recommended for approval.

Questions for Officers, Debate and Decision Making Process

- (2) In response to Councillor Duncan it was explained that the planning statement stated that the reasons for the application related to ongoing upgrading of the facilities and to improve the poor thermal performance and high fuel bills for the occupants.
- (3) In response to Councillor K. Norman it was explained that the City Council would have considered the choice of materials as the land owner, and this was phase 3 of a wider project.
- (4) Councillor Gilbey noted that she welcomed the improvements and would like this to be replicated across the city.
- (5) A vote was taken and the Officer recommendation to grant planning permission was carried unanimously by the 12 Members present at the meeting.

177.13 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.

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

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

Application:	Requested by:
BH2013/03624 - The Westbourne, 90 Portland Road, Hove - Full Planning	Councillor Mac Cafferty

179. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

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

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

181. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

182. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

183. APPEAL DECISIONS

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

The meeting concluded at 5.15pm

Signed

Chair

Dated this

day of

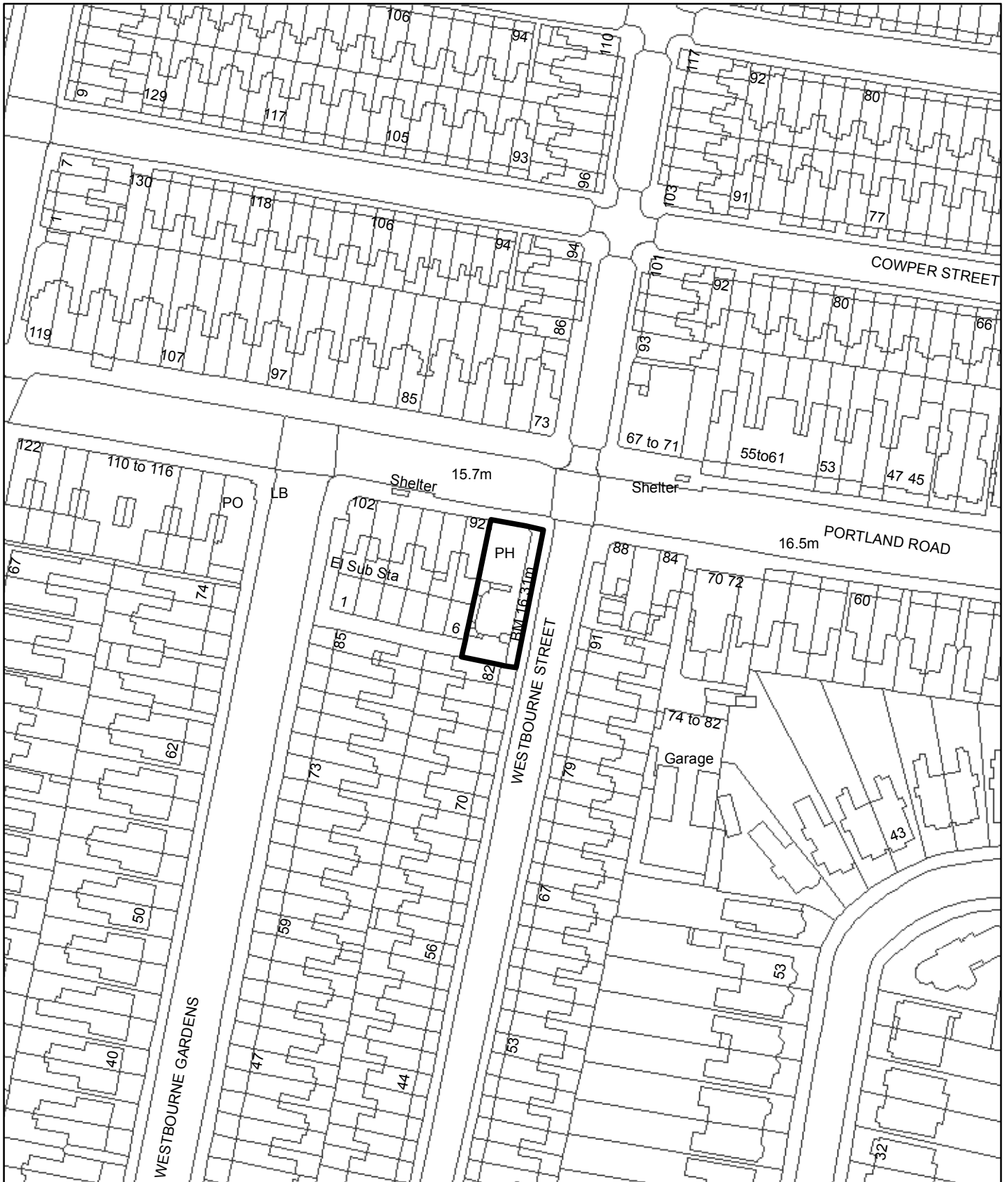
ITEM A

The Westbourne, 90 Portland Road, Hove

BH2013/03624
Full planning

23 APRIL 2014

BH2013/03624 The Westbourne, 90 Portland Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANNING COMMITTEE LIST- 23 APRIL 2014

<u>No:</u>	BH2013/03624	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Westbourne 90 Portland Road Hove		
<u>Proposal:</u>	Alterations to layout of doors and windows, new canopies to front elevation, raised garden level and installation of fixed aluminium planters to west elevation of garden.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	28 October 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 December 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	ABIR Architects Ltd, Unit 1 Beta House, St John's Road, Hove BN3 2FX		
<u>Applicant:</u>	Ms Emma Lundin, The Westbourne, 90 Portland Road , Hove BN3 5DN		

This application was deferred from Planning Committee on 2 April 2014 to allow Members to conduct a site visit.

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a public house situated on the western corner of Portland Road and Westbourne Street. The building is two storeys, and forms the end of the terrace comprising 90-102 Portland Road. The rear wing of the building and the sunken rear garden is situated adjacent to properties on Westbourne Grove to the south and west, and the garden provides a separation between the application property and no. 82 Westbourne Street the adjacent property to the south.

3 RELEVANT HISTORY

BH2013/02574 - Alterations to layout of doors and windows, new canopies to front elevation, raised garden level and erection of timber screen on West elevation of garden. Refused 09/10/2013. This application was refused because of the visual impact of the timber screen and new windows.

4 THE APPLICATION

- 4.1 Planning permission is sought for the raising of the rear garden level through the construction of raised decking and incorporating the erection of a bamboo screen on the west side of the garden area. Consent is also sought for

new/replacement windows/doors, the installation of a canopy to the front (north) elevation and other associated works.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Ten (10)** letters of representation have been received from **Flat 2, 71, 78A, 82A, 83A** and **Top Flat 91 Westbourne Street** and **75, 83 (x2), 85 (x2) Westbourne Gardens** objecting to the application for the following reasons:

- Due to the raising of the garden level, do not believe that raising it to meet the existing floor level of the pub is raising it 'slightly' as stated in the application,
- Increased noise to garden. In an already heavily built up residential area feel it's unnecessary to bring more noise to the area. Use of bottle recycling is already a disturbance to daily life,
- Loss of privacy and increased overlooking,
- Not much has changed since the last application, the previous objections have not been addressed,
- The proposed alterations would have a massive impact on the sound transference from the pub, especially at night,
- The plans describe openings in the rear elevation which currently do not exist; they are in fact small non-opening windows which to some extent retain the noise of the bar within the building. The proposed external openings would create a totally different environment for the surrounding residential neighbours,
- The rear bar is a very large area with the potential for very significant noise, request that it be maintained in the building,
- Bamboo screening surely cannot be considered to be a suitable screen in terms of overlooking or sound transfer,
- There would be greater area for the pub customers to scatter outside the pub, could be unbearable to pedestrians,
- The pub already has ample space in its pavement areas to accommodate smokers.

5.2 **Three (3)** letters of representation have been received from **37, 49 and Upper Flat 51 Westbourne Street**, supporting the application for the following reasons;

- since the landlady took over she and her staff have done everything to improve and fully involve the community with 'their' local, the opening up of the garden to wheelchair access is yet another indication of this,
- the raising of the beer garden will allow patrons in wheelchairs to sit outside without having to sit in the street,
- impressed at how considerate the management of the pub have been with all the neighbours without ever causing any concern about noise, litter etc. it is a very nice place that adds to the quality of life in the neighbourhood, and
- the new layout will make the venue more easily accessible than the less mobile,

Internal

5.3 **Environmental Health:**

(Original comment) Have no comments subject to the attachment of informatives regarding the Environmental Protection Act and Licensing Act.

- 5.4 (Further comments) The last significant complaint about noise was regarding a live band back in 2008. This was resolved by the Councils Noise Patrol service that night. There have been no complaints about noise from the beer garden over the last 10 years.
- 5.5 Currently there are no conditions on the premises licence restricting the hours of use of the garden.
- 5.6 If the hours of use of the garden are restricted, the premises licence would need to be changed. This would require either the licence holders voluntarily submitting a minor variation to the licence or the Council trying to force a variation by calling a review of the premises licence and requesting to a panel of councillors that a reduction in hours of use is necessary under the licensing objective of the prevention of public nuisance. But the fact is that currently there are no grounds or the evidence required to be successful in trying to do this.
- 5.7 With regards to the proposed access doors in the Southern elevation, when for instance live bands are playing in the pub, it may be necessary to have these doors closed to prevent the breakout of music noise disturbing local residents. But it is believed that the current lack of complaints suggests that it would not be necessary to restrict their opening/use by condition. The operators of the premises should be able to manage the doors themselves, having regard to preventing public nuisance and not causing unreasonable disturbance to local residents.
- 5.8 In any case, as advised in original memo, whilst the requisite planning permission may be granted, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990, should any complaints be received with regards to disturbance caused by any of the alterations.
- 5.9 **Sustainable Transport:** Support the application as have no objections to the application. The canopy would be 2.4m above the footway service level and more than 450mm from the kerb edge.

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:

- SU10 Noise nuisance
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 issues of consideration relate to the impact of the development on the character and appearance of the building and the wider area, and the effect on the residential amenity of neighbouring properties.

Design:

Raised Garden

- 8.2 The application seeks consent for the raising of the level of the rear garden area, by approximately 1.1m, so that it is level with the altered internal floor area of the pub (such internal works are not subject of the application). The new garden level would comprise a new beam and block structural floor with a resin bound gravel finish. It is stated that the raising of the garden area is to allow level access for wheelchair users from the bar area.

- 8.3 This element of the proposal in itself would have a limited impact on the character and appearance of the recipient building or the wider area. The design, materials and scale of the proposed structure is not considered incongruous in this location, and would nevertheless be largely screened from the surrounding area by existing solid boundary treatments.
- 8.4 The existing stairs located adjacent to the southern elevation of the property would be relocated to run along the western boundary of the site in order to accommodate the proposed increase in height of the garden level.
- 8.5 Bamboo screens (comprising Fargesia Rufa/Fountain Bamboo) within a fixed aluminium planter, with a combined height of approximately 1.7m would be installed on the western side of the raised garden area in order to safeguard the amenities of properties/ gardens to the west of the garden area. It is not considered that the proposed screening would be of detriment to the visual amenities of the parent property, the related street scenes or the wider area despite it being acknowledged that its height would exceed that of the western boundary of the garden by approximately 0.7m.
- 8.6 An existing gated opening in the southern part of the eastern boundary of the garden area would be removed and the opening in-filled to match the rest of the retained wall.
- 8.7 The access into the garden area from Westbourne Street located on the northern part of the eastern boundary of the garden would also be altered as part of the proposal namely the reduction in height of part of the existing wall and the provision of new piers and a new gate. A new step would also be located on the eastern side of the wall with mild steel handrails and guarding provided.
- 8.8 Overall it is not considered that the above proposed external alterations to the property would have a detrimental impact upon the visual amenities of the parent property, the Portland Road, Westbourne Street or Westbourne Grove street scenes or the wider area.

North East Corner

- 8.9 A partially glazed timber panelled door and related fixed fanlight would be inserted in the north-eastern corner of the building to provide access from the front bar onto the corner of Portland Road and Westbourne Street. The existing ramp/pavement area in front of the proposed new doorway would be altered in order to allow for the provision of a level threshold into the front bar area. It is not considered that this would have a detrimental impact upon the visual amenities of the parent property, the related street scenes or the wider area.

New/Replacement Windows and Doors

- 8.10 Two new sets of out-ward opening glazed doors are proposed to the rear elevation to provide access to the proposed raised garden area. These doors would relate well to the size and proportions of doors elsewhere on the building, and the use of timber frames would relate well to the host property. Similarly, the

alterations to windows and doors to the east side elevation would be compatible with the proportions and materials/ finish of existing fenestration.

New Canopy

- 8.11 As part of the proposal the applicant seeks consent to install a canopy to the northern elevation of the property, which fronts Portland Road. This new canopy would match the existing canopies located on the eastern elevation of the property, fronting Westbourne Street. It is not considered that this would have a detrimental impact upon the visual amenities of the parent property, the related street scenes or the wider area.

Impact on Amenity:

- 8.12 Currently the hours of use of the existing beer garden area not restricted and can be used when the pub is open (10am to 00:30am). The last noise complaint was received by the Council in 2008 and was resolved by the Councils Night Time Noise Patrol service at the time.
- 8.13 The alterations to the rear garden would provide for a raised platform where patrons of the public house could congregate. The elevated position could potentially allow increased noise to emanate from the application site to occupiers of nearby properties. Nevertheless, it is not considered that the proposal would present a likelihood of a significant increase in noise and disturbance beyond the existing arrangement.
- 8.14 It is considered that the provision of the screen towards the western side of the garden would mitigate overlooking and loss of privacy from the raised height garden area towards neighbouring properties.
- 8.15 The proposals for new and replacement windows and doors would not provide for harmful new views towards nearby residential properties.
- 8.16 Although the proposal would result in the provision of additional access doors into the raised height beer garden it is not considered that any noise outbreak from the pub would be significantly harmful to the amenities of the neighbouring properties given the presence of the existing beer garden and related access door.
- 8.17 Despite third party objections, it is considered that the proposed development would not have a significant adverse impact upon the amenity of occupiers of neighbouring or nearby residential properties. Further, should a level of noise disturbance occur amounting to a statutory nuisance, this could be investigated under the provisions of the Environment Protection Act 1990.

Other Considerations:

- 8.18 The Council's Highway Authority raises no objections to the proposed installation of a canopy to the northern elevation of the building as the expanse of the canopy when open would be located 2.4m above the adjacent footpath and would be located more than 450mm from the kerb edge.

9 CONCLUSION

8.19 In conclusion it is not considered that the proposed development would have a detrimental impact upon the visual amenities of the parent property, the Portland Road, Westbourne Street or Westbourne Grove street scenes or the wider area. Furthermore, subject to the compliance with the attached conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of occupiers of neighbouring or nearby residential properties.

10 EQUALITIES

10.1 Some elements of the proposal would improve access to the premises.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Existing Plans	0267.EXG.0 01	Rev. A	23 rd October 2013
Existing Plans Section and Elevations	0267.EXG.0 02	Rev. C	23 rd October 2013
Proposed	0267.PL.00 1	Rev. D	21 st January 2014
Proposed Sections, Elevations and Details	0267.PL.00 2	Rev. B	23 rd October 2013

11.2 Pre-Occupation Conditions:

- 3) The raised garden area hereby approved shall not be brought into use until the bamboo screening shown on the drawings hereby approved has been installed. The screening shall thereafter be permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Council's Environmental Health Department from carrying out an investigation under the provisions of the

PLANNING COMMITTEE LIST- 23 APRIL 2014

Environmental Protection Act 1990, should any complaints be received with regards to disturbance caused by any of the alterations.

2. The applicant is advised that this planning permission does not override the need to make any necessary changes to the premises license in accordance with the Licensing Act 2003. Please contact the Council's Licensing team for further information (01273 294429)
3. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

It is not considered that the proposed development would have a detrimental impact upon the visual amenities of the parent property, the Portland Road, Westbourne Street or Westbourne Grove street scenes or the wider area. Furthermore, subject to the compliance with the attached conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of occupiers of neighbouring or nearby residential properties.

ITEM B

112 Carden Avenue, Brighton

BH2013/03400
Full planning

23 APRIL 2014

<u>No:</u>	BH2013/03400	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	112 Carden Avenue Brighton		
<u>Proposal:</u>	Demolition of existing garages to rear and erection of 3no. bedroom detached dwelling with associated landscaping and access from existing driveway off Carden Avenue.		
<u>Officer:</u>	Anthony Foster Tel 294495	<u>Valid Date:</u>	05 February 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02 April 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mr Dieter Haslam, 6 Peacock Lane, Brighton BN1 6WA		
<u>Applicant:</u>	Mr Paul Williams, 112 Carden Avenue, Brighton BN1 8NE		

This application was deferred from Planning Committee on 2 April 2014 to allow Members to conduct a site visit.

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises the rear garden of no.112 Carden Avenue. This section of the garden is elevated above the floor level of nos.112 and 110. A fence (approx height 1.5m) is present on the boundary between the gardens of nos.110 and 112.
- 2.2 Two garages are located on the site at present within the eastern section of the garden. These are accessed via a private road adjacent to no.130 Carden Avenue.
- 2.3 The surrounding area is predominantly residential, although there commercial properties present at nos.122 to 128 Carden Avenue with residential flats over. A doctor's surgery is located at nos.114 – 118.

3 RELEVANT HISTORY

- BH2009/00014:** Erection of 1 no. 2 bedroom detached bungalow. Refused 16/03/2009
- BH2007/03690:** Construction of detached three bedroom chalet dwelling. Refused 18/01/2008
- BN88/1181/OA:** Erection of a detached dwelling with access onto Carden Avenue adjoining No.130. Refused 09/08/1988. Dismissed at Appeal

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing garages and the erection of a 3 bedroom detached dwelling with associated landscaping and access from the existing driveway adjacent to no. 130 Carden Avenue.
- 4.2 The proposed dwelling would be located 22.5m to the east of the existing dwelling at no 112 Carden Avenue, resulting in the garden being split to provide a rear garden for 112 Carden Avenue of 16.5m in length and 6m in length for the proposed dwelling.
- 4.3 The dwelling would appear as a single storey dwelling, but also provides accommodation within a basement level. At ground floor level the accommodation proposed includes a bedroom, bathroom and open plan living/kitchen area. Whilst two further en-suite bedrooms are proposed at basement level.
- 4.4 The property would be 3.4m in height to the front (east) elevation with a monopitch sloping roof down to 3m in height to the rear (west) elevation. The property is proposed to be finished in white render, with a sedum roof and powder coated aluminium doors and windows.
- 4.5 The application proposes a parking area to the front.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Five (5)** letters of representations have been received from the residents of **91 Graham Avenue, 110 (x2) 126/128, 130 Carden Avenue (x2)**, objecting to the scheme on the following grounds:
 - The proposal will impact upon the wildlife in the area
 - Excavating to a lower level will have an impact upon drainage
 - The proposal is out of context for the area
 - Impact upon neighbouring amenity in terms of overlooking and loss of privacy
 - There is no right to use the adjoining parking spaces to allow for turning
 - There is uncertainty about the use of the shared driveway.
- 5.2 **Six (6)** letters of representations have been received from the residents of **82 Lyminster Avenue, 109 Carden Avenue, 4 Sunnydale Avenue, 101 Ladies Mile Road, 15 Rustington Road, 8 Birchgrove Crescent** supporting the scheme on the following grounds:
 - In favour of an eco home
 - Good modern design with lots of outdoor space
 - The basement reduces the impact on the area
 - There is a current housing shortage in Brighton
 - Neighbouring amenity would not be impacted upon
 - It has been designed for use by disabled people

Internal:

Sustainable Transport: Comment

Pedestrian & Mobility Impaired Access:

- 5.3 Access is via a private road leading to Carden Avenue. Ideally the applicant should consider a segregated pathway for pedestrians; however it is noted that the private road will only be used by the proposed dwelling and likely to be lightly trafficked, therefore in this instance it is deemed acceptable.

Cycle Parking:

- 5.4 The applicant has proposed a cycle parking space in a shed in the garden at the rear of the site. When assessing the sections and layout plans there appears to be steps and a drop in level to reach the shed and the garden. If this is the case this location would be unsuitable and does not comply with Local Plan policy TR14.
- 5.5 There appears to be other locations on the site that does not have a stepped approach. It is requested that the applicant provides a further drawing that details a cycle parking space that is in a convenient location with no stepped approach and a condition is recommended in this respect. If the space is on a lawn area then a tarmac path or similar should also be detailed to ensure that the space can be used during inclement weather.

Car Parking:

- 5.6 The applicant is proposing a hardstand for 1 parking space with a turning point that is serviced via an existing private road. This arrangement is acceptable on the basis that vehicles can exit the site in a forward gear. The amount of parking complies with the City Council's Maximum Parking Standards SPG04.
- 5.7 There is a loss of 2 garages due to this proposal that may have been used as parking space by the existing house on Carden Avenue. Their removal may mean that any car parking associated with the existing dwelling would now occur on the highway.
- 5.8 On assessment, however, there appears to be sufficient space on Carden Avenue north of the site to accommodate likely associated parking therefore the Highway Authority does not wish to object to the loss of the garages.

Vehicular Crossover:

- 5.9 The vehicular crossover to the private road that services the site is as existing and appears to be acceptable.

Trip generation/ Financial contributions comment:

- 5.10 The size of this development is below the threshold at which financial contributions can be sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not wish to seek financial contributions for any uplift in trips generated by this development.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design - Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection

QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the subdivision of the plots, the impact of the proposal on the visual amenity and character of the area, the residential amenity of adjacent occupiers, sustainability and traffic considerations.

Principle:

8.2 Local Plan policies QD3 and HO4 seek effective and efficient use of development sites. However, in seeking the more efficient use of sites, Local Plan policies QD2, QD3 and HO4 also seek to ensure that developments are not viewed in isolation and must be characteristic and in context of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to neighbouring buildings, but the townscape and landscape of the wider locality.

8.3 The character of the surrounding area is mixed, however there is a relatively established building grain within the area, which largely comprises of a traditional pattern of development with a predominance of two storey semi-detached and detached properties with pitched roofs with large gardens which extend to the rear.

8.4 The dwelling is proposed within the rear section of the garden of No.112 which is elevated above the floor levels and lower section of the gardens of Nos.110 and 112 Carden Avenue by approximately 2m. The gardens of properties along this section of Carden Avenue and properties to the east on Graham Avenue have long gardens of typically some 35 to 45 metres in length.

8.5 The proposed siting of the dwelling would appear relatively contrived in relation to the existing plot and the grain of development within the area. Whilst there are existing garages on the site these are for domestic use only and do not

provide additional residential accommodation sited adjacent to the rear boundary close to other neighbouring garages and outbuildings and they are modest in height. The proposed development in contrast is clearly residential in character with large windows proposed in the north, east and west elevations and is sited some 10m further west into the plot.

- 8.6 It is considered that the proposal would result in an incongruous and intrusive development in an area which is typically characterised by large open garden plots, and would be detrimental to the character and appearance of the area and contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

Design:

- 8.7 Policies QD1, QD2, and QD3 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage.
- 8.8 The proposal is simple in design terms. There is little detailing provided in relation to the design of the dwelling and the overall approach appears to be contrived, particularly with the proposed monopitched roof, which seeks to ensure that the proposal has a minimal impact upon neighbouring occupiers. Whilst the proposal would not be readily visible from within the street scene it is considered that this overly simplified approach does not represent a high standard of design which enhances the positive characteristics of the neighbourhood. In addition, the siting of the proposed dwelling bears no relationship to the surrounding linear development along Carden Avenue and Graham Avenue. Further, due to the site's elevated position in relation to Carden Avenue development, the proposal fails to provide adequate subservience and would appear intrusive in views of the site from surrounding neighbouring properties. The visual intrusion of the proposal is exacerbated by its siting within the rear of the plot at 112 Carden Avenue with the west elevation of the proposed dwelling sited some 16.5m forward of the rear boundary of the site which is currently surrounded on all sides by largely open garden areas.
- 8.9 It is recognised that there is a mix of properties within the area however, the proposed development by reason of its siting, excessive plot coverage, form, design and relationship with others in the area would appear out of context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area. The proposed development would introduce an incongruous addition to the site and surroundings which would be harmful to the overall character of the area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local.

Amenity for future residential occupiers:

- 8.10 Policy QD27 seeks to resist development where it would cause a loss of amenity to proposed residents. Policy HO5 requires the provision of private amenity useable amenity space in new residential developments, which is

appropriate to the scale and character of the development. The application proposes two windows to the rear elevation which would be a minimum of 23m between the rear elevation of the proposed dwelling and the ground floor extension of no 112 Carden Avenue. This separation distance is considered acceptable in the context of the wider area and ensures that the future occupiers of the scheme are not directly overlooked by the surrounding neighbours.

- 8.11 Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the proposed dwelling would be capable of complying with lifetime home standards, given the overall size of the dwelling.
- 8.12 Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. Insufficient information has been provided regarding the full details of the provision of refuse and recycling facilities, however it is considered that the property is capable of providing a suitable level of provision. Were the scheme otherwise considered acceptable this could be controlled by suitably worded conditions.

Neighbouring amenity

- 8.13 The previously refused application BH2009/00014 included a reason on the basis of impact on neighbouring amenity and read as follows:
- *The proposal, by reason of siting, design, height, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their private amenity spaces due to its overbearing and over-dominant impact. As such the proposal is contrary to policy QD27 of Brighton & Hove Local Plan.*
- 8.14 The design of the current application has been amended since the previous scheme in relation to a reduction in the size of the footprint, from approximately 9m in depth and 8m in width, to approximately 8.5m in depth and 7.5m in width. In addition, the previously proposed pitched roof has been replaced by a mono-pitched roof and the maximum height has therefore been reduced from approximately 5.25m down to 3.7m above ground level (the heights are based on the plans submitted which are not however related to Ordinance Datum (AOD)). The siting remains largely unaltered, in front of the existing garages and the proposal now includes basement level of accommodation and an additional bedroom to that previously proposed.
- 8.15 Although the reduction in the maximum height through the removal of the fully hipped roof and slight reduction in the size of the footprint are noted, the impacts of the proposal in relation to neighbouring amenity as set out in the reason for refusal above remain largely very similar. The impact of the reduction in the footprint and removal of the fully hipped roof are weighed against the fact that the buildings elevations are now proposed to be approximately 3.4m above ground level where they were previously proposed to be approximately 2.7m above ground level. As such although the maximum height has been reduced in relation to the fully hipped roof, the main bulk of the dwelling has increased in

height when compared to the previous scheme. In addition, the elevated position of approximately 2m above that of 112 Carden Avenue, the proposed dwelling, particularly in relation to the neighbouring properties to the west of the site, results in the proposal unduly impacting on neighbouring amenity. The impact is further compounded by the fact that the aspect for the surrounding properties is currently that of largely open garden area. The proposal would therefore appear over-dominant when viewed from surround properties and gardens.

- 8.16 The proposal, by reason of siting, elevated position, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their private amenity spaces due to its overbearing and over-dominant impact. As such the proposal is contrary to policy QD27 of Brighton & Hove Local Plan.
- 8.17 There is a ground difference of at least 2m from the front of 112 Carden Avenue to the rear of the site where the dwelling is proposed. The rear elevation of the property would be set back from the boundary with no 112 Carden Avenue by circa 6m, and from the adjoining boundary with no 110 Carden Avenue by 1.8m. There would potentially be the opportunity for some level of overlooking of the amenity space to the adjoining property no 110 Carden Avenue, due to the change in levels which exists across the site. However, it is considered that this level of overlooking is commensurate to that within this sub-urban location, and would not cause demonstrable harm to neighbouring amenity by way of loss of privacy. These details could be secured by conditioned were the scheme otherwise considered acceptable.

Impact on local highway network/parking:

- 8.18 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.
- 8.19 The applicant is proposing a hardstand for 1 parking space with a turning point that is serviced via an existing private road. This arrangement is acceptable on the basis that vehicles can exit the site in a forward gear. The proposed level of car parking is in line with the maximum car parking standards quoted within SPG04 and is deemed acceptable.
- 8.20 The application proposes the loss of 2 garages that may have been used as parking space by the existing house on Carden Avenue. Their removal may mean that any car parking associated with the existing dwelling would now occur on the highway. However, there appears to be sufficient space on Carden Avenue north of the site to accommodate likely associated parking therefore the Sustainable Transport Officer raises no objection to the loss of the garages.
- 8.21 Policy TR14 requires all new residential developments to have secure, covered cycle storage. The application proposes a cycle parking space in a shed in the garden at the rear of the site, however there appears to be steps and a drop in

level to reach the shed and the garden, which is not considered acceptable to the Sustainable Transport Officer. There appears to be other locations on the site with sufficient space that do not have a stepped approach and were the scheme otherwise considered acceptable this could be controlled via a suitably worded condition.

Sustainability:

- 8.22 Policy SU2 and SPD08 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.23 The proposal is for new build development on garden land as such the scheme should therefore achieve Level 5 of the Code for Sustainable Homes as recommended by SPD08. The submission of a Sustainability Checklist is also required. The completed sustainability checklist submitted with the application contends that the development will meet level 5 of the Code for Sustainable Homes. This is considered acceptable and could be secured by a suitably worded condition were the scheme otherwise considered acceptable.

9 CONCLUSION

- 9.1 The proposed the development would result in an incongruous and intrusive development in an area which is typically characterised by large open garden plots. The proposed development is considered to be of an unacceptable standard of design, which fails to emphasise and enhance the positive qualities and would be detrimental to the character and appearance of the area.

10 EQUALITIES

- 10.1 The development would be required to meet Lifetime Homes Standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed development by reason of its siting, excessive plot coverage, form, design and relationship with others in the area would appear out of context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area. The proposed development would introduce an incongruous addition to the site and surroundings which would be harmful to the overall character of the area. This harm is therefore considered to outweigh the benefit provided by the additional dwelling and the proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local.
2. The proposal, by reason of siting, elevated position, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their private amenity spaces due to its overbearing and over-dominant impact. This harm is therefore considered to outweigh the benefit provided by the

PLANNING COMMITTEE LIST- 23 APRIL 2014

additional dwelling and as such the proposal is contrary to policy QD27 of Brighton & Hove Local Plan.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan & Block Plan			05/01/2014
Existing site plans	01	A	09/10/2013
Existing Sections and Elevations	02	A	09/10/2013
Proposed Plans, Sections and Elevations	03	B	29/11/2013
Proposed Site Plan, Roof Plan, Cycle Store and Fence Details	04	A	9/10/2013
Proposed Rear (West) Sectional Elevation	05		05/03/2014

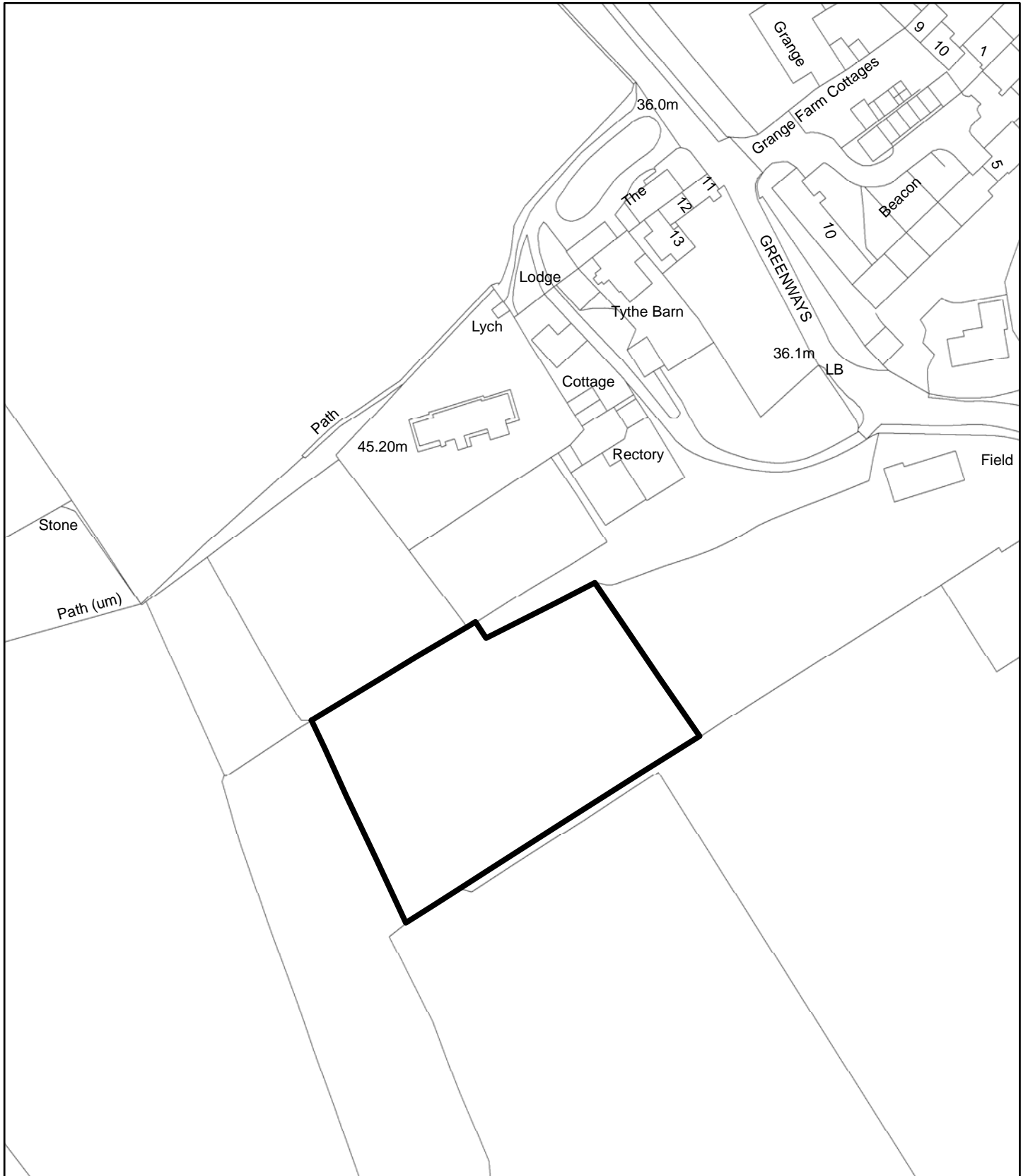
ITEM C

St Wulfran's Church, Greenways, Ovingdean

**BH2013/04102
Full planning**

23 APRIL 2014

BH2013/04102 St. Wulfran's Church, Greenways, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/04102	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Wulfran's Church Greenways Ovingdean		
<u>Proposal:</u>	Change of use from agricultural land (Sui Generis) to burial ground (D1).		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	03 January 2014
<u>Con Area:</u>	Ovingdean	<u>Expiry Date:</u>	28 February 2014
<u>Listed Building Grade:</u>	Adjoining Grade I Listed Church		
<u>Agent:</u>	Smiths-Gore, Exchange House, Petworth GU28 0BF		
<u>Applicant:</u>	Ewart Wooldridge, St Wulfran's Church, 21 Longhill Road, Brighton BN2 7BF		

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 St Wulfran's Church is a Grade I Listed building with associated graveyard to the western side of Greenways. The application relates specifically to a parcel of land (approximately 3500sqm in area) adjoined to the southern side of the existing graveyard to the south of the church. The proposed land is currently classed as Grade 3 agricultural land. The land is identified as countryside within the Brighton & Hove Local Plan. The South Downs National Park adjoins the site to the west. There is also an area of woodland to the west designated as a Site of Nature Conservation Importance. The land is sited within the Ovingdean Conservation Area.

3 RELEVANT HISTORY

BH2013/02115 - Change of use from agricultural land (Sui Generis) to burial ground (D1). Withdrawn by the applicant on 3 September 2013.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from agricultural land (Sui Generis) to burial ground (D1).

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** 37 letters of representation have been received (see *Appendix A for addresses*) and a petition (38 signatures) objecting to the application for the following reasons;
- Harm to the appearance and character of the Grade I Listed Church and surrounding Conservation Area,
 - Potential for increased road traffic through village,
 - Potential for the site to be used as a “municipal graveyard” serving people outside of the immediate area,
 - Loss of an “ancient meadow”,
 - Potential ground water contamination,
 - Concerns over new vehicular access and car-parking on the site,
 - Harm to the amenity of adjoining residents in regards to potential noise and disturbance, loss of privacy and harm to the visual amenity currently enjoyed by the adjoining occupiers,
 - The site is excessive in scale,
 - Potential loss of flora and fauna,
 - Omission of mitigation measures outlined to protect local residents,
 - Omission of a Heritage Statement and Ecology Report.
- 5.2 **33** letters of representation have been received (see *Appendix A for addresses*) supporting the application for the following reasons;
- The graveyard is necessary to safeguard burial space for future generations,
 - The proposal could enhance the setting of the church and the wider surrounding area,
 - The proposal would have minimal impact upon adjoining residents,
 - Proposal would bring potential nature and ecology benefits,
 - Would create a public amenity space that could be used by the local community,
 - The proposal would relieve pressure on municipal burial grounds.
- 5.3 **English Heritage:** No objection. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 5.4 **Environment Agency:** No objection. The site at St Wulfran's Church is located above the Newhaven Chalk Formation which is designated a principal aquifer. As the site is situated within close proximity to the Source Protection Zone for the Balsdean Public Water Supply, we would place priority on protecting groundwater in this area. However, we would have no objection to the burial ground extension. The proposed number of burials is not set to exceed 10 per year, and thus should not pose a significant risk to the underlying aquifer.
- 5.5 **County Archaeologist:** No objection. The site has been subject to archaeological evaluation excavation to understand archaeological potential and the significance of any remains identified. The work has shown that most of the site is of low archaeological potential, but with below ground remains of a Roman enclosure ditch identified along the north-western edge of the field. This area has

been scoped out of the proposed burial area to preserve the remains in-situ. In light of this it is not believed that any archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.

- 5.6 **Brighton & Hove Archaeological Society:** Comment.
Ovingdean is an area rich in archaeological and historical remains. Field walking around Ovingdean has produced finds from the Neolithic, Iron Age and Roman periods. The field to the north of St Wulfran's Church contains the remains of a 13th century medieval farmstead and possible manor house and an enclosure possibly dated to the Roman period lies in fields to the south of the Church.
- 5.7 The Brighton & Hove Archaeological Society recommends that the County Archaeologist is consulted.
- 5.8 **South Downs National Park:** No objection. The SDNPA has reviewed the plans and the potential for impact upon the landscape character of the SDNP and has no comments to make.
- 5.9 **County Ecologist:** No objection. In summary, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environmental and Rural Communities Act 2006 and the NPPF.

Internal:

- 5.10 **Environmental Health:** No comment.
- 5.11 **Heritage:** No objection. The proposal is to extend the current burial ground into a field to the southwest of the existing. The Church is the main landmark in the village, and is important to its historic development and current character. A burial use provides a complementary setting for the Church. The principle of the proposal is therefore acceptable in Heritage terms. The existing trees, flint walls and green and open character is important to the character of the Conservation Area (and setting of the listed buildings), and should be maintained. The proposal includes retention of the flint walls, grassed paths and areas left for grassland and wildflowers. This is an appropriate approach.
- 5.12 **Mitigations and Conditions:**
Further details will be required of the proposed gates. This could be submitted with the application or by condition. The existing flint walls should be repaired and consolidated where necessary as part of the proposal.
- 5.13 **Planning Policy:** No objection: The proposal seeks to extend the burial ground of a listed Church on the south western edge of Ovingdean. The site lies within the urban fringe, just outside the built up area, within the Ovingdean Conservation Area, adjacent the National Park and also an allotment. The Church and existing burial ground are features that are in keeping with this rural location and are considered to make a positive contribution to the Conservation Area. It is therefore considered the proposed use is justified in this countryside location

which is adjacent the existing burial ground (surrounding the Church it serves) and will enable the needs of the community to be met.

- 5.14 The site lies adjacent to and within the setting of the National Park so care should be taken to ensure the proposal conserves and enhances the visual and landscape quality and character of the National Park. Regard to the provision of biodiversity enhancements should also be given.
- 5.15 **Sustainable Transport:** No objection. The Highway Authority does not wish to object to this proposal to extend the size of the graveyard onto agricultural land due to there being no proposed increase in burials from the existing 10 burials on average per year. Vehicular access to the site appears not to be changing from the existing. The Highway Authority does request however that cycle parking is considered near to the entrance of the church to accord to Parking Standards SPG04. This can be secured by condition.
In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 5.16 **Arboriculture:** No objection. This is open, agricultural land and there are a few mature trees on the boundary of the site and one or two juveniles in the middle of the site.
- 5.17 The Arboricultural Section is pleased to note that no trees will be removed to facilitate the development.
- 5.18 We would advise that any graves are placed outside the Root Protection Zone of the mature trees on site. The depth required for burial may lead to damage or loss of structural roots (these are the ones that hold the tree up) and this may jeopardise the structural integrity of the tree, keeping the required distance from the tree should prevent this from happening.
- 5.19 The proposed species list for the new mixed hedge is appropriate for this location, however, further information will be required on planting sizes, planting methods, numbers etc. The request for this information should be embodied in a landscaping condition.
- 5.20 Overall, the Arboricultural Section has no objection to the proposals in this application.

6 MATERIAL CONSIDERATIONS

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

- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) 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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
NC3	Local Nature Reserves (LNRs)
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of a conservation area and,
HE12	Scheduled ancient monuments and other important archaeological sites.

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the impact of the proposal upon the appearance and character of the site, the adjacent Listed Building, the Ovingdean Conservation Area and the South Downs National Park. In addition, the impacts upon the amenity of local residents must be assessed as well as ecology, archaeology and transport issues.

Principle of development:

8.2 The site is situated outside the built up area boundary in designated countryside within the Ovingdean Conservation Area. The land is designated as an agricultural use (sui generis), although it is not currently being farmed. The western and southern boundaries of the site adjoin the designated South Downs National Park boundary.

8.3 The proposal seeks permission for change of use of land from agricultural land to a graveyard for burials. The applicant has stated that the existing church graveyard is running close to capacity and additional arrangements for burial areas are a priority. The proposed site would form an extension of the existing graveyard. Policy NC6 states;

8.4 *Development in the countryside / Downland states that development will not be permitted outside the built up area boundary as defined on the Proposals Map. Exceptions will only be made where there will be no significant adverse impact on the countryside / downland and at least one of the following criteria apply:*

- a) *the proposal is specifically identified as a site allocation elsewhere in this Plan, the siting of which is shown and complies with the Proposals Map;*
- b) *a countryside location can be justified, - for example, proposals are reasonably necessary for the efficient operation of farms, horticulture or forestry including the diversification of activities on existing farm units which do not prejudice the agricultural use;*
- c) *in appropriate cases and where enhancements to the countryside / downland will result, proposals for quiet informal recreation e.g. walking, horse riding and cycling; or*
- d) *proposals for the change of use of existing buildings which are in keeping with their surroundings and are of a sound and permanent construction.*

8.5 *Where development is permitted, it will be required to be unobtrusive and must respect the form, scale and character of the landscape. For example, through careful siting, design and use of materials. New buildings should be sited adjacent to existing buildings or building groups, rather than isolated in the landscape. Proposals should have no adverse effects on, and where appropriate enhance and expand, nature conservation features. Proposals will not be*

permitted if they result in a level of light pollution, noise, traffic or activity which is out of keeping with its countryside location.

- 8.6 In addition to this, any development must adhere to policy NC7 which states that proposals must conserve or enhance the visual landscape quality of the adjoining South Downs National Park.
- 8.7 The principle of the use of the land as a graveyard is not considered to have a significant adverse impact on the countryside / Downland. It is considered to accord with exception b) in policy NC6 as the countryside location can be justified. The proposal would result in the extension of the existing graveyard and is considered to be an appropriate use for the site.
- 8.8 In order to ensure compliance with criterion a) of NC7 the development would be required to conserve the visual and landscape quality and character of the South Downs National Park. Details would be required to be provided for proposed boundary treatments and landscaping. Subject to these details being acceptable it is not considered that the proposed use as a graveyard is likely to have any significant detrimental impact upon the National Park.
- 8.9 The area of land is Grade 3 agricultural land (good and moderate quality). Agricultural land is not specifically protected within the B&HCC Local Plan. The National Planning Policy states that
- 8.10 *Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. (Paragraph 112).*
- 8.11 Classification ranges from 1 (excellent) to 5 (very poor). This proposal is not considered to represent significant development in terms of the NPPF.

Visual Impact:

- 8.12 Burials are proposed to commence adjacent to the western boundary of the site and then progress eastwards over time. The lower, eastern end of the site, adjacent to the residential gardens is to be set aside as a natural meadow with grassland and wild flowers and will not be used for burials. All flint walls are to be retained with suitable hedging planted where walls are absent. All paths are proposed to be grassed. It is not considered that the proposal will result in any significant harm to the appearance or character of the site, the setting of the Grade I Listed Church or the wider Conservation Area. The proposed use of the site as an extended graveyard is acceptable in heritage terms complimenting the existing listed church and grounds and would preserve the appearance and character of the conservation area. By leaving the lower section of the site as natural meadow it will provide visual relief from the graveyard from views from the east and ensure that the area in use as a graveyard is appropriately scaled. The Heritage Team and English Heritage have no objection to the proposal.

- 8.13 No details of the proposed gate to provide access from the existing church graveyard have been submitted. Details can be required by condition.

Impact on Amenity:

- 8.14 It is not considered the proposal would result in any significant harm to the residential amenity of adjoining occupiers. The Supplementary Planning Statement submitted states that the burial policy will remain unchanged from present. This policy allows for burials of Ovingdean residents and those from elsewhere that have strong links with the church. There is not envisaged to be any increase in the average annual amount of burials, which over the last 20 years has averaged less than ten a year. The proposed use would not result in any significantly increased noise or disturbance to adjoining properties. The adjacent properties are set well away from the proposed consecrated area of the site and screened by hedging.
- 8.15 There have been a number of objections outlining concerns that a significant increase in annual burials could result in increased vehicular traffic through the village, resulting in noise and disturbance, highway safety issues and increased parking pressure. Whilst the applicant has outlined that they do not envisage any increase in burials it is not considered that an increased numbers of burials would likely result in such harm to amenity that would warrant refusal of the application on these grounds.
- 8.16 The Environment Agency is satisfied that the proposal will not result in any harmful ground water contamination.

Sustainable Transport:

- 8.17 The Sustainable Transport Team is satisfied that there will not be any significant increase in burials and as such the transport impacts will remain as existing. There is not considered to be any intensification of the use of the church and as such a condition requiring secure cycle parking is not considered necessary in this instance.

Ecology:

- 8.18 The County Ecologist has no objection to the proposal. Details of specific planting and nature enhancements can be secured by condition.

Archaeology:

- 8.19 Local Plan policy HE12 relates to the protection of important archaeological sites. The site is situated within an archaeologically sensitive location. The site has been investigated with a number of exploration trenches dug throughout the site and an Archaeological Report submitted. The work has shown that most of the site is of low archaeological potential, but with below ground remains of a Roman enclosure ditch identified along the north-western edge of the field. This area has been scoped out of the proposed burial area to preserve the remains in-situ. The County Archaeologist is satisfied with the works outlined in the report. A condition will be added to ensure that there will be no burials in the area of the identified enclosure ditch.

9 CONCLUSION

9.1 The proposed graveyard would not result in any significant harm to the appearance or character of the open countryside, the adjoining South Downs National Park, the Listed Church or the wider Conservation Area. The proposal is not considered to result in any significant detrimental impact to the amenity of neighbouring occupiers. The proposal is in accordance with local and national planning policy.

10 EQUALITIES

None.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	1021537/01	B	3 December 2013
Graveyard Extension	1021537/01	D	3 December 2013

- 3) The area marked “Non-consecrated – Archaeology” on the approved drawing, 1021537/01 Revision D shall not be used for burials and shall remain free from development. **Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and to comply with policy HE12 of the Brighton & Hove Local Plan
- 4) The area marked “Non-consecrated Section” on the approved drawing, 1021537/01 Revision D shall not be used for burials and shall remain free from development. **Reason:** To ensure a satisfactory appearance to the development and to the site, protect the amenity of neighbouring occupiers and comply with policies HE1, HE6, NC6, NC7 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 5) No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment),

schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15, QD16 and QD17 of the Brighton & Hove Local Plan.

- 6) No development shall take place until full details of the proposed gate to the southern boundary of the existing graveyard boundary, as shown on the approved drawing 1021537/01 Revision D including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE1 and HE6 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed graveyard would not result in any significant harm to the appearance or character of the open countryside, the adjoining South Downs National Park, the Listed Church or the wider Conservation Area. The proposal is not considered to result in any significant detrimental impact to the amenity of neighbouring occupiers. The proposal is in accordance with local and national planning policy.
3. The applicant is advised that listed building consent should be sought for the replacement gate to the southern boundary of the existing church graveyard.

Appendix A

Letters of representation in support of the application

House Name /Number	Street
21	Ainsworth Avenue
28	Ainsworth Avenue
40	Ainsworth Avenue
42	Ainsworth Avenue
68 (x2)	Ainsworth Avenue
23 (x2)	Ainsworth Close
97	Crescent Drive South
Woodside (x4)	Falmer Road
2	Longhill Road
1	Meadow Vale
23	Ovingdean Close
The Nook	Ovingdean Road
Threeways	Ovingdean Road
2, Byre Cottages (x2)	Ovingdean Road
6	Station Road, Clackmannanshire
1	The Ridings
12	The Ridings
9	The Vale
14	The Vale
57 (x2)	Wanderdown Road
8	Wanderdown Way
8	Wilkinson Close

In addition to the above, 4 separate representations of support have been received from undisclosed addresses.

In total **33** letters of representation in support of the application.

Letters of representation objecting to the application

House Name /Number	Street
5 (x3)	Ainsworth Avenue
17 (x2)	Ainsworth Avenue
24	Ainsworth Avenue
43	Ainsworth Avenue
55	Ainsworth Avenue
15	Ainsworth Close
17	Ainsworth Close
22	Ainsworth Close
9	Compton Avenue
64	Greenways
Field End (x2)	Greenways
9 Grange Farm Cottages	Greenways
13 Grange Farm Cottages	Greenways

Rectory Lodge (x3)	Greenways
Tythe Barn (x2)	Greenways
9	Longhill Road
23	Longhill Road
124	Longhill Road
130A	Longhill Road
The Hames (x2)	Ovingdean Road
28	The Rotyngs
6	Wanderdown Drive
7 (x2)	Wanderdown Road
61	Wanderdown Road
17	Wanderdown Way
1	Woodland Walk

In addition to the above, 2 separate representations of objection have been received from undisclosed addresses.

In total **37** letters of representation objecting to the application.

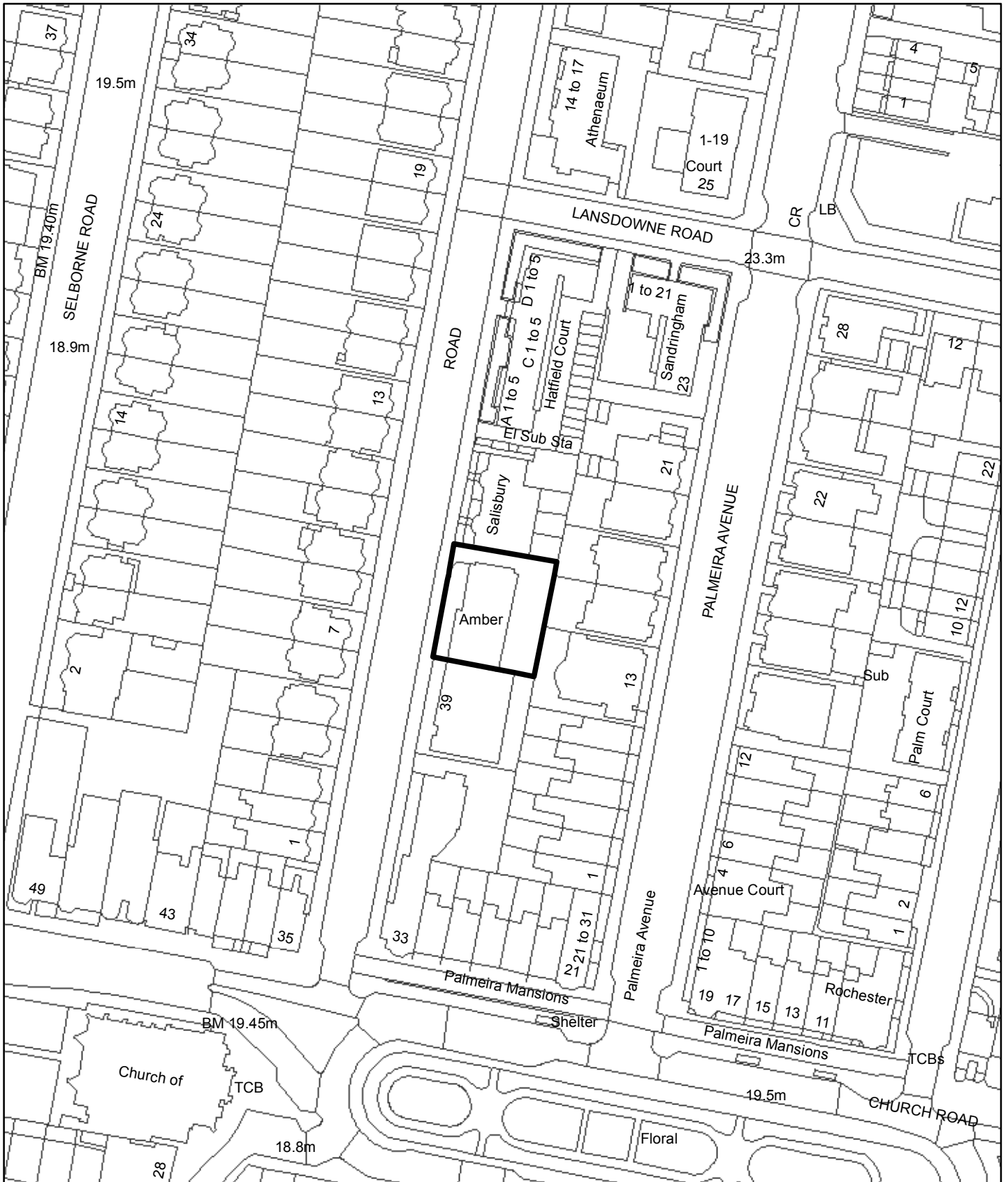
ITEM D

Amber Court, 38 Salisbury Road, Hove

BH2012/01263
Full planning

23 APRIL 2014

BH2012/01263 Amber Court, 38 Salisbury Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/01263	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Amber Court 38 Salisbury Road Hove		
<u>Proposal:</u>	Change of use of part of basement level of block of flats to commercial office (B1) with associated external alterations including new access ramp and cycle storage to front elevation.		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	08 May 2012
<u>Con Area:</u>	Adjoining Willett Estate & Brunswick Town	<u>Expiry Date:</u>	03 July 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Leo Horsfield Surveying, 9 Clifton Hill, Brighton		
<u>Applicant:</u>	Mr Vic Marchant, 269 Kingsway, Hove		

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 three-storey flat roofed building containing 14 flats. The building incorporates limited architectural detailing and is dominated by face brickwork and uPVC windows. The ground floor of the building is raised above street level with a stepped entrance leading to a single-storey lobby to the front of the building.
- 2.2 The rear of the building incorporates a lower ground floor level, accessed by a side driveway with downward gradient, comprising 7 garages of varying size. The remainder of the curtilage provides surface parking. The parking spaces are seemingly used for commercial purposes, with pay and display signs visible across the site.
- 2.3 The eastern side of Salisbury Road is predominantly relatively modern flatted development between 3 and 4-storeys in height. In contrast the western side of Salisbury Road is characterised by historic semi-detached buildings within the Willett Estate Conservation Area. Adjoining buildings to the rear are within the Brunswick & Adelaide Conservation Area.

3 RELEVANT HISTORY

BH2010/03843: Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear. Approved 22/03/2011 (this permission does not appear to have commenced and, on this basis, has expired).

BH2002/01315/FP: Conversion of lock-up garage to office (use class B1) and associated external alterations. Approved 25/11/2002 (this permission was not implemented and has expired).

M/14537/69: 8 2-bed & 4 1-bed flats on three floors with garaging for 9 cars and parking space for 4 in basement. Approved 19/12/1969.

4 THE APPLICATION

- 4.1 Planning permission is sought for the formation of a lower ground floor level to the existing building to create new office accommodation (within Use Class B1) of approximately 113 sq metres. The proposal would entail excavation works to the frontage of the site, adjoining Salisbury Road, to create a new ramped access arrangement (between street and lower ground floor levels) and cycle parking facilities. The proposed lower ground floor level would comprise fenestration comparable to upper levels of the building, which would not be altered as part of the proposal, and brickwork to match the existing.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: 10 (Ten)** representations have been received from **9E, 11 & 13 (flats 1 & 2) Palmeira Avenue; 8 (FFF) & 38 (flats 3, 4 & 9 Amber Court) Salisbury Road; 29 Potters Lane (Barnet) and 3 Rose Cottages, Gaddesdon Row (Hemel Hempstead)** objecting to the application for the following reasons:-

- The additional commercial unit would change the character of the area, which has already seen commercial uses introduced to the north and south of the site;
- The proposal does nothing to improve the appearance of the building or the amenity of existing residents;
- A basement level and additional penthouse would represent an overdevelopment of the site;
- The proposed cycle storage would spoil the look of the block and result in the loss of a communal patio area;
- There is no need for additional office accommodation;
- The precise nature of the proposed use is not stated;
- The application does not state opening hours but the offices would contribute to increased noise and disturbance to existing residents;
- There is no soundproofing and as existing noise echoes through the building;
- There would be a loss of services during construction (as services run from the basement);
- The proposal would lead to loss of parking and more demand for spaces;
- Increased fire risk;
- Noise and disturbance during building works;
- Concerns on how the building would remain structurally sound with the excavation works;
- Question whether the proposal would have a detrimental effect on future sales or conversion.

Internal

- 5.2 **Environmental Health: Comment.** It is difficult to determine whether the proposed use would be suitable in a residential area as it may create noise, particularly during hours when neighbouring residents would want to relax / sleep. Consider that further information on opening hours and noise nuisance should be provided.
- 5.3 **Sustainable Transport: No objection.** The proposal includes 14 cycle spaces which accords with the requirements of SPGBH4. The scheme would result in the loss of 2 off-street parking spaces to the front of the building which would not have a material impact on the demand for street parking, which is in a controlled parking zone. As the site is within a CPZ and an area of good public transport it is considered that the office would not generate a material demand for on-street parking.
- 5.4 A condition is recommended to secure details of the new access, which adjoins the highway, and the boundary wall should be at least 1.15 metres in height.

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
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD27	Protection of Amenity
EM4	New business and industrial uses on unidentified sites
HE6	Development within or affecting the setting of conservation areas.

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Interim Guidance on Developer Contributions

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guidance for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed lower ground floor office accommodation on the character and appearance of the area, neighbouring amenity and highway safety.

Proposed B1 use:

- 8.2 The proposed development would create a lower ground floor office unit of approximately 113 sq metres. The application site is not identified for new business / industrial uses and as such Local Plan policy EM4 is of relevance. The policy states, amongst other criteria relating to transport and amenity considerations, that planning permission will be granted for new business and industrial uses provided there is demonstrable need for such a use, taking into account factors such as the availability of existing land / premises on the market.

- 8.3 There is no supporting information with the application to demonstrate a need for office accommodation on the application site, and it would appear that the proposal is speculative. As such the proposal does conflict with the aims of Local Plan policy EM4. The application site is though centrally located and the additional office accommodation would potentially provide additional employment opportunities within the City. This would be supported by the NPPF and it is considered that any conflict with policy EM4 would not justify refusal of the application.

Character and appearance:

- 8.4 The existing frontage of the building is marked by a raised terrace area and stepped entrance leading to the (internal) ground floor level of the building. The proposal would create a lower ground floor level within the main envelope of the existing building through a lowering of ground level to the northern section of the site. A ramped pedestrian access would be formed within the front curtilage, in place of the existing raised terrace and an off-street parking space, with a new boundary wall constructed along the frontage of the site.
- 8.5 A number of buildings on Salisbury Road incorporate lower ground floor levels, including Hatfield Court to the north, a commercial building to the south and the majority of the western side. The formation of a lower ground floor level and associated new access would not therefore appear incongruous in this setting, with the resulting 4-storey appearance in keeping with the character and scale of adjoining development. The development would replicate the proportions, alignment and rhythm of windows on upper floor levels of the building, with external brickwork to match the existing.
- 8.6 The most visible element of the proposal from the adjoining Willett Estate Conservation Area would be the boundary wall alongside the public footpath on Salisbury Road. The proposed boundary wall would be of an appropriate height in relation to adjoining properties on the eastern side of Salisbury Road and would screen the entrance ramp and cycle parking facilities. This aspect of the proposal would reflect existing frontage treatments and is therefore considered acceptable.
- 8.7 The proposed lower ground floor is considered to be well designed, sited and detailed in relation to the existing building and wider street scene, and would preserve the setting of the adjoining Conservation Area. The proposal complies with local plan policies QD14 and HE6.
- 8.8 It is noted that planning permission has previously been granted for the formation of an additional storey to the building (ref: BH2010/03813). This permission appears to have expired and would not therefore alter the considerations outlined above. Any future applications for rooftop additions would need to be considered on their own merits.

Impact on amenity:

- 8.9 The nature of the proposed works, which primarily involves excavation at lower ground floor level, would not lead to harmful loss of light or outlook for occupants of adjoining properties. The key concern is therefore the impact of the proposed use.

- 8.10 The proposed development would introduce an office use (within Class B1) to a site solely in residential use. The Environmental Health Team has raised concerns that use of the lower ground floor office accommodation would potentially lead to noise and disturbance for occupants of ground floor units within Amber Court. However, the Use Classes Order states that uses within Class B1 are capable of being carried out in any residential area without detriment to the amenity of any residential area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. In principle the formation of a B1 premises at the application site would not therefore be expected to cause material harm to neighbouring amenity by way of noise or disturbance. It is therefore considered that refusal of the application on the basis of increased noise or disturbance to adjoining properties would not be warranted.
- 8.11 It is considered that conditions restricting hours of use within the office premises and requiring details of soundproofing (between lower ground and ground floor levels) would satisfactorily protect amenity for occupants of adjoining properties. The recommended hours of use, as set out in condition 3, would prevent use of the premises during the evening / night, when residents would be most sensitive to noise and disturbance from potential comings and goings to the site. The soundproofing would mitigate against the potential noise transmission during operational hours of the proposed office accommodation.
- 8.12 A further condition is recommended to restrict use of the lower ground floor to Class B1, as a permitted change to Class B8 (storage and distribution) would impact upon neighbouring amenity through noise / disturbance and vehicular movements.
- 8.13 The conditions outlined above coupled with the definition of Class B1 uses are considered sufficient to ensure the proposal would not lead to significant harm to neighbouring amenity through increased noise or disturbance. If complaints relating to noise or disturbance from activities at the premises arose in the future they could be investigated under separate Environmental Health legislation.
- 8.14 The adjoining building to the south, no. 39, incorporates ground floor commercial uses (within Class D1) which do not appear to cause material harm to either adjoining flats at first floor level or residential properties in the wider surrounding area. This supports the view outlined above, that a lower ground floor commercial use would not cause material harm to neighbouring amenity.

Transport:

- 8.15 The application site is within a controlled parking zone (area N) in an area of good public transport accessibility. The Transport Team has advised that in this location the proposed office accommodation would not be expected to generate a material demand for on-street parking, with any demand resulting from the proposal controlled by existing controls. This impact coupled with the small scale of the proposal would not necessitate a contribution towards sustainable transport improvements in the vicinity of the site.

- 8.16 The proposal incorporates 14 cycle parking spaces in an accessible location to the front of the site. The location and nature of this provision is considered acceptable, with the number of spaces according with minimum standards outlined in SPGBH4.
- 8.17 While the proposal would result in the loss of 2 parking spaces to the front of the site it is understood that these are not available to residents of the building and are instead used privately. On this basis the proposal would not displace resident vehicles and no material harm to the surrounding road network would result. It is noted that there is no waiting list for resident permits in this parking zone.

Sustainability:

- 8.18 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 and nature incorporate a reduction in energy and water use.
- 8.19 There is limited scope as part of the proposed development to incorporate renewable energy technologies and rainwater harvesting would similarly be problematic. As such it is likely that the development would need to focus on reducing consumption (rather than re-use and recycling) of energy and water. While there is extremely limited information submitted as part of the application for a development of this scale there are no reasons why further details could not be secured through condition. This approach would ensure the proposal complies with the above policies.

9 CONCLUSION

- 9.1 The development would create additional employment opportunities in the City without detriment to the character or appearance of the building and surrounding area, including the adjoining Conservation Areas, neighbouring amenity or highway safety.

10 EQUALITIES

- 10.1 The proposed lower ground floor level would incorporate a ramped access from street level with provision for a disabled accessible WC indicated on the proposed plan.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

PLANNING COMMITTEE LIST- 23 APRIL 2014

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

Plan Type	Reference	Version	Date Received
Site Plan	LH11-001-100		04/05/2012
Existing Ground Floor Plan	LH10-209-101		26/04/2012
Existing Front Elevation	LH11-001-102		26/04/2012
Existing Rear Elevation	LH11-001-103		26/04/2012
Existing Side Elevation	LH10-209-104		26/04/2012
Existing Side Elevation	LH10-209-105		26/04/2012
Proposed Floor Plan	LH11-001-401		26/04/2012
Proposed Front Elevation & Street Scene	LH10-209-402		26/04/2012
Proposed Front Elevations	LH10-209-403		26/04/2012

- 3) The use hereby permitted shall not be in use except between the hours of 08:00 to 19:00 on Monday to Friday, and 09:00 and 17:00 on Saturday and Sundays.

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

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the hereby approved lower ground floor level shall only be used within Use Class B1 and for no other purpose.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policies TR1, SU10 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 5) 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 policies QD1 and QD14 of the Brighton & Hove Local Plan.

- 6) No development shall take place until a scheme for soundproofing between lower ground and upper ground floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and be maintained as such thereafter.

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

- 7) No development shall take place 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 and water. 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 and water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.3 Pre-Occupation Conditions:

- 8) The hereby approved development, at lower ground floor level, shall not be occupied until the cycle parking facilities, as shown on drawing nos. LH11-001-401 & 403, have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

11.4 Informatives:

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

The development would create additional employment opportunities in the City without detriment to the character or appearance of the building and surrounding area, including the adjoining Conservation Areas, neighbouring amenity or highway safety.

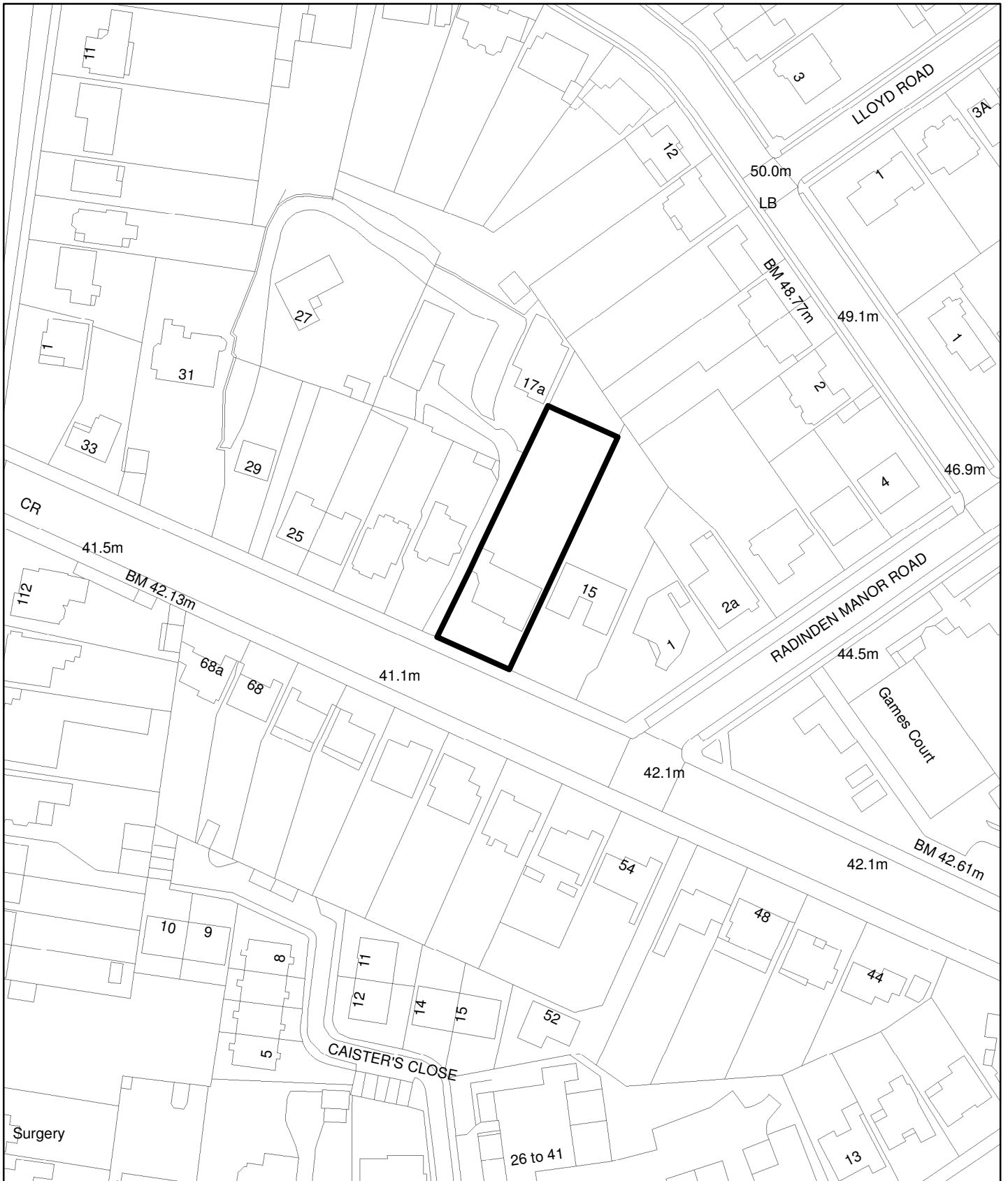
ITEM E

17 Old Shoreham Road, Hove

BH2014/00433
Full planning

23 APRIL 2014

BH2014/00433 17 Old Shoreham Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/00433	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17 Old Shoreham Road Hove		
<u>Proposal:</u>	Erection of single storey rear extension with associated landscaping and parking alterations.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	10 February 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 April 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DK Architects, 9 Hove Park Villas, Hove, BN3 6HP		
<u>Applicant:</u>	Peter Mallinson, 17 Old Shoreham Road, Hove, BN3 6NR		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a two-storey detached building located on the north side of Old Shoreham Road, Hove. The building is known as Loxwood House and is used as a care home for people with dementia. The care home is currently registered for up to 12 residents. The building is traditional in appearance with a brick and render appearance and timber casement windows. The house has been extended to the rear including a large roof extension to allow accommodation in the roof space and a two-storey flat roof extension adjacent the western boundary. There is also a metal staircase to the rear which allows emergency access from the top floor roof extension.
- 2.2 The site includes a number of trees to the front and rear garden. The rear garden slopes up from the rear of the building. The surrounding area is comprised of detached dwellinghouses.

3 RELEVANT HISTORY

- BH2013/03800:** Erection of single storey rear extension with associated landscaping and parking alterations. Withdrawn 7th January 2014.
- 3/90/0481:** Use of existing owner's accommodation to increase number of residents from 9 to 12 and alterations to existing fire escape. Approved 1990.
- 3/88/0237:** Extension to roof space, including fire escape to form owner's accommodation and alterations to increase number of residents from 6 to 9. Approved 1988.
- 3/87/0653:** Extension to roof space, including fire escape to form owner's accommodation and alterations to increase number of residents from 6 to 9. Approved 1987.
- 3/85/0211:** Change of use of single dwellinghouse to home for the care and supervision of six mentally handicapped adults. Approved 1985.

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of an extension to the rear of the property. The extension would increase the capacity of the care home by adding 8 en-suite bedrooms. The extension is 'L' shaped and includes a central landscaped area. The extension is single-storey with a pitched roof. The scheme retains the existing external staircase and two-storey extension on site. The scheme includes a new parking space to the front of the building.
- 4.2 The following letters of support have been submitted with the scheme:
- Adult Social Care & Health.
 - Professor Martin Green, Independent Sector Dementia Champion.
 - Director of Loxwood House.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Two (2)** letters of representation have been received from the occupiers of **15 & 19 Old Shoreham Road** objecting to the application for the following reasons:
- This application is the same as the previous scheme. The access width is limited and cannot take the weight of construction traffic. Access to the extension would be to the detriment of adjacent properties.
 - The proposed use is not suitable for this residential area. The proposal is for commercial gain and will change the private nature of the area.
 - The current building could be easily converted back to a single dwellinghouse if necessary. The scale and design of the current proposal would mean that the residential institution could not be easily converted back to a dwelling.
 - The size of the proposal is extremely large and overpowering. The footprint of the existing house is 170sqm and the footprint of the proposed extension is 240sqm. This is an inappropriate increase in size and 2.4 times the size of the original footprint. The appearance of the extension is also inappropriate for the context of the building.
 - The development would lead to the loss of garden space which results in the loss of amenity space for future occupiers.
 - The scheme results in overshadowing and overlooking of adjacent properties. The extension is within two metres of the common boundary and would affect a neighbouring kitchen and other rooms. The extension would also overshadow a neighbouring garden. The proposed extension would increase the number of people able to overlook through the boundary wall into the neighbouring property.
 - The nature of the disabilities of some of the residents means that they are less aware of privacy. In the past, especially during the summer, there are repetitive interruptions to the neighbours.
 - The further increase in numbers of residents would further impact on neighbour's privacy. The scheme would result in an increase in noise disturbance and light pollution from the site.
 - The scheme would undermine the boundary trees. Cutting back boundary trees would undermine privacy and quality of life for neighbouring properties.

- The increase in residents would reduce the safety of pedestrians and vehicular access to the adjoining properties. Currently taxis and mini buses frequently park on the double yellow lines and on the cycle lane outside Loxwood House to collect and drop off residents. During these times the new cycle lane is blocked and any vehicle access to adjacent properties is compromised.

5.2 **Councillors Jayne Bennett & Vanessa Brown** support the scheme (letter attached)

5.3 **Southern Gas Networks:** No objection. Records indicate that gas pipes owned by Southern Gas Networks may be present in this area and information regarding such pipes should be obtained from the owners in order to prevent damage.

5.4 **Southern Water:** No objection. A formal application for a new connection to the foul and water surface sewer is required to be made by the applicant.

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

Internal

5.6 **Adult Social Care & Health:** Support. The commissioning partnership supports the development of care homes in the city for people with dementia. The development of care homes with nursing providing care within the Council's set rates is specifically welcomed.

5.7 **Arboricultural Section:** No objection subject to suitable conditions being attached to any planning consent regarding the protection and retention of trees, shrubs and hedges growing on or adjacent the site.

5.8 **Environmental Health:** No comment

5.9 **Sustainable Transport:** No objection subject to a condition requiring details of 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.

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);

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- 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
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO11	Residential care and nursing homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
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
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of additional residential care facilities, the design and appearance of the proposed development, impact on residential amenity, transport and highway concerns, impact on trees and sustainability.

Principle of Proposal:

- 8.2 Policy HO11 states that planning permission to existing residential care and nursing homes will be granted where it can be demonstrated that the proposals:
- a. will not adversely effect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking;
 - b. provides adequate amenity space (a minimum depth of 10m and not less than 25 square metres per resident – although a lower standard may apply for nursing homes where residents are less mobile);
 - c. is accessible to people with disabilities; and
 - d. provides for operational parking in accordance with the Council's standards.
- 8.3 The design and potential impact on amenity is discussed below.
- 8.4 In respect of criterion (b), the scheme would result in additional accommodation for 8 residents. The property currently has a substantial rear garden which would be greatly reduced in size if this scheme were approved. The proposed amenity space would have a minimum depth of 10m but would not allow 25 square metres per resident as outlined in criterion (b). However, policy HO11 does allow a lower standard if residents are less mobile. Given the care facilities provided at the property this level of amenity space is considered appropriate in this instance. The proposal would therefore be in accordance with this criterion.
- 8.5 As the proposal would not generate a significant demand for operational parking and is accessible for people with disabilities, the scheme is in accordance with criteria (c) and (d) of the policy.

Design:

- 8.1 Policies QD1 & QD2 of the Brighton & Hove Local Plan states that all proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the surrounding area.
- 8.2 Policy QD14 states that planning permission for extensions to alterations to existing building, 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. SPD12 further reiterates the importance of well designed extensions.
- 8.3 Planning permission is sought for a significant extension to the building to allow additional accommodation for the care home. The extension would be single-storey and would add an additional 24m in length to the rear of the building. The extension includes a pitched roof and is 'L' shaped. The extension would

be wider at its end with a square area measuring 14m x 11.2m. The extension has an overall height of 4.6m.

- 8.4 The extension would house 8 bedrooms, each with an ensuite bathroom and a separate disabled shower room. The extension would surround a new landscaped area. Given the topography of the site, the scheme would require the partial digging out of the garden to allow for the proposed development. The extension is proposed with a render and brick finish, grey aluminium framed windows and doors and concrete tiles.
- 8.5 In respect of design, the extension is deemed excessive in size. The existing building has a length of 10m (when measured centrally) and the resulting extension would add an additional 24m in length. This is more than twice the length of the existing building. The scheme would also more than double the existing ground floor space. Whilst the extension would not be visible from the street scene, the extension due to its size would significantly detract from the character and appearance of the host property and surrounding area and is considered contrary to the advice contained in SPD12.
- 8.6 The existing building has been extensively extended over time. However, the building has retained the appearance of a dwellinghouse. The proposed extension would dominate the rear garden and would not be a sympathetic or subordinate addition to the main building. The elongated appearance of the extension would comprehensively jar with the appearance of the host building and would form an inappropriate and incongruous addition.
- 8.7 The surrounding area predominately comprises detached dwellinghouses with large rear gardens. The proposed extension would occupy a large area of the rear garden of Loxwood House which would be out of character with the residential built form of the area and the relationship between the built form and garden space that characterises the surrounding area.
- 8.8 Given the excessive scale of the proposed extension, the proposal would significantly detract from the character and appearance of the host property and would appear as an inappropriate and unsympathetic addition. It is also felt that the coverage of the plot is disproportionate to the building and surrounding area and the proposal is considered an overdevelopment of the site. The proposal is therefore contrary to the policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and SP12.

Impact on 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 proposal would most affect the immediate adjacent properties to the east and west. Due to the positioning and topography of the site, the proposal would

not significantly affect the amenity of any immediate properties to the north and south of the application site.

- 8.11 Turning to the immediate property to the west, no. 19 Old Shoreham Road, this property is a single dwellinghouse. No.19 is separated from the application site by a narrow driveway which allows access to properties to the rear. The driveway is 2.5m wide. The scheme indicates that this driveway would be used to access the rear of the site during construction works. If recommended for approval, the onus would be on the applicant to arrange the use of this private driveway.
- 8.12 As stated, the extension would be 'L' shaped. The main bulk of the extension would be adjacent the eastern side of garden. There are also a number of trees along the boundary with no.19 which are indicated to be retained with the extension in place. Given the orientation of the extension and the gap between no.17 & 19, the scheme would not result in a significant impact on the amenity of the occupiers of no.19 Old Shoreham Road.
- 8.13 In respect of the immediate property to the east, no.15 Old Shoreham Road, the proposed extension would project in close proximity to the joint boundary. No.15 is also a dwellinghouse and includes 2 side windows and 3 glazed doors facing the common boundary with no.19. The boundary wall is approximately 2m high and includes two rows of breeze blocks to its top level.
- 8.14 The proposed extension would be 1.1m from the boundary with no.15 Old Shoreham Road. The side facing windows at no.15 are also approximately 1m from the boundary wall. The proposed extension would have some impact on the side windows at no.15 which face west. However, it should be noted that the two windows which would be affected by the proposal serve a garage and a small utility room. These rooms are also served by two doors. The third door serves a kitchen which has rear facing windows. In this instance, the scheme would not directly affect windows which serve habitable rooms or, in the case of the kitchen, have additional windows in alternative elevations which are unaffected by the development.
- 8.15 The scheme would result in a bedroom and bathroom window directly opposite the side windows at no.15. The existing boundary wall would provide a screen to reduce the potential of overlooking and loss privacy between the facing windows between no.15 & 17. Although the breeze blocks would allow some views through the wall, as the blocks are not solid. To overcome this concern, if recommended for approval, a condition could be recommended requiring a screen to be attached to the relevant section of the boundary wall to cover the gaps created by the breeze blocks. Subject to this condition, the scheme would not result in a significant impact on the amenity of the adjacent side windows at no.15.
- 8.16 The extension would project into the rear garden by 24 metres in close proximity with boundary with 15 Old Shoreham Road. Whilst the extension is unlikely to have a detrimental impact on the side windows which front the application site in no.15, there are concerns regarding the excessive depth of

the extension and the resulting impact through bulk and an increased sense of enclosure to the occupiers of no.15. It is considered that the extension would have an unneighbourly impact due to its excessive depth taking up much of the shared boundary between the two properties.

- 8.17 Concern has been raised about the potential disturbance caused by the increase in numbers of residents. Environmental Health has commented that there have been no noise complaints about the current use. Additionally, the proposed communal areas would remain in the main house and the new outdoor space proposed is mostly enclosed by the new extension. Having regard to the above, whilst the scheme would result in some increase in noise, it is felt that a reason for refusal on noise would be unjustified.

Sustainable Transport:

- 8.18 In accordance with policy TR1, any development should provide for the demand for travel it creates and maximise the use of public transport, walking and cycling.

- 8.19 The scheme does not alter the existing vehicular access to the site. The Highway Manager has commented that there is forecast to be an increase in trip generation as a result of this proposal. However, the applicant states that due to the condition of residents at the care home they are escorted at all times and use the facilities own adapted transport and therefore will not add to demand for public transport. The applicant therefore concludes that the increase in trips will not be significant. The Highway Manager agrees that the forecast increase in trip generation is not considered to cause a material highway impact or be considered a reason for refusal.

- 8.20 The maximum car parking standard in SPG04 for rest homes outside a CPZ is 1 space per 6 residents plus 1 car per residential staff, plus 1 car per two other staff. The applicant is proposing to increase the number of spaces from 3 to 4 spaces. This level of provision is still in line with the maximum car parking standards and is therefore considered acceptable.

- 8.21 The Highway Manager has commented that there is enough space on site to provide cycle parking provision required for this scheme. If recommended for approval, a condition could secure details.

Impact on Trees:

- 8.22 Policy QD16 of the Brighton & Hove Local Plan relates to the retention and protection of existing trees on site.

- 8.23 The Council's Arboriculturist has commented that the Arboricultural report carried out as part of this application is comprehensive and the Arboricultural Section is in full agreement with its contents. This drawing shows removal of further trees at the front of the property that are not mentioned within the Arboricultural report.

- 8.24 Should this application be granted consent, eight trees will be removed from site (according to the Arboricultural report). These are 3 apples, an ornamental Lawsons Cypress, 1 Purple plum, 1 Silver Birch, a Lilac and an ornamental Willow. Of these trees, two apple trees are located in the front garden, one has extensive basal decay and one is a poor specimen, being one sided to the north. The remaining trees are all in the rear garden and have no public amenity value. None of these specimens are worthy of Preservation Order and the Arboricultural Section has not objected to their loss.
- 8.25 The Leyland Cypress in the neighbouring garden has already had the overhang removed. The Arboricultural Section does not object to this.
- 8.26 Overall, the Arboricultural Section has no objection to the proposals in this application, subject to a condition be attached to any consent granted regarding protection of the trees that are to remain post-development, thirteen in total. In addition, the proposed new parking area at the front of the property may be within the root protection zones of the Purple Plums in this vicinity. The construction of these parking areas should pay regard to the root systems of these trees if appropriate as they do have high public amenity value and are prominent on the street-scene.

Sustainability:

- 8.27 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. If recommended for approval, a condition could be applied requiring the submission of sustainability measures to be submitted and agreed by the Local Planning Authority. This would also be in accordance with SPD 8 on Sustainable Building Design.

Other Considerations:

- 8.28 The scheme would provide 8 additional spaces for quality care provision for people with dementia. This provision is supported by the Council's Adult Social Care & Health Team. The addition of care homes spaces in the city is encouraged. However, the social benefits of the scheme do not outweigh the concern raised by the scale of the development and its impact on the appearance of the host property and the surrounding area and its impact on neighbouring properties.

9 CONCLUSION

- 9.1 Policy HO11 of the Brighton & Hove Local Plan states that extensions to care homes will be permitted subject to certain criteria. However, the social benefits of the scheme do not overcome the concerns regarding the scale of the development and its impact on the character and appearance of the host property and surrounding area and its impact on the amenity of neighbouring properties. The scheme is therefore deemed contrary to policies QD1, QD2, QD14, QD27 & HO11 of the Brighton & Hove Local Plan and SPD12: Design Guide for Extensions and Alterations.

10 EQUALITIES

10.1 The proposal would allow adequate access for the future and existing residents.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. Having regard to the excessive scale of the proposed extension in relation to the existing property and surrounding area, the proposal would significantly detract from the character and appearance of the host building and stand out as an inappropriate and unsympathetic addition. The coverage of the plot is disproportionate to the scale of the building and surrounding area and the proposal is considered overdevelopment of the site. The scheme is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

2. Given the scale and projection of the proposed extension in close proximity to the boundary with 15 Old Shoreham Road, the proposal would result in an increased sense of enclosure and an unneighbourly form of development. The scheme therefore results in a loss amenity and is contrary to policies QD14, QD27 and HO11 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

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

Plan Type	Reference	Version	Date Received
Site Plan			10 th February 2014
Block Plan			10 th February 2014
Site Plan, Survey as Existing	S1		10 th February 2014
Ground Floor & Basement Survey as Existing	S2		10 th February 2014
First Floor Plan Survey as Existing	S3		10 th February 2014
Second Floor Plan Survey as Existing	S4		10 th February 2014
Roof Plan Survey as Existing	S5		10 th February 2014
Front (South) Elevation Survey as Existing	S6		10 th February 2014
Rear (North) Elevation Survey as Existing	S7		10 th February 2014
Side (East) Elevation	S8		10 th February 2014

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Survey as Existing			
Side (West) Elevation Survey as Existing	S9		10 th February 2014
Side (East) Elevation Survey as Existing	S10		10 th February 2014
Site Plan as Proposed	P1		10 th February 2014
Ground Floor Plan as Proposed	P2		10 th February 2014
First Floor Plan as Proposed	P3		10 th February 2014
Second Floor Plan as Proposed	P4		10 th February 2014
Roof Plan as Proposed	P5		10 th February 2014
Front (South) Elevation	P6		10 th February 2014
Rear (North) Elevation as Proposed	P7		10 th February 2014
Side (East) Elevation as Proposed	P8		10 th February 2014
Side (west) Elevation as Proposed	P9		10 th February 2014
Side (East) Elevation as Proposed	P10		10 th February 2014
Side (West) Elevation as Proposed	P11		10 th February 2014
Section A-A as Proposed	P12		10 th February 2014
Section B-B as Proposed	P13		10 th February 2014

cc



Councillor Jayne Bennett
Councillor Vanessa Brown



Jason Hawkes
1st Floor
Hove Town Hall
Hove

Date: 24 February 2014
Our Ref: JB/GLW
Your Ref:

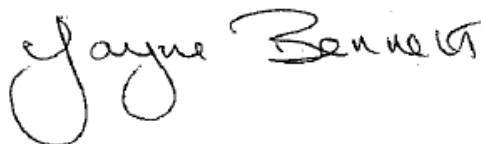
Ref application 2014/00433, Loxwood House, 17 Old Shoreham road, Hove

Dear Mr Hawkes

As ward councillors for Hove Park we wish to support this application. We have studied the plans and looked at the site, and it appears that the design makes best use of the site. We don't feel that there is too much bulk or massing to the extension and are pleased that it remains a single storey extension and the applicant appears to retain the trees around the borders of the property.

If the recommendation is to refuse, we wish for it to be decided by the planning committee and as ward councillors we would wish to speak at the meeting in support.

Yours sincerely



Councillor Jayne Bennett

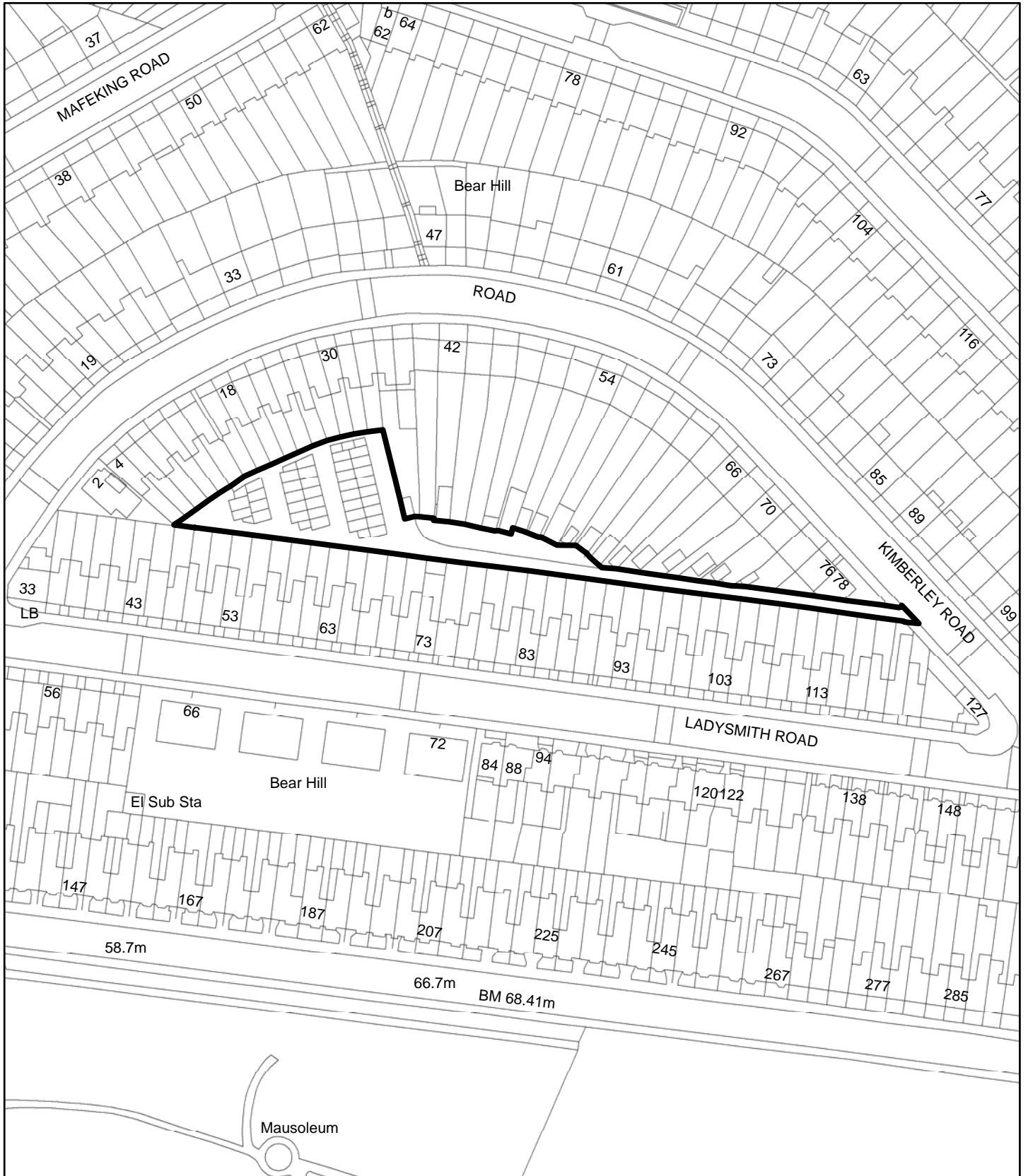
ITEM F

Land rear of 4-34 Kimberley Road, Brighton

**BH2013/04082
Full planning**

23 APRIL 2014

BH2013/04082 Land rear of 4-34 Kimberley Road, Brighton



Scale: 1:1,250

<u>No:</u>	BH2013/04082	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Rear of 4-34 Kimberley Road Brighton		
<u>Proposal:</u>	Erection of 4no two storey dwellings (C3) with off-street parking, associated landscaping works and re-surfacing of access road.		
<u>Officer:</u>	Andrew Huntley Tel 292321	<u>Valid Date:</u>	16 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10 February 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road, Brighton BN1 6ED		
<u>Applicant:</u>	Mr B Edwards, C/O CJ Planning Ltd, 80 Rugby Road, Brighton BN1 6ED		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **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 wedged shaped area of land located behind the south terrace of Kimberley Road and north terrace of Ladysmith Road. The land previously comprised of 34 garages which are accessed from a long narrow strip of private land which runs between the two terraces and joins the public highway at the eastern side of Kimberley Road. The garages have subsequently been demolished, and there are piles of rubble within the site
- 2.2 The land slopes down west to east, and also south to north, with the highest point being adjacent to the entrance to the site. The site is secured by timber fencing approximately 1.8m high and an access gate which is currently secured by way of a padlock.

3 RELEVANT HISTORY

- BH2008/03628** - Demolition of existing garages and construction of 4 two storey dwellings with off-street parking, associated landscaping works and re-surfacing of access road. Approved 12/11/2010.
- BH2007/01605** - Erection of five dwellings. Refused 14.02.08.
- BH2006/02386** - Outline application for the demolition of 34 garages plus additional stores and construction of 6 dwelling houses. Provision of 9 vehicle parking spaces and 6 bicycle parking spaces. Refused 21.11.06.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of 4 no. two storey dwellings, associated parking, landscaping and resurfacing of access road. The development comprises a pair of semi-detached 3 bedroom dwellings to the eastern point of the site, and 2 detached 4 bedroom dwellings to the west of the site.
- 4.2 The pair of semi detached properties would each measure 5.1m wide (a total width of 10.2m), 8.0m deep x 3.9m to eaves level (as the first floor is partially within the roofspace) and 6.5m to ridge height. Internally, each property would comprise a living room, kitchen and wet room to the ground floor and three bedrooms and a bathroom at first floor level.
- 4.3 Each detached property would measure approximately 6.1m wide x 9.0m deep x 4.7m to eaves level and 6.7m to ridge height with a fully pitched roof. Each property would comprise a living room, kitchen/diner and wet room to the ground floor and four bedrooms and bathroom at first floor level.
- 4.4 The proposed layout provided for 1 no. allocated parking space per property open boundary front gardens, and a private rear garden for each unit.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Fourteen (14)** letters of representation have been received from **6, 10, 16, 18, 65, 68, 72, 77, 78 Kimberley Road, 55, 69, 71, 73 and 105 Ladysmith Road** objecting to the application for the following reasons:

- Not enough space for vehicles or pedestrians.
- Not enough space for emergency services and refuse collection.
- Not enough car parking.
- Plot is too small
- Loss of light and privacy.
- Noise, dust and dirt nuisance if development goes ahead.
- Noise disturbance when properties are occupied.
- Tree close to boundary has caused damage to their fence and the tree should be removed and their fence repaired.
- The dwellings would be located further than the maximum distance from the entrance to the site recommended by the East Sussex Fire Service.
- Ownership of the access is unresolved and shows land in other ownership.
- Access too narrow for a fire appliance and not suitable for regular use.
- Lighting will increase light pollution.
- City clean would not collect refuse from the properties, which would lead to an accumulation of waste on the site or at Kimberley Road. This would create a health hazard and block the pavement.
- Errors within the application, including the site notice and OS plans.
- Received the notification letter 8 days after being issued and believe that insufficient time has been given.
- The proposal is not an efficient use of the land.

- The garages had asbestos roofs and have been demolished without heed to health and safety regulations and have been left covered on the site.

5.2 **Fire Brigade:** Comments that the plans do not appear to indicate satisfactory access for fire appliances as required by Section B5 of the Approved Document to the Building Regulations and Section 35 of the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to within 45m of all points within each dwelling. The plans also do not show compliance with B1 standard of the Building Regulations. They would also recommend the installation of sprinkler systems.

Internal

5.3 **Environmental Health:** No objections subject to a land contamination and lighting conditions.

5.4 **Access:** Comments that all entrances should be level or gently sloping, that there is 300mm clear space at the leading edge of the entrance doors and that the stairs should be 900mm wide.

5.5 **Sustainability:** No response.

5.6 **Sustainable Transport:** No objection subject to parking and cycle storage conditions.

5.7 **Arboriculture:** The Arboricultural Section has no objection to the proposals in this application subject to the further information required regarding landscaping being supplied either pre- or post- the granting of consent.

5.8 **City Clean:** No response.

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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – Quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD20	Urban open space
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4	Parking standards
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Supplementary Planning Documents

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

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to firstly, the site's planning history, the principle of redevelopment of the site for 4 dwellings, the impact of the development upon the character and appearance of the area, the amenity of adjacent residential occupiers, traffic issues, sustainability and waste minimisation.

Planning History:

8.2 Application BH2008/03628 for the demolition of existing garages and construction of 4 two storey dwellings with off-street parking, associated landscaping works and re-surfacing of access road was approved by Committee on the 12/11/2010.

8.3 The application was approved as it was determined that the proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would have achieved acceptable levels of living conditions for the future occupiers in relation to levels of natural light and ventilation and amenity space. Subject to conditions, the proposals would have had an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety.

8.4 However, this permission was not implemented and subsequently expired which, has led to this application being submitted with the intention of gaining planning permission for the same development. The previous permission was determined in accordance with the policies of the adopted Brighton & Hove Local Plan 2005, which is still the Local Planning Authority's adopted plan. As such, this previous approval carries significant weight in the determination of this application.

Principle:

8.5 The application site is located within an existing built up area and was formally used for garaging for neighbouring properties. Therefore, the site is defined as a 'brownfield' site and as such, the principle of redevelopment is acceptable.

8.6 At present, there is no agreed up to date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Due to OAN requirement for Brighton & Hove and the significant

shortfall in housing land, a great deal of weight should be attached to housing proposals that would help fulfil this need. The specific impacts of the development are considered fully below.

Design and Character:

- 8.7 Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.
- 8.8 Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:
- a. Height, scale, bulk and design of existing buildings;
 - b. Topography and impact on skyline;
 - c. Natural and developed background or framework against which the development will be set;
 - d. Natural and built landmarks;
 - e. Layout of street and spaces;
 - f. Linkages with surrounding areas;
 - g. Patterns of movement within the neighbourhood; and
 - h. Natural landscaping.
- 8.9 Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.
- 8.10 The plans that have been submitted show the same design and external appearance of the development, as was contained within approved application BH2008/03628. The buildings themselves have a traditional pitched roof with rendered walls. All dwellings include front projecting open porches and a number of window openings. The pair of semi detached properties include a low eaves height with the upper floors partially contained within the roofspace, whilst the detached properties include a front facing gable end, with a low pitched roof profile.
- 8.11 Whilst the design is fairly basic, the dwellings are considered to integrate effectively in terms of their appearance and are not considered to cause any harm to the character and appearance of the wider area.
- 8.12 Overall, the proposal's design and impact on the character and appearance of the area is considered acceptable.

Residential Amenity:

- 8.13 Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.

- 8.14 The siting of the proposed dwellings, facing east-west ensure that there would be no direct overlooking into the surrounding residential properties themselves. However, there would be an overlooking impact into some of the rear gardens.
- 8.15 To the west of the site plots 1 and 2 are situated at the lowest level of the land, and are approximately at the same base level as the surrounding properties. The upper floor rear windows would result in a degree of overlooking to neighbouring properties. With Plot 1, there is a distance of around 9.5m to number 53 Ladysmith Road, albeit at a very oblique angle. With Plot 2 there is a distance of approximately 12.5m to 14 Kimberley Road, again at an oblique angle. However, there is no direct back to back overlooking since it will mainly be to the end of the gardens only. This degree of mutual overlooking is to be expected and is reasonable within a residential area. In addition, the level of overlooking is the same as within the previously approved application, and a refusal on loss of privacy this time, would likely be considered to be unreasonable by an Appeal Inspector.
- 8.16 The issue of overlooking is slightly more complex to the east of the site (plots 3 and 4), as the levels of the site rise so these are at an elevated position compared to plots 1 and 2 and the existing surrounding properties. That said, plot no. 4 would cause limited overlooking, due to its positioning centrally within the site, and thus it would only be possible to overlook the very rear of the neighbouring properties gardens (most notably nos. 36-40 Kimberley Road). These gardens have substantial garage and shed structures in this location and thus any overlooking would not be harmful.
- 8.17 With regard to plot no. 3, this issue is slightly more sensitive. This plot sits 0.9m lower than its neighbour to reduce its impact on privacy. Angled views towards the rear of the existing properties and the most areas of the rear gardens are unlikely to cause significant overlooking. Therefore the resultant area which would have some limited overlooking would be towards the end of the rear gardens thus on balance would be acceptable in this instance.
- 8.18 With regard to loss of light, the scheme is not considered to cause a detrimental impact on the properties situated to the south of the development site due to the sun path going east to south to west.
- 8.19 The properties to the north may result in limited loss of light to the rear gardens, but due to the separation distances of the proposed development to the existing properties and the presence of the existing boundary fence, it is unlikely to cause any detrimental impact to the dwellings themselves. As such it is considered that there would be no adverse impact sufficient to warrant a refusal on these grounds.
- 8.20 The scheme would provide 4 dwellings capable of family occupation. The dwellings would have either three or four bedrooms and given the footprint are likely to provide an acceptable standard of living accommodation for the proposed occupiers.

- 8.21 Each would have a sufficient level of private amenity space. All the dwellings have access to a rear garden, although the front garden and boundaries are to be open. Furthermore some of the rear gardens are of an irregular shape with a diminishing wedge shape, despite this it is considered that the amount of amenity space would be adequate and could not warrant refusal on these grounds alone.
- 8.22 The Council's Access Officer has stated that the proposal shows steps at the rear doors rather than being level or gently sloping, that there should be a 300mm clear space at the leading edge of the entrance doors and that the stairs should be 900mm wide (presently scale at 800mm). The amended plans now show that access is level/gently sloping to the rear doors, that there is a 3300mm clear space of the entrance doors and the stairs are now 900mm wide.
- 8.23 Overall, it is considered that the proposals impact on neighbouring amenity and the amenity of future occupiers is the same as was approved under application BH2008/03628. As that application was approved under the current local plan, a refusal on amenity grounds would likely be considered to be unreasonable. Therefore, no objections are raised in regard to amenity.

Traffic Considerations:

- 8.24 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.
- 8.25 Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.
- 8.26 The proposed access arrangements have not been altered since the approval of planning permission BH2008/03628; where upon it was considered that the potential number of vehicle movements which could occur from the existing garages would be significantly greater than those from 4 family dwellings. While the garages have been demolished, it is considered that an objection on transport impact is unlikely to be able to be sustained and taking into account the previous approval, could be considered to be unreasonable.
- 8.27 According to the submitted block plan, the access track is approximately 120m long and between 2.7 and 3.5m wide. The site can only be accessed from the existing access and there is little opportunity to increase the width or provide further passing opportunities.
- 8.28 The comments from the Highways Authority are noted, in that there is no objection to the development subject to conditions in regard to car parking and cycle storage, which are considered reasonable and necessary.
- 8.29 The comments from the East Sussex Fire and Rescue Service state that the plans do not appear to indicate satisfactory access for fire appliances as required by Section B5 of the Approved Document to the Building Regulations

and Section 35 of the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to within 45m of all points within each dwelling. The plans also do not show compliance with B1 standard of the Building Regulations. They would also recommend the installation of sprinkler systems.

- 8.30 The issue of access for emergency vehicles is dealt with under the Building Regulations, and thus it is not within the remit of the planning system to refuse an application on these grounds. If a development cannot provide adequate access for emergency vehicles, then this is controlled through the Building Control stage. In light of the previous approval, a refusal on such grounds would likely be considered unreasonable and incur a costs award against the Council.

Environmental Health:

- 8.31 The Council's Environmental Health department have stated that broken-up asbestos is present on the site from the demolition of the previous garages and is currently on the site. As asbestos possesses a risk to human health Environmental Health have recommended that a contaminated land condition be attached to any approval. However, the safe removal of asbestos is covered by non-planning legislation and as such its safe removal would have to be controlled through Environmental Health. As such, it would not be appropriate to add a contamination condition.

- 8.32 The majority of the site lighting is perimeter bollard style lighting with the exception of two columns on the access road which could potentially impact the rear of the properties at Ladysmith Road. The design and access statement, whilst stating that these are standard columns, does not show how high or what element of light spill would result from these. From the image shown, there are no apparent cowls and the light seems uniform in all directions. The application states that all the lighting will be controlled by passive infra red sensors, which should in theory, only activate the lights when they are needed. Environmental Health have recommended that specific lighting conditions be attached to ensure that they do not have a detrimental impact on neighbouring amenity. It is considered that these could be secured by suitably worded conditions.

Sustainability:

- 8.33 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate efficiency in the use of energy, water and materials.
- 8.34 The application provides information confirming how the proposal would incorporate energy or water efficiency measures. In addition, all rooms have access to natural daylight and ventilation and as such it is considered that this would conform to Policy SU2.
- 8.35 The applicants have submitted a Sustainability Checklist, in accordance with SPD08. This checklist confirms that the development would achieve level 3 of the code for sustainable homes. This is in accordance SPD08 for proposals on brownfield sites. A condition would need to be attached to ensure that the development met Code Level 3.

Landscaping and Nature Conservation:

- 8.36 Policies QD15 and QD17, and the guidance set out in SPD11 require that development proposals include high quality landscaping and nature conservation enhancements.
- 8.37 A landscaping plan has been submitted with the application. The Council's Arboriculturist has stated that they have no objections to the proposal and that the species proposed for replanting will all work in this location. However, further information is needed. Precise Latin names/species are needed as the generic shrubs proposed have many different types with differing heights/widths, along with the sizes of the proposed planting, planting distances and densities as well as mulching methods. In addition, limited information has been provided on the fencing dividing the proposed garden areas or that of nature conservation enhancements. However, it is considered that this information can be secured by a suitably worded condition.

Waste minimisation:

- 8.38 Policy SU13 of the Brighton & Hove Local Plan requires the reduction of demolition and construction waste. While a waste minimisation statement has not been provided to demonstrate how construction waste would be minimised. This could be covered by a suitably worded condition.
- 8.39 Conditions are also recommended to require the provision of refuse and recyclables storage to ensure that adequate recycling options are incorporated into the scheme.

9 CONCLUSION

- 9.1 The proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

10 EQUALITIES

- 10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

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

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

Plan Type	Reference	Version	Date Received
Site Plan	8240/01	A	02.12.2013
Proposed New Dwellings	8240/4	C	02.12.2013
Proposed Floor Plans	8240/5	D	02.12.2013
Sections & Roof Plans	8240/6	A	02.12.2013
Proposed Landscaping	8240-11	A	02.12.2013
Proposed Bin & Bike Stores	8240-12		02.12.2013
Existing Site Plan	8240-15		16.12.2013

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A – E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

- 4) The first floor windows in the north and south elevations of Plots 1 and 2 of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

- 5) 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) The external finishes of the development hereby permitted shall be those as stated within the application form.

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.

- 7) 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.

- 8) 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.

- 9) 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.

- 10) 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) 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.

- 12) 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

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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.

- 13) 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.

- 14) No development shall take place until a 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 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) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 16) 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.

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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.

- 17) Prior to the commencement of the development details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

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.

- 18) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in Part 1.

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

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

- 20) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

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.

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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 would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.
- 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).
- 4 The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 5 The applicant is advised that details of the Council's requirements for Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
- 6 The deposited plans do not appear to indicate satisfactory access for fire appliances for fire fighting purposes as will be required by Section B5 of the Approved Document to the Building Regulations and Section 35 of the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to within 45m of all points within each dwelling. The plans do not show compliance with B1 standard of the Building Regulations. Fire hydrants' provisions should also be shown on the plans.

ITEM G

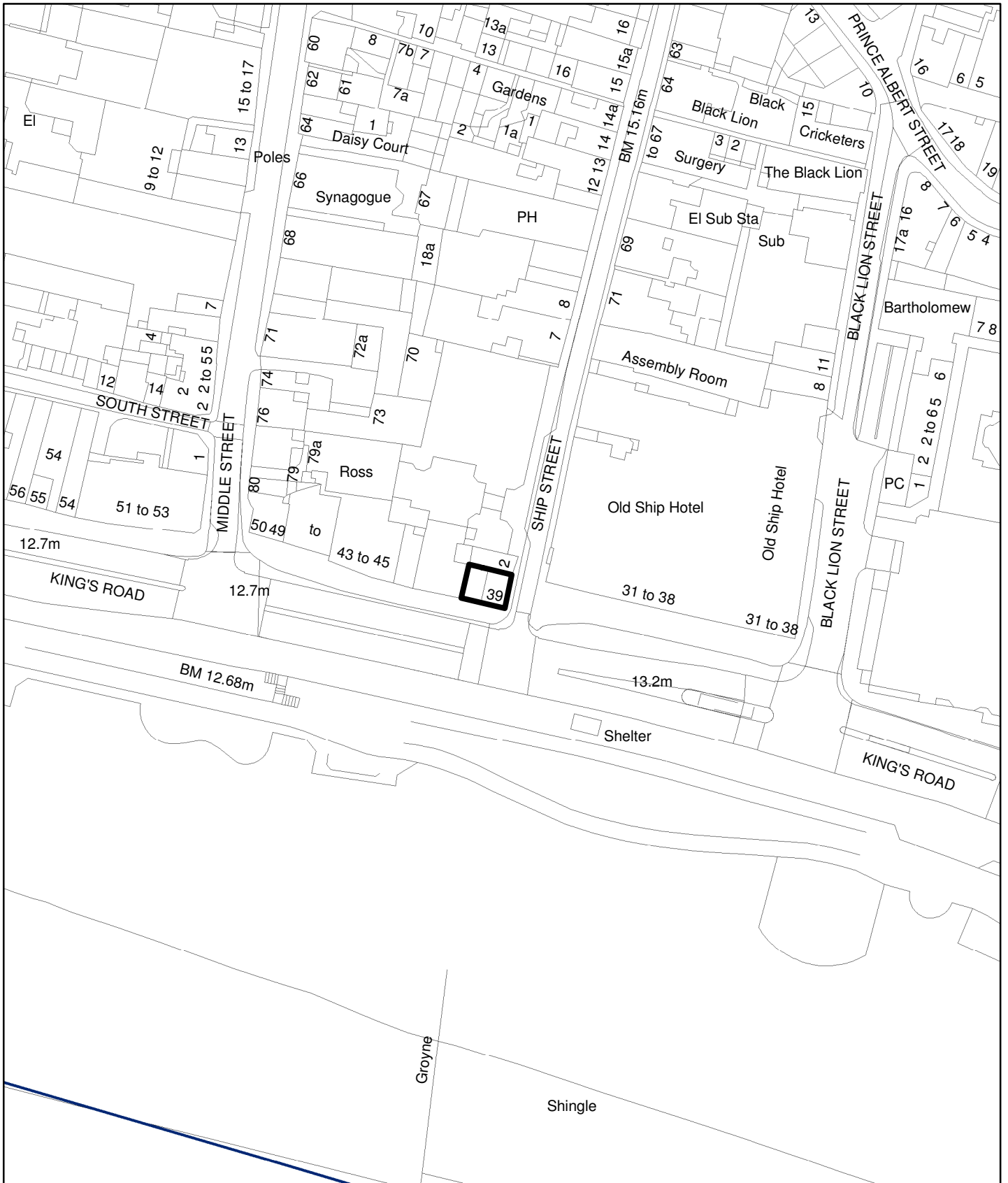
39-40 Kings Road, Brighton

BH2014/00294

Householder planning consent

23 APRIL 2014

BH2014/00294 39-40 Kings Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/00294	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	39-40 Kings Road Brighton		
<u>Proposal:</u>	Replacement of existing timber sash windows with UPVC sash windows on first, second, third and fourth floors.		
<u>Officer:</u>	Emily Stanbridge Tel 292359	<u>Valid Date:</u>	03 February 2014
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	31 March 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	D H Moyle Properties, David Moyle, Suite 25, Curtis House, 34 Third Avenue, Hove BN3 2PD		

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 in a very prominent location in the Old Town Conservation Area, on the corner of Kings Road and Ship Street and facing the seafront. They are mid Victorian buildings faced in painted stucco with string courses, full height canted bays above first floor level and timber sash windows. In this respect the properties are typical of the period in Brighton and typical of the historic central seafront, where the buildings are taller and grander than in the tightly knit, smaller scale side streets of the Old Town area. The buildings share a round arched entrance at ground floor level between modern shop fronts.
- 2.2 Number 39 is the most architecturally impressive of the two buildings, being adorned with elaborate stucco mouldings. Both elevations are framed by full height rusticated pilasters and crowned by a deeply projecting cornice with console brackets and dentil mouldings. Above that is a tall bottle balustrade and the dormers have elaborate curved pedimented gables. This block of buildings is set well forward of the Old Ship Hotel to the east and consequently number 39 has a substantial townscape presence on the corner.
- 2.3 These buildings form part of an attractive group of Victorian buildings on the seafront block between Ship Street and Middle Street that are largely unified by the presence of timber sash windows. The buildings are considered to make a positive contribution to the special appearance and character of the Old Town Conservation Area.

3 RELEVANT HISTORY

BH2001/00057/FP: Replacement of sashes and frames to south and east elevations with PVC frames and vertical sliding sashes. Refused 15th February 2001. (Appeal allowed).

4 THE APPLICATION

- 4.1 Planning permission is sought for the replacement of the existing timber sash windows with UPVC sash windows on the first, second, third and fourth floors to the southern and eastern elevations. A part owner who lives at 33 Brunswick Terrace has made a supporting statement.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Ten (10)** letters of representation have been received from the occupiers of **Flats 1, 2, 3, 5, 8, and 9 who live at 39 Kings Road; Flat 6, 29 Kings Road and 39 Lancaster Court** supporting the application for the following reasons:

- Compromised living conditions
- Incorporating the use of modern materials
- Reduction in noise pollution
- The site in relation to other examples of UPVC sashes in the area
- The windows are seen to enhance the appearance of the property

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

- The use of UPVC is inappropriate for sensitive sites such as the historic seafront.

Internal

- 5.3 **Heritage:** Objection to the application.

Policy HE6 of the Local Plan makes clear that in conservation areas “the alteration of the style and detail of . . . timber sliding sash windows . . . will be resisted” in the case of buildings that contribute to an area’s character or appearance. SPD09 states that in conservation areas “replacement windows must closely match the originals in their style, method of opening, proportions and external details” and that “on street elevations the original material must also be matched”. UPVC has a harder, sharper appearance than painted timber and standard double glazing has a different reflective appearance than traditional single glazing; their ‘look and feel’ is rather artificial

- 5.4 It is noted that the proposed windows would match the glazing pattern of the existing windows and broadly would match their proportions. It is not possible to properly assess whether the new UPVC windows would match the dimensions and details of the existing timber sections, as no comparable large scale or full size sections of the existing windows have been provided. It is noted, however, that the proposed UPVC windows would have an air gap of 20mm giving an overall glazing depth of 28mm. It is therefore very likely that the new windows would be set significantly further forward in the external

reveals (of the windows that are not in bays), thereby reducing the important depth and modelling of these windows. On the Ship Street elevation this would additionally mean the partial loss of the decorative capitals to the pilasters that frame the windows openings. On the bay windows it is not clear that the existing slight overhang of the stucco render above the window heads could or would be maintained.

- 5.5 As noted, it is not possible to make a direct comparison between existing and proposed due to lack of information. However, the proposed meeting rails would be 44mm deep, which is notably deeper than traditional timber sash meeting rails. It is not clear whether the horns would match the existing horn pattern(s) and whether they would appear as integral elements – horns to UPVC windows tend to have a ‘stuck on’ appearance. On the bays it would appear that the detailing to the splayed corners that conceal the sash boxes would be different to the existing detailing. In respect of the dormer windows the glazing bars would be false glazing bars applied to the glass and would have a shallow, squat appearance.
- 5.6 In conclusion it is considered that the proposed windows would be contrary to policy. The windows would not match the existing material and its subtle appearance, and would not match the existing joinery details and may result in the loss of original timber and stucco detailing and inter-relationship. They would harm the appearance of the historic buildings and this in turn would harm the special appearance and character of the Old Town Conservation Area. This harm would be less than substantial but, with regard to paragraph 134 of the NPPF, it would not be outweighed by any public benefits. The windows may be in poor condition and some may potentially be beyond viable repair but they can be properly replaced and replicated in timber.

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
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the visual impact of the proposed alterations to the host buildings, street scene and wider Old Town Conservation Area. In addition any impacts to the amenities of neighbouring properties shall also be assessed.

Planning History:

- 8.2 An application was submitted to the local planning authority in 2001 (reference number: BH2001/0057/FP) for the replacement of sashes and frames to the south and east elevations with PVC frames and vertical sliding sashes. This application was refused in February 2001.

The reason for refusal of this application stated:

- 8.3 *'The property the subject of the application lies within the Old Town Conservation Area. Policies ENV22 of the Brighton & Hove Local Plan and HE6 of the First Deposit Draft of the Brighton & Hove Local Plan relate to development within conservation areas and state that in considering proposals for development, the council will pay special attention to the desirability that they enhance or preserve the character or appearance of the area. Paragraphs iv) and b) of the respective policies further not that the council will normally only*

permit alterations which respect the character of the conservation area, noting where relevant the use of appropriate materials. A footnote to Policy HE6 states, in part, that in respect to buildings that contribute to the area's character or appearance, the alteration to the style and detail of traditional timber sliding sash windows will be resisted.

The proposed installation of the submitted sample of UPVC framed windows would, by reason of the absence of appropriate and required detailing, fail to comply with the above policies and thereby detract from the appearance of the property and character of the conservation area.'

- 8.4 Following the local authorities' refusal of the above application an appeal was submitted to the Planning Inspectorate (application reference APP/Q1455/A02/1092105). An online record showing the approval of this appeal can be found; however through looking over the history file of which the appeal relates to no paperwork for this appeal case can be found. Following this efforts were made to contact the Planning Inspectorate however an email response stated that the computer systems had been upgraded and that it would be impossible to retrieve a copy of the appeal decision. As such, evidence of the inspector's comments in relation to the 2001 application has not been viewed.

8.5 Planning Policy:

Notwithstanding the above, it is noted that the permission for UPVC widows granted on appeal in 2002 was not implemented. Since this approval both national and local policy has changed. Policy has changed nationally with the publication of the National Planning Policy Framework (NPPF), which replaced PPS5 which in turn had replaced PPG15 which was in place in 2002, during the time of the appeal. In addition local policy has changed with the adoption of the Brighton & Hove Local Plan 2005 and additionally Supplementary Planning Guidance 09 on Architectural Features. Whilst it is recognised that the previous 2001 application referred to Policy HE6 within the Brighton & Hove Local Plan, this document had not yet been adopted and therefore did not hold significant weight in the determination of the application as now.

Visual Impact:

- 8.6 The proposal is to replace all of the windows, which are visible to the southern and eastern elevations, with UPVC sash windows on the first, second third and fourth floors. As existing the windows are of timber construction and form part of the original appearance to the property.
- 8.7 Policy HE6 of the Local plan clearly states that within conservation areas 'the alteration of the style and detail of...timber sliding sash windows...will be resisted.' In the case of buildings that contribute to an areas character or appearance. In addition SPD09: Architectural Features states that in Conservation Areas 'replacement windows must closely match the originals in their style, method of opening, proportions and external details.' In addition the document goes on to state that 'on street elevations, the original materials must also be matched.'

- 8.8 It is noted from the drawings submitted that the proposed windows would broadly match the proportions of the existing windows and would retain the existing glazing pattern. However the use of UPVC inevitable provides a thicker appearance to the window frames and has a harder appearance than the existing painted timber. In addition the incorporation of standard double glazing creates a different reflective appearance than the traditional single glazing to the building. As such the result of the proposed works would cause the windows to have an artificial appearance.
- 8.9 It is however not possible to fully ascertain whether the proposed UPVC windows would match the dimensions and detailing of the existing timber sections as no comparable large scale or full size sections of the existing windows have been submitted within the application. However from the proposed sectional drawings submitted, it is noted that the UPVC windows would have an air gap of approximately 20mm giving an overall glazing depth of 28mm. From this drawing, it is considered likely that the proposed UPVC windows would be set significantly further forward in the external reveals, resulting in the reduction of the important depth and modelling of these windows. This thicker and fuller frame is considered to disrupt the general appearance of these properties. This would additionally result in the partial loss of the decorative capitals to the pilasters that frame the windows openings, with particular reference to the eastern elevation on Ship Street. Furthermore, with regards to the bay windows, it is not clearly shown whether or not the existing slight overhang of the stucco render above the window heads could or would be maintained.
- 8.10 As previously noted, it is difficult to make a direct comparison between the proposed UPVC windows and the existing timber windows due to the lack of information submitted within the application. However the meeting rails to the proposed windows measure 44mm deep which is notably deeper than traditional timber sash meeting rails. In addition it is unclear as to whether the proposed horns would match the existing horn patterns, and it is unclear as to whether or not the proposed horns would appear as an integral element to the windows. Such horns on UPVC windows tend to have a 'stuck on' appearance and would result in the significant harm to the detailing of the windows to the properties. In relation to the bay windows to the buildings, it would appear that the detailing to the splayed corners that conceal the sash boxes would be different to the existing detailing. The dormer windows to the fourth floor of the property are to incorporate vertical glazing bars. The proposed glazing bars would be false glazing bars, applied to the glass and would not form an integral part of the window frame. The glazing bars appear shallow and squat in appearance.
- 8.11 The proposed windows would not match the existing joinery details and as such would be contrary to Policy HE6 which states: 'In conservation areas, the planning authority will give special regard to matters of detailed design to avoid the gradual erosion of character. The retention of architectural features, which contribute to the appearance of buildings in conservation areas, is vital.'

8.12 Whilst it is noted that examples of UPVC windows are visible within the street scene, such as the neighbouring property to the west (41 Kings Road) there is no detailed site history for the approval of such windows. An application was submitted for the neighbouring property in 2004 (application reference **BH2004/03457/FP**) for the reconstruction of front bays and the replacement of all bay windows with white double glazed UPVC. This application was refused on the grounds that *'...the proposed use of UPVC replacement windows on this prominent building within the Old Town Conservation Area would have an adverse impact on the character and appearance of the Old Town Conservation Area and represents a building material which is unsympathetic to the area and the original building.'* Following this no application can be found relating to the approval of UPVC windows to this building. The existing UPVC windows to this property do however show the impact of such a material to a sensitive and historic building which inevitable alters the profile, character and appearance of its architectural features. In addition, in relation to The Old Ship Hotel 31-38 King Street a retrospective application was submitted in 2009 (application reference **BH2009/02829**) and subsequently refused for the replacement of timber sash windows with UPVC double glazed sash windows. Within the reason for refusal it was stated that *'...the frames of the UPVC windows were bulky in comparison to the originals which is particularly noticeable with the window heads and the side windows of the bays where the area of glazing is noticeably less than in the timber framed windows. As such the windows are harmful to the character and appearance of the building and Conservation Area.'* It is therefore not considered that existing properties within the street scene set a significant precedence for future applications for the replacement of UPVC windows.

Other matters:

8.13 Residents of the property have commented that they wish to see improvements to the windows as they are leaking and don't help with noise attenuation. Members should be aware that replacement windows manufactured in timber can overcome all of these concerns without a harmful impact on the Conservation Area.

Amenity Impacts:

8.14 The proposed alterations would not have any further impact upon the amenity of nearby and adjoining residential occupiers. The proposed windows are a direct replacement for existing openings and would retain the same views as present. Therefore there would be no further loss of privacy or further overlooking.

9 CONCLUSION

9.1 In conclusion it is considered that the proposed windows would be contrary to SPD09 Architectural features and policy HE6 within the Brighton & Hove Local Plan. The proposed UPVC windows would not match the existing material and the subtle appearance timber provides. In addition the windows would not match the existing joinery details of the sash windows and may result in the further loss of architectural detailing through the loss of the original timber, stucco detailing and the inter-relationship. The use of UPVC is an unsympathetic material which would harm the appearance of this historic

building and in turn would cause harm to the special character and appearance of the Old Town Conservation Area. It is not considered that the application is outweighed by any public benefit and whilst the windows may be in poor condition, this does not outweigh the detrimental impact the proposed UPVC units would have.

10 EQUALITIES

10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed UPVC replacement windows would cause significant harm to the character and appearance of the host properties, street scene and the wider Old Town Conservation Area. The use of UPVC is an unsympathetic material to such an historic building which would result in the frames having a significantly bulkier appearance that would not match the existing joinery details to the building. As such the proposed alterations are contrary to HE6 within the Brighton & Hove Local Plan and SPD09: Architectural Features.

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
Location Plan			30.01.2014
Existing and proposed plans	01		30.01.2014
Proposed sections	02		30.01.2014
Glazing bar sections	ROW/92		30.01.2014
Brochure specification			30.01.2014

ITEM H

**Blocks C & D, The Priory, London Road,
Brighton**

**BH2013/03946
Full planning**

23 APRIL 2014

BH2013/03946 Blocks C & D, The Priory, London Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03946	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Blocks C & D The Priory London Road Brighton		
<u>Proposal:</u>	Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level.		
<u>Officer:</u>	Sue Dubberley Tel 293817	<u>Valid Date:</u>	09 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 February 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Strutt & Parker, 31 North Street, Chichester PO19 1LY		
<u>Applicant:</u>	Anstone Properties Ltd, C/O Strutt & Parker, 31 North Street, Chichester PO19 1LY		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the western side of London Road just to the north of its junction with The Deneway. It comprises 4 circa 1970's four storey flat roofed blocks of flats of brick construction with projecting bays clad in white fascia boarding. Blocks A & B are located to the rear of the site and the application site Blocks C & D are situated at the front, presenting a continuous façade to London Road. There are 43 garages and 32 parking spaces located within the site with vehicular access from London Road. There is a 20m – 25m deep area of soft landscaping on the London Road frontage which is laid to lawn and contains a number of substantial mature trees which span the length of the eastern site boundary.
- 2.2 The surrounding area is predominantly residential in character. To the north of the site, Homeleigh is a four storey purpose built block of flats. To the south, are the rear gardens of detached two storey houses and bungalows fronting The Deneway. Adjoining the site to the rear is a two storey house and beyond the London to Brighton railway line whilst to the east on the opposite side of London Road is a three storey block of flats and two storey detached houses.
- 2.3 London Road (A23) is a heavily trafficked classified road with parking restrictions in the vicinity of the application site.

3 RELEVANT HISTORY

BH2013/00287 (Blocks C and D) Application to extend time limit for implementation of previous approval BH2009/00058 for roof extension to blocks C and D to provide 4x3 bedroom flats, each with own roof garden, and a cycle store. Approved 11/04/2013.

BH2011/01611:(Block B) Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 07/12/2011.

BH2010/01898: Construction of 4 No. additional garages. Refused 22/10/2010.

BH2009/00058: (Blocks C and D) Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Non-determination appeal allowed 09/04/2010.

BH2009/00033: (Blocks C and D) Proposed roof extension to Blocks C and D to provide 4 x 3 bedroom flats, 6 x car parking spaces and a cycle store. Withdrawn 12/02/2009.

BH2005/06744: Construction of additional storey to each of the existing blocks of flats, to form 6 four-bedroom and 2 five-bedroom flats, with a roof garden to each unit. Provision of 22 car parking spaces (8 for additional flats, 6 for existing residents, 8 visitor spaces which includes 2 disabled parking spaces). New cycle store. Refused 18/01/2008. Appeal Withdrawn.

BH2001/02278/OA: Erection of a 2-storey building above existing garage compound to form 4 flats and the provision of 2 car parking spaces. Refused 09/11/2001. Appeal Dismissed 04/10/2002.

93/0503/OA: Construction of additional (fourth) floor to each of the 4 flat blocks to form a total of 10 new flats. Provision of 15 new parking spaces. Refused 31/08/1993.

93/0502/OA: Erection of 2 storey building above garage compound to form 4 new flats. Provision of 6 new parking spaces. Refused 31/08/1993.

4 THE APPLICATION

- 4.1 Planning permission is sought for the creation of an additional floor above existing to provide 8 flats with additional car parking at ground floor level.
- 4.2 The proposed rooftop extension would have a width of 52.5m, a maximum depth of 11.8m and a height of 3m. On its eastern elevation, the extension would be set in 3m from the existing roof parapet with a centrally positioned recessed element set in 8m. There would be a set back of 1.5m from the west facing roof perimeter and 4m from both the northern and southern side elevations of the building. The front and rear elevations of the extension would be fully glazed with white powder coated aluminium framing and the side elevations rendered.
- 4.3 Each flat would have access to a private roof terrace and a new brick built cycle store would be provided on the southern boundary of the site adjoining the existing garage block.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:** Twenty (20) letters of representation have been received from **3, 6, 9, 14, 25, 27, 36, 37, 40, 41, 47, 62, 65, 70 (x2) The Priory, 27 Homeleigh, 40 Park Lodge, Dyke road Priory Patcham Limited** (Holding company for shareholders of The Priory), **2 emails, no address given, objecting** to the application for the following reasons:

- There would be considerable inconvenience to the existing occupants of the flats with the loss of the lift while a new lift is put in place.
- The development would cause major disruption during construction and chaos with large vehicles and machinery within the grounds. The movement of large vehicles would be a danger to users of the pathway through The Priory.
- No room for contractor's vehicles to unload or for storage of materials.
- No room for additional parking on the site.
- Four spaces proposed will involve the loss of grassed amenity currently enjoyed by residents.
- Any additional spaces should be for the use of existing residents.
- Any additional parking will create further traffic congestion on site and additional traffic movements with night-time comings and goings. Will have an effect on pedestrian safety.
- Parking is a premium and more flats will create parking problems.
- The development will make flats harder to sell and will reduce value.
- Will spoil the look of the whole building.
- Additional storey inappropriate to the street scene and out of character with the area and an overdevelopment.
- Style of the extension and roof garden out of character with the area.
- Loss of privacy and overlooking.
- The development would result in overshadowing of adjoining blocks.
- Refuse bin storage is already at maximum capacity and there seems to be no allowance made for this in the addition of these flats,
- Four person lifts not suitable for disabled.
- Presence of bat colony prevents work between 1 September to 1 November in any year.
- Overlooking of Homeleigh from roof gardens objected previously , should only for maintenance purposes.

5.2 **Environment Agency:** No comments to make.

Internal

5.3 **Ecology:** Support: provided the agreed mitigation measures are implemented, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF. It is recommended that those conditions relevant to the protection of bats that were applied to BH2013/00287 be applied to the current application, specifically conditions 5 (restrictions to construction period), 6 (protection of flight paths), 9 (need for an up to date survey) and 10 (installation of bat boxes). With respect

to the last of these conditions, it is recommended that the condition be amended so that installation of boxes is required prior to the commencement of works.

- 5.4 **Environmental Health:** Comment: Regarding noise there is insufficient information provided in the application to make suitable recommendations.
- 5.5 **Sustainable Transport:** Support: Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary condition and that the applicant enters into a S106 to contribute £6000 towards sustainable transport improvements in the vicinity of the site.

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 in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

SPD11 Nature Conservation and Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to land ownership, property values and disturbance during construction works are not material planning considerations. The main considerations in the determination of this application relate to the principle of the proposed development, design, the impact on the amenities of neighbouring occupiers, the amenities of future occupiers, traffic issues, sustainability and nature conservation.

The principle of the proposed development:

- 8.2 The principle of development has already been established by previous approvals on the site; application BH2009/00058 for the construction of an additional storey to the existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit and the subsequent renewal of this application approved last year under ref: BH2013/00287.

Design and visual impact on the locality:

- 8.3 The design of the roof extension is the same as that approved under the earlier approvals when the design was considered acceptable and there is therefore a precedent set for an extension with the footprint, scale and mass now proposed.
- 8.4 The extension would not be readily visible from beyond the confines of the site. The north facing flank elevation of the extension would be set back 4m from the roof parapet and would not be visible when viewed from north to south along

London Road above the neighbouring four storey and three storey blocks of flats (i.e. Homeleigh & Brangwyn Court). A comparable 4m set back from the south facing roof parapet of the building should also ensure that the proposed extension would not be readily visible from The Deneway and London Road to the south. In addition, given that the east facing elevation would have a 3m set back with a deeply recessed central element; the front façade of the building is positioned in excess of 22m from the back edge of the public footway; and that there is a dense tree screen on the boundary, when viewed from directly opposite the site on London Road and Carden Avenue, the development would have little impact on the street scene or appear so prominent as to warrant refusal. Although the boundary trees largely comprise deciduous specimens, it is considered that when not in leaf they would still serve a screen function and break-up views of the front elevation of the building. It is important to note that a scheme for a similar proposal could still be implemented.

- 8.5 The extension proposed is subservient to the main building, with discreet glazed facades and perimeter roof terraces which would enhance and add visual interest to the elevational appearance of the building. It is recommended that a condition be imposed requiring the approval of the external facing materials of the proposed roof addition.

The effect on the amenities of adjoining and nearby occupiers:

- 8.6 Although there are habitable room windows in the south facing side elevation of Homeleigh, the proposed roof extension has been set back 4m from the edge of the roof parapet and would be in excess of 14m away from the nearest window. It is considered that such a spatial relationship would not only be sufficient to preclude any direct window to window overlooking but would preclude any material loss of light or outlook.
- 8.7 The current application however, differs from the previous consent in that the section of flat roof abutting the northern flank elevation of the proposed extension is now shown as a roof terrace. The earlier consent (BH2009/00058) showed the area fenced off and for maintenance purposes only. A planning condition attached to the earlier consents restricted access to this area in order that the privacy of adjoining occupiers would not be adversely affected. The planning statement included with the application states that this area could be fenced off if this is considered appropriate and given the previous concerns regarding loss of privacy for adjoining properties it is considered appropriate to include the condition as part of the recommendation.
- 8.8 The concerns raised by the occupiers of the neighbouring blocks to the rear within The Priory regarding loss of light, outlook and privacy have been noted. However, given that there is a 22m to 30m separation between the application building and Block B and that Block A is some 21m away and positioned at a right angle with the majority of habitable windows facing either to the north or south, the proposal would not exacerbate the existing situation in terms of light, outlook or privacy. Furthermore, in view of the height of the existing building, its northerly position and the fact that the extension would be set back 4m from its main side elevation, the proposal would not exacerbate the existing situation in terms of

sunlight, outlook or privacy of the occupiers of the two storey houses and bungalows to the south fronting The Deneway.

- 8.9 It is not considered that the additional residential accommodation would result in an unacceptable increase in noise and disturbance, compared to the previous schemes, for the existing occupiers of the building. The provision of roof terraces is a recognised method of providing an appropriate level of private amenity space in both new build residential developments and in extensions to existing buildings, and in this case, it is considered that their use would be unlikely to result in levels of noise and disturbance so significant as to warrant refusal.
- 8.10 Finally, in order to preserve the existing levels of communal amenity space provision within the estate and to ensure that the attractive setting of the blocks is maintained, four parking spaces to be located on an existing grassed area, (two in front of Block B and two in front of Block D) have been deleted from the application.
- 8.11 The concerns raised by neighbouring occupiers regarding potential noise, disturbance and inconvenience during construction have been noted, however, these matters do not fall within the remit of planning control.

The amenities of future occupiers:

- 8.12 The proposed development would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.
- 8.13 Policy HO13 of the Local Plan requires all new residential development to comply with Lifetime Homes standards. The Design & Access Statement indicates that the development would comply with Lifetime Homes standards providing appropriate door widths, circulation space and lift access. Notwithstanding this, a condition forms part of the recommendation to secure compliance.
- 8.14 In terms of amenity space provision, each unit would be provided with a private roof terrace in accordance with policy HO5 of the Local Plan.

Noise:

- 8.15 Environmental Health officers have commented that the proposed development is situated approximately 60m away from a railway line and 30 m from London Road and that noise may therefore have an impact on future residents. There are some concerns that the bedrooms of this development in particular may be affected by traffic noise and it is considered that an acoustic assessment of this site is required.
- 8.16 While the comments of Environmental Health are noted both of the previous approved applications on the site, (the 2009 application and the subsequent renewal of this permission) did not include an acoustic report or a request for a report. Given that there is an extant permission for four flats on the site and this issue was not raised previously when assessing earlier approved applications, it is considered that in this case it would be unreasonable to insist that an acoustic report is submitted now.

Highways and parking:

- 8.17 Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their proposals create and to maximise the use of public transport, walking and cycling.
- 8.18 The proposals are forecast to increase trip generation levels slightly above existing permitted levels. This is because there are 8 additional units, taking the total number of flats on-site to 88. The Traffic Engineer therefore has recommended that a financial contribution of £6000 is made to improve the pedestrian facilities in the area. The contribution will go towards footway improvements in the local area and will go towards mitigating the forecast increase in trips to and from the development and ensuring the development is in accordance with Local Plan policies TR1, TR7 and TR8 by providing safe walking routes to and from the development.

Car Parking:

- 8.19 The application originally proposed 4 car parking spaces on-site in addition to the current 74 car parking spaces on-site. The Council's car parking standards require a maximum provision of 1 space per unit. The approved scheme for four additional flats proposed 6 new car parking spaces on the site; however these were removed from the application, as a result of significant residential and visual amenity concerns. Similarly objections to the loss of amenity space to create parking spaces have been raised again and the parking spaces have been removed from the current application during the course of the application. The level of car parking is still line with the maximum standards in SPG04 and is deemed acceptable. The Traffic Engineer has raised no objection to the removal of the car parking spaces from the application.

Cycle Parking:

- 8.20 SPG 4 states that a minimum of 1 cycle parking space per residential unit plus 1 space per 3 dwellings for visitors. In order to accord with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 8.21 A secure brick built cycle store adjoining an existing block of garages on the southern boundary of the site is proposed to accommodate 14 cycle parking spaces. The Traffic Engineer has commented that the information submitted with the application does not allow a full assessment of the proposed cycle storage. It is therefore recommended that a condition be imposed requiring the submission of further details on this matter.
- 8.22 Concerns expressed by residents regarding the safety of the access/ egress arrangements to London Road have been noted. However, Sustainable Transport Officers have raised no objection as the existing vehicular and pedestrian access arrangements are retained from London Road. Furthermore, it is considered that additional vehicle movements associated with the eight residential units proposed, would not exacerbate the existing situation to an extent that would justify the refusal of the application on highway safety grounds.

Sustainability:

- 8.23 Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and with regard to extensions to existing residential buildings such as this, SPD08 Sustainable Building Design requires Applicants to submit a Sustainability Checklist and recommends that the development achieves significant environmental improvements through the Code for Sustainable Homes. The Applicant has submitted a Sustainability checklist and addressed sustainability matters within their Planning Statement, indicating that CO2 emissions and water consumption would be reduced through, for example, the use of double glazing, roof-mounted photovoltaic cells, A-rated white goods and low flow taps and sanitary ware. In addition, in accordance with the requirements of SPD08, a condition has imposed been ensuring the scheme meets Code Level 3.
- 8.24 A satisfactory Waste Minimisation Statement has been submitted in accordance with policy SU13 and SPD03. It is recommended that in the event of planning permission being granted, a condition be imposed to ensure that the development is carried out in accordance with this plan.

Nature conservation:

- 8.25 Policy QD18 of the Local Plan requires that where it is evident that a proposal could directly affect a species of animal protected under national legislation the applicant will be required to undertake an appropriate site investigation and if deemed necessary adopt measures to avoid any harmful impacts and where practicable enhance the habitat of the respect species.
- 8.26 A large Bat maternity roost and a possible hibernation roost of Common Pipistrelle Bats exists under the shiplap cladding above Flat 16 in Block D has been identified and a Bat report forms part of the application submission. All species of bat benefit from the highest level of species protection available under UK legislation, being protected by both the Wildlife and Countryside Act 1981 and the Habitats Regulations (which implement the EC Habitats Directive into UK legislation). Essentially, it is unlawful to disturb, damage or destroy a bat roost outside a dwelling house.
- 8.27 The County Ecologist considers that provided the agreed mitigation measures are implemented, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective and would provide a way for the development to proceed and address bat conservation requirements, subject to the inclusion of conditions and to the granting of a European Protected Species (EPS) Mitigation Licence.
- 8.28 The report proposes that the roost will be retained and measures have been agreed to ensure its protection during construction. The ecologist has recommended that those conditions relevant to the protection of bats that were applied to extension of time application BH2013/00287 are applied to the current application, which restrict the construction period, protect flight paths and require an updated survey and the installation of bat boxes. With respect to the last of

these conditions, it is recommended that the condition be amended so that installation of boxes is required prior to the commencement of works, and also that an additional condition is added requiring a monitoring strategy. The previous conditions along with the suggested amended condition all form part of the recommendation.

Other issues:

- 8.29 It is noted that a number of owners/Freeholders have objected to the application questioning the applicants right to carry out the permission. This is a private matter and not a material planning consideration.

9 CONCLUSION

- 9.1 The principle of development has been established through previous permissions. The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of neighbouring residential occupiers. Subject to conditions there would be no adverse effect on the protected Pipistrelle Bat roost.

10 EQUALITIES

- 10.1 The proposed dwellings should comply with Part M of the Building Regulations and has been conditioned to meet Lifetime Homes standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

S106 contribution of £6000 to go towards footway improvements in the local area. Specifically the following works:

- London Road / Carden Avenue roundabout – providing dropped kerbs and tactile paving;
- The Deneway / London Road junction – realign the pedestrian refuge to ensure it is in line with the desire line and provide dropped kerbs and tactile paving.

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	A1713/01		09/012/2013
Site plan	A1713/02	A	09/012/2013
Existing typical Floor Plans	A1713/03	A	25/11/2013

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Existing Elevations Blocks C & D	A1713/04	A	25/11/2013
Proposed plans and east elevation	A1713/05	A	25/11/2013
Proposed elevations	A1713/06	A	25/11/2013
Existing roof plan	A1713/07	A	25/11/2013
Proposed roof plan	A1713/08	A	25/11/2013
Lifetime Homes compliance	A1713/09	A	25/11/2013

- 3) Access to the part of the flat roof to the original building to the north-east of the roof extension, as shown on drawing no. A1713/08A shall be for maintenance purposes only and the area shall not be used as a roof garden, terrace, patio or similar amenity space.

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

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

- 5) 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.

- 6) 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.

- 7) Unless otherwise agreed in writing by the Local Planning Authority, construction work on block D shall not be carried out outside the period 1st September to 1st November in any year.

Reason: To ensure the protection of the Bat roost and to comply with policy QD18 of the Brighton & Hove Local Plan.

- 8) The flight corridor of the bats into the roost located on block D and to nearby trees as shown in figure 4 of the bat assessment report dated January 2009 by the Ash partnership, shall be kept clear of all obstructions, including construction equipment, from sunset to sunrise for the duration of the construction period.

Reason: To ensure the protection of the any Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

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

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 10) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 11) No development shall commence until an up-to-date bat assessment survey of the site has been submitted to and approved in writing by the Local Planning Authority. Any measures required to ensure that the development effectively mitigates for bats shall be implemented in full.

Reason: To ensure the protection of the any Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.

- 12) No development shall commence until details of bat boxes to be installed in the development and on the trees on the site have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed prior to commencement of works and shall be retained as such.

Reason: To ensure the protection of the any Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.

- 13) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 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.

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

11.4 Pre-Occupation Conditions:

- 15) 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

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Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.5 Informatives:

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

The principle of development has been established through previous permissions. The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of neighbouring residential occupiers. Subject to conditions there would be no adverse effect on the protected Pipistrelle Bat roost.
2. The applicant is advised that in respect of condition 9 the updated bat survey should be carried out by a qualified and experience bat surveyor to assess whether there has been any significant change to the status of the development side with respect to bats since approval of application BH2009/00058. If a significant change has occurred, the report should describe any measures required to ensure that the development effectively mitigates for bats.
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).
4. The applicant is advised that details of the Ecohomes Refurbishment assessment and a list of approved assessors can be obtained from the Ecohomes websites (www.breeam.org and www.breeam.org/ecohomes). Details about Ecohomes 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). A new assessment tool called BREEAM Domestic Refurbishment will be published by the Building Research Establishment from late 2010. The use of BREEAM Domestic Refurbishment would satisfy the requirements of the Ecohomes refurbishment conditions. Further information about this assessment tool can be found on the BRE website (www.breeam.org/page.jsp?id=228).

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Information on Pre-application Presentations and Requests

Upcoming presentations – Dates TBC

Anston House, Preston Road, Brighton – site redevelopment

Date	Address	Ward	Proposal
1 st April 2014	Land at Meadow Vale, Ovingdean	Rottingdean Coastal	Construction of 112 new dwellings with vehicular access provided from a new junction on Ovingdean Road, on-site open space and a landscaping buffer along the Falmer Road boundary.
11 th March 14	Hove Park Depot, The Droveaway, Hove	Hove Park	Demolition of existing buildings and construction of a new two storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping
18 th February 14	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 th October 13	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 th Sept 13	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 th Aug 13	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 th July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re-development

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 23 April 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

BH2013/03967

27 The Deeside Brighton

Erection of single storey rear extension and associated works.

Applicant: Mr D Pike & Mrs H Buxey

Officer: Wayne Nee 292132

Approved on 20/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
Block plan	1943/6		22 November 2013
Site plan	1943/5		22 November 2013
Proposed elevations	19/43/2		22 November 2013
Existing floor plans	1943/3		25 February 2014
Proposed floor plans	1943/1		22 November 2013

BH2014/00218

2 Plainfields Avenue Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, front and rear rooflights, side window and rear dormer.

Applicant: Mrs Kirsty Anderton

Officer: Chris Swain 292178

Approved on 02/04/14 DELEGATED

BH2014/00249**103 Lyminster Avenue Brighton**

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

Applicant: Mr Choudhury**Officer:** Christine Dadswell 292205**Refused on 21/03/14 DELEGATED****PRESTON PARK****BH2012/03286****Land rear of 140-146 Springfield Road Brighton**

Application to extend time limit for implementation of previous application BH2008/03194 for the erection of a terrace of 4no two bedroom houses.

Applicant: Kingsbury Estate Ltd**Officer:** Kathryn Boggiano 292138**Approved after Section 106 signed on 14/03/14 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	0628 S10		25/09/2008
Existing Site Survey	0628 S11		25/09/2008
Proposed plans and elevations	0628 P13		25/09/2008
Proposed site plan	0628 P12	A	25/09/2008
Proposed Street Elevation	0628 P14		25/09/2008
Proposed Site Plan (Ground Level)	0628 P11	A	25/09/2008
Contextual Site Plan	0628 P10		25/09/2008
Reptile Survey - Refuge Locations	TQ315057		25/09/2008

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 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.***4) UNI**

No development shall take place until a scheme for the storage of refuse and

Report from: 13/03/2014 to: 02/04/2014

recycling has been submitted to and approved in writing by the local planning authority, including details of its method of construction in proximity to the tree shown to be retained on the approved drawings. The scheme shall be carried out in full as approved prior to the first occupation of any part of the development and the refuse and recycling facilities shall thereafter be retained available

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 for their intended use.

5) 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.

6) UNI

The new dwellings shall be constructed in accordance with the measures described in the energy efficiency statement which accompanied application BH2008/03194 and the subsequent appeal

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

7) UNI

No dwelling shall be occupied until its cycle storage has been provided in accordance with the approved drawings. The cycle storage shall thereafter be retained available for its intended purpose.

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

In this condition "retained tree" means the tree which is to be retained in accordance with paragraph 6.7 of the appellant's landscape and biodiversity statement prepared by Owen Saward dated June 2006 which accompanied application BH2008/03194 and the subsequent appeal; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the building for its permitted use.

i) The retained tree shall not be cut down, uprooted or destroyed, nor topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

ii) If the retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

iii) The erection of fencing for the protection of the retained tree shall be undertaken in accordance with plans and particulars to be submitted to and approved by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

Reason: To protect the trees which are to be retained on the site in the interest of

the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

9) UNI

Notwithstanding the details shown on the approved drawings, no window opening shall be formed in the top floor of the northern flank of the terrace.

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.

10) UNI

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure, including the entrance gates; pedestrian access and circulation areas; permeable hard surfacing materials and the provision of no less than ten bird and bat nest boxes (woodcrete type) on the east or west facing walls of the terrace. Soft landscape works shall include the provision of climbing plants on the north and south facing walls of the terrace, the planting of a species-rich hedgerow along the southern boundary of the site, the planting of wildlife-friendly shrubs and wildflowers in the area to the east of the terrace. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority.

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

11) 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.

12) UNI

No development shall take place 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 appellant's Preliminary Risk Assessment report dated June 2006 which accompanied application BH2008/03194 and the subsequent appeal; 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 or monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works; and no dwelling shall be occupied until there has been submitted to the local planning authority verification by the nominated competent person that any remediation scheme required has been fully implemented.

Thereafter the scheme shall be monitored and maintained in accordance with the approved scheme.

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

13) UNI

No development shall take place, including any works of demolition, until a

Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors.
- ii) loading and unloading of plant and materials.
- iii) storage of plant and materials used in constructing the development.
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- v) wheel washing facilities.
- vi) measures to control the emission of dust and dirt during construction.
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To safeguard the amenity of neighbouring residents and users of the footbridge and to comply with policies TR7 and QD27 of the Brighton & Hove Local Plan.

14) UNI

No site clearance shall take place during the birds nesting season (February to July inclusive).

Reason: To ensure that the development does not have a negative impact on nesting bird populations and to comply with policy QD17 of the Brighton & Hove Local Plan.

BH2013/03968

St Andrews Day and Resource Centre St Andrews Road Brighton

Demolition of existing single storey building and garages and erection of 4no three bedroom houses and 3no two bedroom houses with associated car parking.

Applicant: Mr Chris Weatherstone

Officer: Wayne Nee 292132

Approved on 21/03/14 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

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

3) UNI

The side elevation bay windows servicing the bathrooms and WCs of all units hereby permitted shall be obscure glazed and thereafter permanently retained as such.

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

4) UNI

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

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

5) UNI

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.

6) UNI

Notwithstanding the details on the approved plans, 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

Prior to the occupation of the development the applicant shall reinstate the redundant sections of the existing vehicle crossover in St Andrews Road to the front of the property back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

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

8) UNI

No development shall take place until detailed drawings, including levels, sections and constructional details of the access road within the site to include 'rumble strips', junction treatment, signage, surface water drainage, outfall disposal and street lighting to be provided have been submitted to and approved in writing by the Local Planning Authority. The works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.

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

9) UNI

(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 desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; (Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing); and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the local planning authority,

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) built drawings of the implemented scheme;

b) photographs of the remediated

10) UNI

Notwithstanding the approved drawings, no development shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate the new dwellings hereby permitted will be constructed to Lifetime Homes standards. The development shall be carried out in accordance with the approved details 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.

11) UNI

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

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

12) UNI

Notwithstanding the details on the approved plans, 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.

13) 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.

14) UNI

No development shall commence until full details of existing and proposed

ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

15) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim

Report showing that the development will achieve Code level 3 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 3 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.

16) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

17) UNI

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

18) UNI

A method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, shall be submitted to and approved by the Local Planning Authority before works commence. The demolition and construction works shall be carried out and completed full in accordance with the approved method statement.

Reason: To ensure satisfactory protection of the existing boundary walls which are considered to be an important feature within the conservation area, in accordance with policy HE6 of the Brighton & Hove Local Plan.

19) UNI

No development shall commence until details of the treatment to all boundaries to the site including details of any retained walling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details prior to first occupation of the development and retained thereafter.

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

20) 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.

21) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	TA540/01	A	21 November 2013
Existing site survey	TA540/02	C	19 February 2014
Existing sections	TA540/03	D	19 February 2014
Existing elevations 2	TA540/04	D	19 February 2014
Proposed block plan	TA540/10	C	21 November 2013
Proposed site layout	TA540/11	D	19 February 2014
Typical plans Units 1,2,3,4	TA540/12	C	21 November 2013
Typical plans Units 5,6,7	TA540/13	B	21 November 2013
Proposed elevations 1	TA540/14	C	21 November 2013
Proposed elevations 2	TA540/15	D	19 February 2014
Proposed elevations 3	TA540/16	D	08 January 2014
Proposed street elevation	TA540/17	C	21 November 2013
Site sections 1	TA540/18	C	21 November 2013
Proposed sections 2	TA540/19	C	21 November 2013
Site sections 3	TA540/20	C	21 November 2013
Existing section EE	TA540/05		19 February 2014
Proposed site section EE	TA540/21		19 February 2014
Levels survey	7215		19 February 2014
Levels survey	7215-ELEVS		19 February 2014

BH2013/04172

Flat 3 14 Port Hall Street Brighton

Replacement of existing timber sash windows with UPVC double glazed units to front and rear.

Applicant: Mr Greg Munro

Report from: 13/03/2014 to: 02/04/2014

Officer: Christine Dadswell 292205

Approved on 28/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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			21/01/2014
Window Brochures			30/01/2014
Window Drawing front window details			09/12/2013
Window Drawing rear window details			09/12/2013
Rear elevation			03/02/2014

BH2013/04254

11 Port Hall Street Brighton

Erection of single storey rear extension.

Applicant: James Webb

Officer: Emily Stanbridge 292359

Approved on 31/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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
As existing elevations, sections and block plans	217PHR11/02		17.12.2013
As existing ground floor plan, roof plan and location plan	217PHR11/01		16.12.2013
Proposed ground floor and roof plan	217PHR11/03		20.12.2013
Proposed elevations, sections and construction	217PHR11/04		16.12.2013

Report from: 13/03/2014 to: 02/04/2014

section			
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BH2013/04371

Land to rear of 20 Preston Park Avenue Brighton

Application for Approval of Details Reserved by Condition 13 of application BH2011/00561

Applicant: Roche Barrett Estates

Officer: Sue Dubberley 293817

Approved on 17/03/14 DELEGATED

BH2014/00144

33A Clermont Terrace Brighton

Conversion of garage to habitable space with associated external alterations.

Applicant: Mr & Mrs M Lloyd

Officer: Emily Stanbridge 292359

Approved on 20/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 reinstated wall to the front elevation shall match in material, colour, style, bonding and texture those of the existing building.

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

3) UNI

All new windows to the front elevation of the building shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site and location plans	509/25	B	23.01.2014
Elevations as existing	509/03		16.01.2014
Elevations as proposed	509/23	A	16.01.2014
Ground and lower ground floor plans as existing	509/01	A	16.01.2014
Lower ground and ground floor plans as proposed	509/21	A	16.01.2014
Elevations and sections as existing	509/04	A	16.01.2014
Elevations sheet 2 as proposed	509/24	A	16.01.2014

BH2014/00343**90 Edburton Avenue Brighton**

Insertion of conservation style rooflight to front roofslope.

Applicant: Marie Strebler

Officer: Adrian Smith 290478

Approved on 01/04/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 rooflight hereby approved shall have a steel or cast metal frame 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
Site plan	PBP0064/04		04/02/2014
Block plan	PBP0064/05		04/02/2014
Existing and proposed roof plan	PBP0064/03	B	27/03/2014
Existing and proposed elevation	PBP0064/02	B	27/03/2014

BH2014/00522**44 Hythe Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating enlargement of rear dormer, rooflights to front and alterations to fenestration.

Applicant: Mrs P Newman-Starley

Officer: Joanne Doyle 292198

Split Decision on 01/04/14 DELEGATED

1) UNI

A. GRANT a lawful development certificate for the proposed infill of the garage door with replacement of new window to the front elevation and reduction in size of the front dormer window and the proposed insertion of rooflights to the front roofslope for the following reason:

2) UNI

ii The proposed insertion of rooflights to the front roofslope is permitted under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

3) UNI

i The proposed folding infill of the garage door with replacement of new window to the front elevation and reduction in size of the front dormer window are permitted under Schedule 2, Part 1, Classes A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

1) UNI

REFUSE a lawful development certificate for the proposed enlargement of the

Report from: 13/03/2014 to: 02/04/2014

rear dormer for the following reasons;

2) UNI2

i The development is not permitted under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50m³,

REGENCY

BH2013/00712

7-10 13-16 26-28 and 33-36 Brighton Square Brighton

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

Applicant: Centurion Group

Officer: Steven Lewis 290480

Approved after Section 106 signed on 25/03/14 COMMITTEE

1) 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. 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.

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	1239 P 400		06/03/2013
Block Plan	1239 P 401		06/03/2013
Existing Basement Plan	1239 P 402		06/03/2013
Existing Ground Floor Plan	1239 P 403		06/03/2013
Existing First Floor Plan	1239 P 404		06/03/2013
Existing Second Floor Plan	1239 P 405		06/03/2013
Existing Third Floor Plan	1239 P 406		06/03/2013
Existing Roof Plan	1239 P 407		06/03/2013
Proposed Basement Plan	1239 P 411	A	14/06/2013
Proposed Ground Floor Plan	1239 P 412	A	14/06/2013
Proposed First Floor Plan	1239 P 413	B	06/09/2013
Proposed Second Floor Plan	1239 P 414	B	06/09/2013
Proposed Third Floor Plan	1239 P 415	A	14/06/2013
Proposed Roof Plan	1239 P 416	A	14/06/2013

Existing & Proposed Elevations 1	1239 P 420	A	14/06/2013
Existing & Proposed Elevations 2	1239 P 421	A	14/06/2013
Existing & Proposed Elevations 3	1239 P 422	A	14/06/2013
Existing & Proposed Elevations 4	1239 P 423	B	06/09/2013
Existing & Proposed Elevations 5	1239 P 424	A	14/06/2013
Existing & Proposed Elevations 6	1239 P 425	A	14/06/2013
Proposed Section 1	1239 P 440	A	14/06/2013
Sustainability Statement			06/03/2013
BREEAM Domestic Refurbishment			06/03/2013
Sustainability checklist			06/03/2013
Mechanical and electrical services overview			06/03/2013
Noise assessment			06/03/2013
Street Lighting			06/03/2013
Design and access statement			06/03/2013
Phase 1 Contamination report			06/03/2013
Drainage and flood risk strategy			06/03/2013
Transport Statement			06/03/2013
Daylight Report			06/09/2013

3) 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.

4) UNI

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

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

5) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale elevations and sections of all architectural features, including the parapets, bays, windows, doors, louvres, balconies, balustrades and shop fronts to all buildings. The development shall

thereafter be conducted in strict accordance with the approved details and shall be retained as such.

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

6) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:5 scale detailed elevations and sections of all rainwater goods. The development shall thereafter be conducted in strict accordance with the approved details and shall be retained as such.

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

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

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

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

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 details of any to be retained, together with measures for their protection in the course of development.

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

10) UNI

No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority, details include the location, number, design, luminance level and method of fixings. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

11) UNI

No development shall take place until a written scheme for the all rainwater goods has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained.

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

12) UNI

No development shall take place until a written scheme for the new street nameplates has been submitted to and approved by the Local Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained.

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

13) UNI

No development shall take place until a written scheme for the ventilation of the residential units has been submitted to and approved by the Local Authority. The ventilation scheme shall ensure that the internal noise conditions achieved by the glazing will not be compromised and will comply with BS8233:1999 good standard.

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

14) UNI

Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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

15) 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."

16) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'very good' as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

17) UNI

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

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

18) UNI

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

19) UNI

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

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

20) UNI

Within 3 months of commencement of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan for the uses upon the site (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) Increase awareness of and improve road safety and personal security:
- (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (iv) Identify targets focussed on reductions in the level of car use:
- (v) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (vi) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

BH2013/00715

17-19 21-23 and 37-40 Brighton Square Brighton

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

Applicant: Centurion Group

Officer: Steven Lewis 290480

Approved after Section 106 signed on 25/03/14 COMMITTEE

1) UNI

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

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

2) UNI

The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 31 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

3) 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. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

4) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.

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

5) UNI

Deliveries and waste collections shall not occur except between the hours of 7am and 7pm on Mondays to Saturdays and not at anytime on Sundays, Bank or Public Holidays.

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

6) UNI

The Party Walls/Floors between the retail units and the residential units shall be designed to achieve an airborne sound insulation value of 5dB greater than that specified in Approved Document E of the Building Regulations, for floors of purpose built dwelling-houses and flats.

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

7) UNI

All railings within the development shall be painted black.

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

8) UNI

Within 3 months of commencement of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan for the uses upon the site (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) Increase awareness of and improve road safety and personal security:
- (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (iv) Identify targets focussed on reductions in the level of car use:
- (v) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (vi) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

9) UNI

The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

10) UNI

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.

11) UNI

No development shall take place upon site until detail of all external odour control equipment for the A3 units has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and shall thereafter be retained.

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

12) UNI

Prior to the commencement of any flint facing elevations or flint construction, a sample flint panel shall be constructed on site and approved in writing. The flintwork hereby approved shall be conducted in accordance with the approved panel and thereafter retained.

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

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

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

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

15) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

16) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no hotel development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in water section and a minimum of 6 credits scored within the BREEAM Energy Section ENE1 (equivalent to the mandatory minimum standard for excellent in energy) for the hotel development has been submitted to, and approved in writing by, the Local Planning Authority. The evidence that these levels have been achieved should be provided by a licensed BREEAM assessor.

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

17) UNI

Prior to the commencement of development upon the site a Feasibility study outlining the potential for rainwater harvesting and greywater recycling for the Hotel shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be thereafter retained.

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

18) 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.

19) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale elevations and sections of all architectural features, including the parapets, bays, windows, doors, louvres, balconies, balustrades and shop fronts to all buildings, the raised chimney stack to the retail/residential building and the car park entrance doors. The development shall thereafter be conducted in strict accordance with the approved details and shall be retained as such.

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

20) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:1 scale joinery section details of the new shop front and windows to the retail/residential building and of the segmental bay windows over the car park entrance. The development shall thereafter be conducted in strict accordance with the approved details and shall be retained as such.

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

21) UNI

No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority, details include the location, number, design, luminance level and method of fixings. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

22) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:5 scale detailed elevations and sections of all rainwater goods. The development shall thereafter be conducted in strict accordance with the approved details and shall be retained as such.

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

23) UNI

No development shall take place until a written scheme for the new street nameplates has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained.

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

24) UNI

No development shall commence until a scheme for the glazing of the proposed apartments next to the Druids Head Public House has been submitted to and

approved in writing by the Local Planning Authority. The glazing specification for these apartments shall provide an airborne sound reduction of 45dB and shall ensure that the internal noise conditions comply with BS8233:1999 good standard.

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

25) UNI

No development shall commence until a scheme for the party wall of the proposed apartments and the Druids Head Public House has been submitted to and approved in writing by the Local Planning Authority. The party wall between the apartments and the Druids Head Public House shall provide an airborne sound insulation 8dB greater than that specified in Approved Document E of the Building Regulations. Measures shall be implemented in strict accordance with the approved details and pre-completion testing of the party wall prior to the occupation of the development shall be undertaken to ensure the measures are in accordance with the submitted details.

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

26) UNI

No development shall take place until a written scheme for the ventilation of the residential units has been submitted to and approved by the Local Authority. The ventilation scheme shall ensure that the internal noise conditions achieved by the glazing will not be compromised and will comply with BS8233:1999 good standard.

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

27) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there shall be no significant low frequency tones present.

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

28) UNI

No development shall commence until a scheme for the fitting of odour control equipment for the restaurant at the Hotel has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

29) UNI

Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. The approved installation shall be maintained and operated in

accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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

30) UNI

No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

31) UNI

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

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; (Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing); and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the local planning authority,

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) built drawings of the implemented scheme;

b) photographs of the remediation

32) 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."

33) 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.

34) 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.

35) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the Hotel shall not be occupied until evidence that the fit out of the hotel development has achieved a BREEAM 'very good' (60% in the Water Section and a minimum of 6 credits within the BREEAM energy Section ENE1) standard overall or details that a green lease agreement with the operator to meet equivalent standard has secured. The development shall be conducted in accordance with the approved details and thereafter retained.

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

36) UNI

The ground floor A3 units shall achieve 'B' rating with a CO2 index equivalent to the minimum mandatory requirement within BREEAM ENE1 to score BREEAM 'excellent'. Evidence to demonstrate this being achieved shall be submitted to approved by the Local Planning Authority prior to occupation of the units.

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

37) 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.

38) UNI

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

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

Plan Type	Reference	Version	Date
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			Received
Site Location Plan	1239 P 300		06/03/2013
Block Plan	1239 P 301		06/03/2013
Existing Basement Plan	1239 P 302		06/03/2013
Existing Ground Floor Plan	1239 P 303		06/03/2013
Existing First Floor Plan	1239 P 304		06/03/2013
Existing Second Floor Plan	1239 P 305		06/03/2013
Existing Third Floor Plan	1239 P 306		06/03/2013
Existing Roof Plan	1239 P 307		06/03/2013
Proposed Basement Plan	1239 P 311	A	14/06/2013
Proposed Ground Floor Plan	1239 P 312	A	14/06/2013
Proposed First Floor Plan	1239 P 313	B	06/09/2013
Proposed Second Floor Plan	1239 P 314	B	06/09/2013
Proposed Third Floor Plan	1239 P 315	B	06/09/2013
Proposed Roof Plan	1239 P 316	A	14/06/2013
Existing & Proposed Elevations 1	1239 P 320	A	14/06/2013
Existing & Proposed Elevations 2	1239 P 321	B	06/09/2013
Existing & Proposed Elevations 3	1239 P 322	B	06/09/2013
Existing & Proposed Elevations 4	1239 P 323	A	14/06/2013
Existing & Proposed Elevations 5	1239 P 324	A	14/06/2013
Existing & Proposed Elevations 6	1239 P 325	A	14/06/2013
Proposed Section 1	1239 P 340	A	14/06/2013
Sustainability Statement			06/03/2013
BREEAM Domestic Refurbishment			06/03/2013
Sustainability checklist			06/03/2013
Mechanical and electrical services overview			06/03/2013
Noise assessment			06/03/2013
Street Lighting			06/03/2013
Design and access statement			06/03/2013
Phase 1 Contamination report			06/03/2013
Drainage and flood risk strategy			06/03/2013
Transport Statement			06/03/2013
Daylight Report			06/09/2013

BH2013/00716

17-19 21-23 and 37-40 Brighton Square Brighton

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

Applicant: Centurion Group

Officer: Steven Lewis 290480

Approved on 25/03/14 COMMITTEE

1) UNI

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have

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been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

2) UNI

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

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

BH2013/01952

36-61 Kings Road Arches Brighton

Replacement railings to upper esplanade level. (Part retrospective).

Applicant: Brighton & Hove City Council

Officer: Kathryn Boggiano 292138

Approved Secretary of State on 17/03/14

1) UNI

The railings shall be constructed using cast iron.

Reason: To ensure the historic character and appearance of the seafront railings is retained and to comply with policy HE1 of the Brighton & Hove Local Plan.

2) UNI

The railings shall be fully installed and coloured to match the remainder of the Brighton Seafront Railings within 2 months of the date of this permission.

Reason: To ensure the historic character and appearance of the seafront railings is retained and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2013/03391

Royal York Buildings 41-42 Old Steine Brighton

Change of use from hotel (C1) to youth hostel (Sui Generis).

Applicant: Youth Hostel Association

Officer: Liz Arnold 291709

Approved on 18/03/14 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 & Proposed Lower Ground Floor Plan	13858/PA/01	Rev. B	4th October 2013
Existing & Proposed Ground Floor Plan	13858/PA/002	Rev. B	4th October 2013
Existing & Proposed First Floor Plan	13858/PA/003	Rev. B	4th October 2013
Existing & Proposed Second	13858/PA/004	Rev. B	4th October 2013

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Floor Plan			
Existing & Proposed Third Floor Plan	13858/PA/005	Rev. B	4th October 2013
Existing & Proposed Fourth Floor Plan	13858/PA/006	Rev. B	4th October 2013
Existing & Proposed Mezzanine Floor Plan	13858/PA/007	Rev. B	4th October 2013
Site Location Plan & Block Plan	13858/PA/008		4th October 2013

3) UNI

The building shall only be used for tourism purposes in the manner of a youth hostel and for no other purpose.

Reason: To ensure that a flexible range of accommodation is available within the core area to meet the current needs and demands of all visitors, and to comply with policy SR15 of the Brighton & Hove Local Plan, and policy CP6 of the Brighton & Hove Submission City Plan (Part One).

4) UNI

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

5) UNI

The development hereby permitted shall not commence until details of sustainability measures including reduction in fuel use, greenhouse gas emissions, renewable energy, reduction in water consumption, use of sustainable materials, rainwater harvesting and/or greywater recycling, daylight/sunlight use of natural ventilation and fenestration have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented prior to the use as a youth hostel and thereafter retained as such.

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

6) UNI

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 and commitments tailored to the needs of the site, which is aimed at promoting safe, active and sustainable travel choices by its users (staff, visitors, residents & suppliers) of 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 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:

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- 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

7) UNI

The development hereby permitted shall not be commenced until details of 26 secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

BH2013/04009

72-73 Western Road Brighton

Change of use from mixed use retail, cafe and cookery school (sui generis) to mixed use cafe and cookery school (sui generis).

Applicant: Recipease Ltd

Officer: Jason Hawkes 292153

Approved on 24/03/14 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	BRS.2301_02-1a		4th December 2013
Existing Floor Plan	BRS.2301_11-1		9th December 2013
Proposed Arrangement	P.01.01		25th November 2013

2) UNI

The use hereby permitted shall not be open to customers except between the hours of 0800 and 2200 Mondays to Saturdays and 0900 to 1900 Sundays and Bank Holidays.

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

3) UNI

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

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

BH2013/04015

70 North Street Brighton

Installation of new shopfront.

Applicant: Foot Locker Europe BV

Officer: Liz Arnold 291709

Approved on 27/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	A915		3rd	December 2013
Proposed Shopfront Plan, elevation and Signage Details	A910	Rev. 1	9th	December 2013
Proposed Shopfront Plan, Elevations and Signage Details	A911	Rev. 1	9th	December 2013
Existing Shopfront Elevations	A914		3rd	December 2013
Existing Ground, First and Basement General Arrangement	A916		9th	December 2013

BH2013/04378

38-39 East Street Brighton

Display of non-illuminated fascia signs and internally illuminated projecting signs (Part-Retrospective).

Applicant: SMCP UK Limited

Officer: Liz Arnold 291709

Split Decision on 02/04/14 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

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public safety.

4) BH10.04

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

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

5) BH10.05

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

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

6) BH10.06

No advertisement shall be sited or displayed so as to-

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

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

7) UNI

GRANT advertisement consent for the fascia signs shown on drawing nos. P25, P27, P31, P32.

1) UNI

REFUSE advertisement consent for the projecting signs shown on drawing nos. P24, P26, P31 and P32.

2) UNI2

The projecting signs by virtue of their positioning on the corbel brackets at one end of the related shopfronts, would obscure and interrupt architectural details of the shopfront, and would therefore be of detriment to the visual amenities of the parent property, the East Street street scene and the wider area including the surrounding Conservation Area and the setting of the nearby listed buildings. As such the proposal is contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 on Advertisements.

BH2014/00008

43-44 Western Road Brighton

Display of internally illuminated fascia sign and non illuminated hanging sign.

Applicant: Cancer Research UK

Officer: Steven Lewis 290480

Approved on 21/03/14 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.

BH2014/00051

Flat 1 1 Victoria Street Brighton

Creation of single vehicle parking space on front garden area with associated alterations to boundary wall.

Applicant: Mr Andrew Martin

Officer: Helen Hobbs 293335

Refused on 20/03/14 DELEGATED

1) UNI

The proposed parking space would take up the whole of this small front garden and a parked car would be an incongruous feature in this attractive, coherent terrace, harming the character and appearance of the recipient property. A parked car would be readily visible above the low boundary wall, particularly from the east, and it would sit directly in front of the canted bay, which is the main architectural feature of this elevation and a repeated feature of the terrace. It is therefore considered that the proposal would harm the appearance of the conservation area, and the setting of nearby listed buildings, contrary to policies

HE3 and HE6 of the Brighton & Hove Local Plan and to Supplementary Planning Documents 9: Architectural Features, and 12: Design guide for extensions and alterations.

2) UNI2

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

BH2014/00110

5 - 5A Castle Square Brighton

Internal alterations to layout including extended ground floor lobby. Internal and external refurbishment and alterations including removal of awning and installation of new fascia and hanging signs and external lighting. (Retrospective).

Applicant: Fusion Design & Architecture

Officer: Jason Hawkes 292153

Approved on 14/03/14 DELEGATED

BH2014/00121

Royal York Buildings 41-42 Old Steine Brighton

Internal alterations including creation of bicycle store on lower ground floor, removal of wall to existing function rooms to form larger meeting room, removal of wall between dining room and servery at ground floor level and other refurbishment works.

Applicant: YHA (England & Wales) Ltd

Officer: Liz Arnold 291709

Refused on 18/03/14 DELEGATED

1) UNI

The application fails to adequately assess the significance of the interior of the Listed Building and the impact of the proposed works on this significance. Notwithstanding this omission, at ground floor level the proposed demolition of an existing chimney breast and partition and the construction of a new partition in the kitchen would result in the loss of historic fabric and plan form within the Listed Building. Similarly, the creation of a larger en-suite bathroom at first floor level would result in the loss of historic plan form in this part of the building. The proposed works would therefore cause harm to the historic and architectural significance of the Grade II Listed Building. As such the proposal is contrary to policy HE1 of the Brighton & Hove Local Plan, Supplementary Planning Guidance Notes 11, Listed Building Interiors, and 13, Listed Buildings - General Advice, and Supplementary Planning Document 09, Architectural Features.

BH2014/00154

Fourth Floor 2 Bartholomews Brighton

Prior approval for change of use from offices (B1) to residential (C3) to form 6no flats.

Applicant: Baron Homes Ltd

Officer: Christopher Wright 292097

Prior approval not required on 24/03/14 DELEGATED

BH2014/00225

32 West Street Brighton

Erection of extension at fourth floor level to occupy area of existing flat roof to provide additional office (B1) space.

Applicant: RO Developments Ltd

Officer: Jason Hawkes 292153

Approved on 31/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

Unless otherwise agreed in writing with Local Planning Authority, the office accommodation 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very has been submitted to, and approved in writing by, the Local Planning Authority.

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

3) UNI

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

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1 and TR4 of the Brighton & Hove Local Plan.

4) UNI

Unless otherwise agreed with the Local Planning Authority in writing, no development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

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
Floor Plans as Existing Basement and Ground Floor	H2607/01		24th January 2014
Floor Plans as Existing First and Second Floor	H2607/02		24th January 2014

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Floor Plans as Existing Third Floor and Roof	H2607/03		24th January 2014
Elevation as Existing	H2607/PL/05		24th January 2014
Site Plan	H2607/PL/07		24th January 2014
Block Plan	H2607/PL/08		24th January 2014
Elevation as Proposed	H2607/102/06		24th January 2014
Floor Plan and Sections as Proposed	H2607/102/13		24th January 2014

6) 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.

BH2014/00241

27C Clifton Road Brighton

Alterations to basement incorporating enlargement of lightwell to front, removal of 2no rooflights and installation of 4no rooflights above at ground floor level and associated works.

Applicant: Alex Temple & Richard Brown

Officer: Jason Hawkes 292153

Approved on 21/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 velux window structure for the enlarged lightwell shall be constructed with a lead surround and lead flashings and thereafter retained as such.

Reason: To preserve the character and appearance of the host property and surrounding conservation area and in accordance with policy QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			24th January 2014
Block Plan			24th January 2014
Part Basement Floor Plan as Existing	2013-17/1		24th January 2014
Part Ground Floor Plan as Existing	2013-17/2		24th January 2014
Part Section A-A as Existing	2013-17/3		24th January 2014
Part South East Elevation as Existing	2013-17/4		24th January 2014

Part Basement Floor Plan as Proposed	2013-17/10		24th January 2014
Part Ground Floor as Proposed	2013-17/11		24th January 2014
Part Section A-A as Proposed	2013-17/12		24th January 2014
Part South East Elevation as Proposed	2013-17/13		24th January 2014

BH2014/00302

Flats 1 & 2 65-66 Regency Square Brighton

Creation of opening to existing coal storage area to front of property at lower ground floor level.

Applicant: Mr Nigel Rose

Officer: Oguzhan Denizer 290419

Approved on 31/03/14 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.

BH2014/00313

95 Western Road Brighton

Internal alterations to layout, redecoration of external facades and display of signage.

Applicant: Loungers Limited

Officer: Christine Dadswell 292205

Approved on 31/03/14 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.

BH2014/00315

11 Powis Road Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2013/02780.

Applicant: V Sackarnd

Officer: Helen Hobbs 293335

Approved on 28/03/14 DELEGATED

BH2014/00850

Former Royal Alexandra Hospital Dyke Road Brighton

Application for Approval of Details Reserved by Condition 41 of application BH2010/03379.

Applicant: Taylor Wimpey South West Thames

Officer: Guy Everest 293334
Approved on 28/03/14 DELEGATED

ST. PETER'S & NORTH LAINE

BH2013/01002

70 London Road Brighton

Application for approval of details reserved by conditions 2, 5 and 6 of application BH2010/04012.

Applicant: Mrs Alanagh Raikes

Officer: Guy Everest 293334

Split Decision on 27/03/14 DELEGATED

1) UNI

The details pursuant to condition 2 subject to full compliance with the submitted details.

1) UNI

The submitted details fail to demonstrate that the development has been registered, assessed and certified by the BRE under the Code for Sustainable Homes and achieved Code level 3. The submitted details do not therefore fulfil the requirements of conditions 5 & 6.

BH2013/01551

Land Adjoining 10 New England Road and rear of 53 New England Street Brighton

Non Material Amendment to BH2013/00245 to change position of staircase to satisfy fire regulations.

Applicant: QED Capital Assets

Officer: Guy Everest 293334

Refused on 20/03/14 DELEGATED

1) UNI

The nature of amendments proposed to the scheme approved under application BH2013/00245 are considered to be so significant that they constitute a material change to the previously approved development and warrant the submission of a further planning application.

BH2013/03822

Holmstead 166-167 Upper Lewes Road Brighton

External alterations including insulation render over-cladding, replacement of roof covering, removal of balcony coal store, installation of new balcony railings, replacement of front entrance doors (except flats 1 & 12) and other associated alterations.

Applicant: Brighton & Hove City Council

Officer: Wayne Nee 292132

Approved on 28/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

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

Hove Local Plan.

3) UNI

No development shall take place until a sample of the roof tiles (to confirm the colour and the texture) 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 policies QD1 and QD14 of the Brighton & Hove Local Plan.

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed	1178-001	C	11 November 2013
Site plan	1178-L1		11 November 2013

BH2013/04080

14 Dyke Road & 1 Wykeham Terrace Brighton

Conversion of existing D1 use into C3 2no bedroom flat with internal alterations (Part Retrospective).

Applicant: Kerry Howard

Officer: Chris Swain 292178

Refused on 17/03/14 DELEGATED

1) UNI

The residential accommodation relies on limited levels of natural daylight sunlight and poor outlook, leading to a sense of enclosure. This in conjunction with the lack of external amenity space results in a conversion which provides a poor standard of accommodation harmful to the amenity of current and future occupiers. This harm is therefore considered to outweigh the benefit provided by the additional dwelling. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/04281

The Open Market Marshalls Row and Francis Street Brighton

Application for Approval of Details Reserved by Condition 26 of Application BH2010/03744.

Applicant: Hyde Group and The Brighton Open Market CIC

Officer: Paul Vidler 292192

Approved on 17/03/14 DELEGATED

BH2013/04340

128 Queens Road Brighton

Change of use from retail (A1) to mixed use restaurant/café (A3) and hot food takeaway (A5) incorporating installation of extract equipment to south elevation.

Applicant: Paul Properties DPF No.1 Limited

Officer: Adrian Smith 290478

Refused on 17/03/14 DELEGATED

1) UNI

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

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Hove Local Plan.

2) UNI2

Insufficient information has been submitted to demonstrate that the proposed extract system would not result in amenity harm to adjacent occupiers in terms of noise disturbance, contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The application site is located on a prominent thoroughfare within a designated Cumulative Impact Zone with identified issues of late night noise, disturbance and anti-social behaviour. The proposed use incorporating an A5 takeaway facility would likely result in increased late night noise, disturbance and anti-social behaviour to the detriment of the amenities of local residents and the wider area, contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

BH2014/00072

14 Kensington Place Brighton

Replacement of entrance door with new timber door and alterations to front walls. (Retrospective).

Applicant: Miss Liane Wiseman

Officer: Wayne Nee 292132

Approved on 24/03/14 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			10 January 2014
Block plan			10 January 2014
Door frame			10 January 2014
Elevations and floor plans 1			27 January 2014
Elevations 2			23 January 2014

BH2014/00153

17-19 Oxford Street Brighton

Application for Approval of Details Reserved by Condition 7 of Application BH2011/02903.

Applicant: A.R.T. Leisure Ltd

Officer: Sue Dubberley 293817

Approved on 01/04/14 DELEGATED

BH2014/00234

GB Liners 3 - 9 Blackman Street Brighton

Creation of 2no new doors, new canopy fascia and installation of bollards to front elevation with rendering to front and side elevations.

Applicant: GB Liners Ltd

Officer: Emily Stanbridge 292359

Approved on 31/03/14 DELEGATED

1) BH01.01

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

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

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2) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing site location and Block plan	70;28-01A		24.01.2014
Existing plans and elevations	70;28-02B		24.01.2014
Proposed plans and elevations	70;28-03C		03.02.2014

BH2014/00235

GB Liners 3 - 9 Blackman Street Brighton

Display of externally illuminated fascia signs.

Applicant: GB Liners Ltd

Officer: Emily Stanbridge 292359

Approved on 31/03/14 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-

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- (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.

BH2014/00251

9 St Peters Place Brighton

Internal alterations to layout of house.

Applicant: Andre Mattar

Officer: Oguzhan Denizer 290419

Approved on 28/03/14 DELEGATED

1) BH01.05

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

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

2) UNI

The existing original door on the second floor landing shall be retained in accordance with the approved '1:20 Proposed Floor Plan' received 3 February 2014.

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

3) UNI

The new doors, architraves and skirtings hereby approved shall match the existing on the second floor in all respects and shall be and maintained as such thereafter.

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

BH2014/00253

4 Terminus Place Brighton

Installation of rooflights to front and rear.

Applicant: Tim Fitzgerald

Officer: Emily Stanbridge 292359

Approved on 17/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

The roof light hereby approved to the front roof slope shall be 'conservation-style' and 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 details			27.01.2014
Proposed details			27.01.2014

BH2014/00259

24 Robert Street Brighton

Erection of single storey rear extension.

Applicant: Mrs Katharine Musto

Officer: Joanne Doyle 292198

Approved on 26/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 & Block Plan	CH585/001		28 Jan 2014
Existing Plans, Elevations & Sections	CH585/002		28 Jan 2014
Proposed Plans, Elevations & Sections	CH585/003		28 Jan 2014

BH2014/00399

The Open Market Marshalls Row and Francis Street Brighton

Application for Approval of Details Reserved by Condition 51 of application BH2010/03744 as amended by BH2013/01147.

Applicant: Hyde Group and The Brighton Open Market CIC

Officer: Paul Vidler 292192

Approved on 28/03/14 DELEGATED

WITHDEAN

BH2013/04191

66 Valley Drive Brighton

Formation of front dormer.

Applicant: Mr Paul Edgerton

Report from: 13/03/2014 to: 02/04/2014

Officer: Guy Everest 293334

Approved on 13/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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	OD182-PL05	A	16.01.2014
Elevation as existing	OD182-PL02		11.12.2013
Elevation as proposed	OD182-PL04		11.12.2013
Plan as existing	OD182-PL01		11.12.2013
Plan as proposed	OD182-PL03		11.12.2013

BH2014/00084

12 Tivoli Road Brighton

Demolition of existing garage and toilet and erection of two storey side extension and single storey rear extension.

Applicant: Mr Sean Jarrett

Officer: Helen Hobbs 293335

Approved on 14/03/14 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan			17th January 2014
Block plan			13th January 2014
Existing ground floor plan 1		B	13th January 2014

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Existing first floor plan 2		B	13th January 2014
Existing roof plan 3		A	13th January 2014
Existing front elevation 4			13th January 2014
Existing side elevation 5			13th January 2014
Existing rear elevation 6			13th January 2014
Proposed ground floor plan 7		D	13th January 2014
Proposed first floor plan 8		C	13th January 2014
Proposed roof plan 9		B	13th January 2014
Proposed front elevation 10		C	13th January 2014
Proposed side elevation 11		C	13th January 2014
Proposed rear elevation 12		C	13th January 2014

BH2014/00109

Dorothy Stringer High School Loder Road Brighton

Erection of two dining canopies.

Applicant: Dorothy Stringer High School

Officer: Jason Hawkes 292153

Approved on 20/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	10041-DSC-L P-A	A	14th January 2014
Block Plan	10041-DSC-B P-A	A	14th January 2014
Roof Plan Proposed	10041-DSC-R P-P-B	B	23rd January 2014
Floor Plan Existing	10041-DSC-F P-E-A	A	23rd January 2014
Floor Plan Proposed	10041-DSC-F P-P-B	B	23rd January 2014
Floor Plan	10041-DSC-F P-A	A	14th January 2014
Existing & Proposed North Elevation	10041-DSC-N E-A	A	14th January 2014
North Elevation 2	10041-DSC-N E2-A	A	14th January 2014
South Elevation	10041-DSC-S E-A	A	14th January 2014
South Elevation 2	10041-DSC-S E2-A	A	14th January 2014
Proposed Image Canopy 1	10041-DSC-PI C1-A	A	14th January 2014
Proposed Image Canopy 2	10041-DSC-PI	A	14th January 2014

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	C-2		
Existing & Proposed East Elevation	10041-DSC-E E-A	A	14th January 2014
East Elevation 2	10041-DSC-E E2-A	A	14th January 2014
East Elevation 3	10041-DSC-E E3-A	A	14th January 2014
East Elevation 4	10041-DSC-E E4-A	A	14th January 2014

BH2014/00139

6 Tongdean Rise Brighton

Erection of two storey rear extension, single storey side extension, conversion of existing garage into habitable living space and erection of new garage to front garden.

Applicant: Mr Knight

Officer: Jason Hawkes 292153

Refused on 17/03/14 DELEGATED

1) UNI

The proposed hardstanding would result in the loss of a front garden which would detract from the appearance of the dwelling and be out of character with the street scene. The proposed two-storey extension and lean-to roof would also form overdominant and inappropriate additions which would give the dwelling a contrived and incongruous appearance to the detriment of the street scene. The scheme is therefore deemed contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

BH2014/00212

11 South Road Brighton

Replacement of roof covering from corrugated asbestos to lead coloured flat roof finish and the creation of a parapet.

Applicant: Mr J Burroughs

Officer: Liz Arnold 291709

Approved on 24/03/14 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 the development using materials of matching composition, form and finish to those of the Listed Building.

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

3) UNI

Notwithstanding the details submitted, no works shall take place until design details including materials and finishes of the following items have been submitted to and approved in writing by the Local Planning Authority;

- 1) Parapet detail, and
- 2) Flat roof detail, including the roof covering.

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections, where mouldings

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are used. The works shall thereafter be implemented strictly in accordance with the agreed details.

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

BH2014/00381

42 Dyke Road Avenue Brighton

Erection of single storey front, rear and side extensions.

Applicant: Mr & Mrs Harding

Officer: Helen Hobbs 293335

Approved on 02/04/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
Block plan	YO69-A01		5th January 2014
Location and block plan	YO69-A02		5th January 2014
Existing ground floor plan	YO69-A03		5th January 2014
Existing first floor	YO69-A04		5th January 2014
Existing front elevation	YO69-A05		5th January 2014
Existing rear elevation	YO69-A06		5th January 2014
Existing side elevation	YO69-A08		5th January 2014
Existing side elevation	YO69-A07		5th January 2014
Proposed ground floor plan	YO69-D01		5th January 2014
Proposed first floor plan	YO69-D02		5th January 2014
Proposed front elevation	YO69-D03		5th January 2014
Proposed rear elevation	YO69-D04		5th January 2014
Proposed side elevation	YO69-D05		5th January 2014
Proposed side elevation	YO69-D06		5th January 2014

BH2014/00438

43 Copse Hill Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.5m, for which the maximum height would be 4.0m, and for which the height of the eaves would be 2.5m.

Applicant: Mr & Mrs Cornock

Officer: Emily Stanbridge 292359

Prior approval not required on 14/03/14 DELEGATED

BH2014/00443

180 Surrenden Road Brighton

Certificate of Lawfulness for proposed loft conversion incorporating hip to barn end roof extensions, front rooflights and rear dormer.

Applicant: Mr Max Williams

Officer: Adrian Smith 290478

Approved on 17/03/14 DELEGATED

BH2014/00573

39 Friar Crescent Brighton

Certificate of Lawfulness for proposed loft conversion incorporating barn hip to gable roof extension, rooflights to front, window to side and dormer to rear.

Applicant: Mr Tom Kenward

Officer: Joanne Doyle 292198

Approved on 01/04/14 DELEGATED

EAST BRIGHTON

BH2014/00107

Training Centre Rosaz House & Cottage 2-4 Bristol Gate Brighton

Application for Approval of Details Reserved by Condition 16 of applications BH2011/02181 and BH2012/03520.

Applicant: Macmillan Cancer Support

Officer: Kathryn Boggiano 292138

Approved on 20/03/14 DELEGATED

BH2014/00211

Whitehawk Football Club East Brighton Park Wilson Avenue Brighton

Engineering works to car park incorporating raised ground levels and drainage works.

Applicant: Whitehawk FC

Officer: Andrew Huntley 292321

Approved on 02/04/14 DELEGATED

1) BH01.01

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

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

2) UNI

No development shall commence until details showing the type, number, location and timescale for implementation of the compensatory bird / 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.

3) 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.

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	White/01 A	A	05.02.2014
Existing Site Plan	White/02 A	A	05.02.2014
Proposed Site Plan & Sections	White/03		05.02.2014

BH2014/00316

11 Rock Grove Brighton

Installation of rooflights to rear roof slope and a new window to rear elevation.

Applicant: Stephen Perry

Officer: Christine Dadswell 292205

Approved on 02/04/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 Plan	TA759/01		03/02/2014
Existing Floor Plans	TA759/02		03/02/2014
Existing Front Elevation and Section	TA759/03		03/02/2014
Existing Rear Elevation and Section	TA759/04		03/02/2014
Proposed Floor Plans	TA759/10	A	01/04/2014
Proposed Front Elevation and Section	TA759/11	A	01/04/2014
Proposed Rear Elevation	TA759/12	A	01/04/2014

HANOVER & ELM GROVE

BH2013/03453

55 Totland Road Brighton

Change of use from single dwelling (C3) to House in Multiple Occupation (Sui Generis). (Retrospective)

Applicant: Millhouse Enterprises Ltd

Officer: Wayne Nee 292132

Refused on 28/03/14 DELEGATED

1) UNI

The change of use from dwellinghouse (Class C3) to House in Multiple Occupation (Sui Generis) fails to support a mixed and balanced community and results in the area being imbalanced by the level of similar such uses, to the detriment of local amenity. The proposed use is therefore contrary to policy CP21 part ii) of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

BH2013/04173

17 Ewart Street Brighton

Loft conversion incorporating rooflight to front and dormer to rear and installation of first floor window to front.

Applicant: Mr R Packe

Officer: Wayne Nee 292132

Approved on 24/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed	061/04	A	04 March 2014

BH2014/00165

90 Southover Street Brighton

Creation of roof terrace to rear including installation of railings and replacement of existing rear window with UPVC door at first floor level.

Applicant: Mr Peter Sharp

Officer: Oguzhan Denizer 290419

Refused on 26/03/14 DELEGATED

1) UNI

The proposal would introduce an uncharacteristic feature to the building and wider street scene in a highly visible location. The proposal would not be in keeping with the character or appearance of the property or wider surrounding area and would instead appear a visually incongruous and harmful alteration. The proposal would therefore be contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

2) UNI2

The height and positioning of the development would lead to significant overlooking of adjoining properties and result in a harmful loss of privacy. Furthermore the proposal would potentially lead to harmful levels of noise and disturbance for occupants of adjoining properties. The proposal would therefore be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan

HOLLINGDEAN & STANMER

BH2014/00108

University of Brighton Watts Building Lewes Road Brighton

Application for Approval of Details Reserved by Condition 5 of application BH2013/02849.

Applicant: University of Brighton

Officer: Wayne Nee 292132

Approved on 26/03/14 DELEGATED

BH2014/00318

1 Pevensey Building North South Road University of Sussex

Internal alterations to lecture theatres including replacement seating and writing desks, including new wheelchair seating positions and extension of top tier of room 1A6. Replacement lighting and remedial and refurbishment works. (Retrospective)

Applicant: University of Sussex

Officer: Emily Stanbridge 292359

Approved on 31/03/14 DELEGATED

1) UNI

A historic building record (including survey drawings of the original seating as well as a photographic record) shall be undertaken and deposited with the East Sussex Historic Environment Record. Evidence of this submission shall be submitted to the Local Planning Authority for written approval within 3 months of the date of this consent.

Reason: To ensure a suitable record is maintained of the interior of this historic building and in accordance with policy HE10 of the Brighton & Hove Local Plan.

BH2014/00400

40 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 6.0m, for which the maximum height would be 3.87m, and for which the height of the eaves would be 2.79m.

Applicant: Mr Mark Packham

Officer: Joanne Doyle 292198

Prior approval not required on 13/03/14 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2013/01307

The Keep Woollards Field Lewes Road Falmer

Application for Approval of details reserved by Conditions 19 and 25 of application BH2010/03259.

Applicant: Ms Carol Burns

Officer: Mick Anson 292354

Approved on 31/03/14 DELEGATED

BH2013/04393

University of Brighton Village Way Brighton

Display of non-illuminated billboards.

Applicant: University of Brighton

Officer: Adrian Smith 290478

Refused on 13/03/14 DELEGATED

1) UNI

The proposed advertisement boards, by virtue of their scale, would introduce significant visual bulk and clutter to the otherwise low scale and open semi-rural environment, to the detriment of the character of the area and contrary to policies QD12 and NC6 of the Brighton & Hove Local Plan.

QUEEN'S PARK

BH2013/03767

68 Marine Parade Brighton

Rebuilding of front porch and refurbishment of front entrance door. Rebuilding and refurbishment of floor and canopy of first floor balcony.

Applicant: Ms Hannah Wimbleton

Officer: Wayne Nee 292132

Refused on 24/03/14 DELEGATED

1) UNI

Insufficient information has been submitted with the application to demonstrate that the proposed works, including the method, materials and detailing of the new canopy, refurbishment of balcony floor, and rebuilding of the front porch are suitably detailed additions and alterations. Notwithstanding this, the use of untraditional materials is unacceptable. The applicant has consequently failed to demonstrate that the proposed works would preserve original features or would be appropriate for this listed building and would preserve the East Cliff Conservation Area. The scheme is therefore contrary to policies HE1, HE6 and QD14.

BH2013/03768

68 Marine Parade Brighton

Rebuilding of front porch and refurbishment of front entrance door. Rebuilding and refurbishment of floor and canopy of first floor balcony.

Applicant: Ms Hannah Wimbleton

Officer: Wayne Nee 292132

Refused on 24/03/14 DELEGATED

1) UNI

Insufficient information has been submitted with the application to demonstrate that the proposed works, including the method, materials and detailing of the new canopy, refurbishment of balcony floor, and rebuilding of the front porch are suitably detailed additions and alterations. Notwithstanding this, the use of untraditional materials is unacceptable. The applicant has consequently failed to demonstrate that the proposed works would preserve original features or would be appropriate for this listed building. The scheme is therefore contrary to policy HE1.

BH2013/03940

9 & 11 Dawson Terrace Brighton

Alterations and extensions to 2no three bedroom flats to form 1no two bedroom flat and 2no three bedroom maisonettes incorporating single storey rear and two storey side extensions, hip to gable end roof extension, front rooflights and rear dormer and associated landscaping.

Applicant: Neil Jenner

Officer: Anthony Foster 294495

Approved on 03/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 landing, hall way and bedroom windows at first floor level in the southeast elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

3) UNI

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

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

4) UNI

None of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

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.

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 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 &

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 & Block Plans	001	A	19/11/2013
Existing Plans	002		19/11/2013
Existing Elevations & Sections	003		19/11/2013
Existing Elevations & Sections	004		19/11/2013
Planning Application Proposed Plans	005	B	19/11/2013
Planning Application Proposed Elevations & Sections	006	B	19/11/2013
Planning Application Proposed Elevations & Sections	007	B	19/11/2013

9) 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.

BH2013/04303

13-15 Old Steine Brighton

Application for Approval of Details Reserved by conditions 5, 6 & 7 of application BH2011/02687.

Applicant: Henry Streeter (Automotive) Ltd

Officer: Sue Dubberley 293817

Approved on 27/03/14 DELEGATED

BH2014/00045

20 Margaret Street Brighton

Creation of 2no dormers to rear and replacement of glazed lightwell to front.

Applicant: Chris & Suki Stephens

Officer: Emily Stanbridge 292359

Refused on 19/03/14 DELEGATED

1) UNI

The proposed rear dormers would appear unduly dominant due to their excessive number and, by reason of their size, positioning and design, would detract from the character and appearance of the building and surrounding roofscape, and would fail to preserve or enhance the character or appearance of the East Cliff Conservation Area. The proposed development is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12: Design guide for extensions and alterations.

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2) UNI2

The glazed doors to the northernmost dormer would result in increased levels of overlooking and cause a loss of privacy for occupants of 6 Wentworth Street. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2014/00074

Flat 4 34 Devonshire Place Brighton

Erection of mansard roof extension with front and rear dormers.

Applicant: Anglecourt Ltd

Officer: Wayne Nee 292132

Approved on 31/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 rooflight 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

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

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan			10 January 2014
Block plan			10 January 2014
Existing floor plans	3		10 January 2014
Proposed	2		10 January 2014
Existing	1		10 January 2014

5) UNI

No works shall take place until full details of the proposals have been submitted to and approved by the Local Planning Authority in writing, comprising of:

- a. 1:1 scale joinery details of the new window;
- b. details of the materials of the dormer cladding, which shall consist of lead or zinc;

and the works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the Conservation Area and to comply with policies HE6 and QD14 of the Brighton & Hove Local Plan.

BH2014/00080

Flat 2 51-52 Marine Parade Brighton

Internal alterations to layout of flat.

Applicant: Mr & Mrs Richard Bourke

Officer: Emily Stanbridge 292359

Approved on 19/03/14 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.

BH2014/00158

5 St Georges Road Brighton

Installation of a metal roller shutter.

Applicant: K & A News

Officer: Robin Hodgetts 292366

Refused on 17/03/14 DELEGATED

1) UNI

The proposed shutters, by reason of their solid design, would result in an inappropriate and unattractive element to the shopfront which would detract from the appearance and character of the building, the wider street scene and the surrounding East Cliff Conservation Area, contrary to policies QD8, QD10 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Shop Front Design (SPD02).

BH2014/00177

42A Richmond Street Brighton

Replacement of existing timber framed single glazed front door, first floor window and rear door with UPVC double glazed units.

Applicant: Rachel Etherton

Officer: Chris Swain 292178

Approved on 17/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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			20 January 2014
Existing and proposed details			20 January 2014
Proposed front door detail			20 January 2014

BH2014/00219

132 Edward Street Brighton

Conversion of retail unit (A1) and flat above into single residential dwelling (C3).

Applicant: Yoga Trading

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Officer: Adrian Smith 290478

Refused on 25/03/14 DELEGATED

1) UNI

1. The application site comprises a retail unit that is currently occupied. Insufficient information has been submitted to demonstrate that the retail use of the site is no longer economically viable, contrary to policy SR8 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by virtue of retaining the existing shopfront and including storage facilities behind, would result in no active frontage or natural surveillance onto the roadway, and a poorly designed building frontage that fails to reflect the proposed use of the building, to the detriment of the appearance of the building and East Cliff Conservation Area, contrary to policies QD1, QD5, QD14 & HE6 of the Brighton & Hove Local Plan.

BH2014/00247

75 Albion Hill Brighton

Erection of first floor rear extension and other associated works.

Applicant: Antonia Clarke

Officer: Chris Swain 292178

Refused on 26/03/14 DELEGATED

1) UNI

The proposed development, by reason of design, siting and proportions would result in an unsympathetic and visually harmful addition to the rear. The resultant property would have a cluttered and incoherent appearance, to the detriment of the character of the building and the wider surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012)

BH2014/00414

Tarner Childrens Centre Ivory Place Brighton

Installation of metal fencing to north elevation.

Applicant: Property & Design

Officer: Christine Dadswell 292205

Approved on 28/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 Plan	001		07/02/2014
Existing and Proposed Lower Ground Floor Plans	300		07/02/2014
Existing Ground Floor Plan	301		07/02/2014
Existing First Floor Plan	302		07/02/2014
Existing and Proposed North Elevation	303		27/02/2014

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Existing and Proposed West Elevation	304		27/02/2014
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BH2014/00604

73 Queens Park Rise Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.87m, for which the maximum height would be 2.6m, and for which the height of the eaves would be 2.28m.

Applicant: Terry McDermott

Officer: Joanne Doyle 292198

Prior approval not required on 01/04/14 DELEGATED

BH2014/00623

19 Freshfield Place Brighton

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

Applicant: Nick Latta

Officer: Joanne Doyle 292198

Approved on 01/04/14 DELEGATED

ROTTINGDEAN COASTAL

BH2013/03267

Pizza Express Unit 4 Boardwalk Level Waterfront Brighton Marina Village Brighton

Display of non illuminated awning.

Applicant: Pizza Express

Officer: Sonia Gillam 292265

Approved on 27/03/14 DELEGATED

1) BH10.01

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

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

2) BH10.02

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

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

3) BH10.03

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

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

4) BH10.04

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

amenity.

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

5) BH10.05

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

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

6) BH10.06

No advertisement shall be sited or displayed so as to-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

BH2013/03722

5 Abbotsbury Close Saltdean Brighton

Creation of terrace at first floor level to rear garden with timber steps from ground floor and associated alterations.

Applicant: M Bagum

Officer: Wayne Nee 292132

Approved on 28/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 alterations	10059-1br	A	26 February 2014
Proposed alterations to garden	10059-2	A	16 December 2013
Site plan			31 October 2013
Block plan			31 October 2013

BH2013/03810

Waldegrave Court Westfield Avenue Saltdean Brighton

Erection of three 2no bedroom dwellings with associated parking, cycle stores and associated landscaping.

Applicant: David Rose

Officer: Sue Dubberley 293817

Refused on 18/03/14 DELEGATED

1) UNI

The proposal is considered to be an over intensive use of the site and represents

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over-development resulting in 'town cramming' and a density of development in excess of what might reasonably be expected to be achieved on this site. The development would consequently be out of keeping with the prevailing character of the area. The proposed amenity space is consequently inadequate to serve the needs of future occupants. This harm is therefore considered to outweigh the benefit provided by the additional dwellings. The proposal is thereby contrary to policies QD1, QD2, QD3, QD27 and HO5 of the Brighton & Hove Local Plan.

2) UNI2

The redevelopment in isolation of the row of garages is not considered to be an appropriate urban design solution to the site and a more contextual approach is required. The development is thereby contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development would result in an unacceptable increase in height and mass, particularly on the side northern boundary, which would be unneighbourly, overbearing and result in an increased sense of enclosure, loss of outlook and daylighting for neighbouring occupiers which adjoin the site. The proposed development is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/03923

Land Rear of 22 Bevendean Avenue Saltdean Brighton

Erection of 1no two bedroom bungalow (C3) accessed from Linchmere Avenue.

Applicant: Mr Steven Cardy

Officer: Wayne Nee 292132

Refused on 17/03/14 DELEGATED

1) UNI

The proposed development, by virtue of the subdivision of the plot would result in a form of development which would be out of character with the surrounding area and as such would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The proposed dwelling is considered to form an inappropriate and cramped development in excess of what might reasonably be expected to be achieved on this limited plot site. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

3) UNI3

The proposed dwelling, by reason of the limited plot size, would represent a cramped and overbearing development to the detriment of the amenities of the occupiers of neighbouring properties. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/04034

Eagles Steyning Road Brighton

Application for approval of details reserved by conditions 3, 4, 6, 11 and 16 of application BH2013/02459.

Applicant: Karron Stephen-Martin

Officer: Wayne Nee 292132

Split Decision on 17/03/14 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 3, 4, 6 and 16 of application BH2013/02459 and subject to full compliance with the submitted details.

The details pursuant to condition 11 of application BH2013/02459 are NOT APPROVED for the reason(s) set out below.

1. The details in relation to condition 11 have not been approved as a Final Construction Code Certificate has not been submitted. It has not been sufficiently demonstrated that Code Level 3 has been achieved on site.

BH2014/00097

47 Ainsworth Avenue Brighton

Demolition of existing bungalow and erection of 1no detached bungalow and 2no detached houses.

Applicant: Mr Graham Cooper

Officer: Andrew Huntley 292321

Refused on 25/03/14 DELEGATED

1) UNI

The proposed two-storey houses with basement garages (plots 1 & 2) would be clearly visible from Ainsworth Avenue and, by reason of their siting, scale, height and bulk, would appear unduly dominant and would cause harm to the established character of the street scene and surrounding area. Furthermore the proposed site layout would not reflect the original development of the area and fails to create a sense of place and integrate well with existing development. The proposal therefore fails to enhance the positive qualities of the neighbourhood and represents a poorly designed development, out of keeping with its surroundings, to the detriment of the character of the area and the visual appearance of the street scene. This harm is therefore considered to outweigh the benefit provided by the additional dwelling. The proposal would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The front dormer window within the proposed bungalow (plot 3) by reason of its design, detailing and roof form would fail to relate to the fenestration below and would create a 'top heavy' bulky appearance to the building. The dormer window would fail to provide a suitable standard of design and appearance for new development, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

3) UNI3

The first floor windows and balcony on plots 1 and 2 would cause detrimental levels of overlooking and the perception of overlooking into the proposed bungalow (plot 3) and no. 45 Ainsworth Avenue. This harm is therefore considered to outweigh the benefit provided by the additional dwelling. Therefore, the proposal would cause significant harm to neighbouring amenity and thus would be contrary to policy QD27 of the Brighton & Hove Local Plan.

4) UNI4

The two-storey dwelling to plot 1, by reason of its height, proximity to the shared boundary and orientation, would lead to a loss of light and outlook to no. 45 Ainsworth Avenue. This harm is therefore considered to outweigh the benefit provided by the additional dwelling. Therefore, the proposal would cause significant harm to neighbouring amenity and thus would be contrary to policy QD27 of the Brighton & Hove Local Plan.

5) UNI5

The proposal would not meet Lifetime Homes standards as the entrances to all three houses would be approached by stairs. There is no justification for not providing a level or gently sloping access to the proposed dwellinghouses. This harm is therefore considered to outweigh the benefit provided by the additional dwelling. Therefore, the proposal is contrary to policy HO13 of the Brighton & Hove Local Plan.

BH2014/00151**Bush Mews 5 Arundel Road Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to form 8no one bed flats and 2no two bed flats.

Applicant: Liam Russell Architects

Officer: Jason Hawkes 292153

Prior Approval is required and is refused on 18/03/14 DELEGATED

1) UNI

In accordance with the provisions of paragraph N (8)(c) of Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, prior approval for the change of use from office to residential is required and hereby refused because it has not been demonstrated that appropriate measures would undertaken to remediate potential land contamination on site. 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		17/01/2014
Existing Floor Plan	0889-PA-001		17/01/2014
Existing Elevations and Section and Artist Impressions	0889-PA-002		17/01/2014
Existing Solar on Site	0889-PA-003		17/01/2014
Proposed Location & Block Plan & Ground Floor Plan & First Floor Plan	0889-PA-010		17/01/2014
Proposed Elevations and Sections	0889-PA-011		17/01/2014
Proposed Solar on Site	0889-PA-012		17/01/2014
Transport Statement			17/01/2014
Phase 1 Desk Study and Site Renaissance	LP 00653		17/01/2014

BH2014/00301**22 Ridgewood Avenue Saltdean Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.9m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.8m.

Applicant: Dr Catherine Theodosius

Officer: Joanne Doyle 292198

Prior approval not required on 13/03/14 DELEGATED

BH2014/00374**3A & 3B Saxon Close Saltdean Brighton**

Partial conversion of existing garage into habitable living space and insertion of doors to rear at ground floor level.

Applicant: R Reid

Officer: Oguzhan Denizer 290419

Report from: 13/03/2014 to: 02/04/2014

Approved on 31/03/14 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan and Existing & Proposed Elevations & Floor plans	RR/01		05/02/2014

WOODINGDEAN

BH2013/03535

56 Downs Valley Road Brighton

Replacement of existing garage with a detached side/rear garage and ancillary annexe.

Applicant: Ms K Stanley

Officer: Andrew Huntley 292321

Approved on 28/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 shower room window in the western elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

3) UNI

The proposal hereby approved shall only be used as ancillary accommodation in connection with the use of the main property 56 Downs Valley Road as a single dwelling house and it shall at no time be occupied as a separate unit of accommodation.

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

4) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings other

than those expressly authorised by this permission shall be constructed in the northern and western elevations of the annex hereby approved without planning permission obtained from the Local Planning Authority.

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

5) UNI

The development hereby permitted shall be carried out in accordance with 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	1527.08.13		22.01.2014
Existing Block Plan	1527.08.13		20.03.2014
Proposed Block Plan	1527.08.13		20.03.2014
Proposed Floor Plan	100	v2 (r3)	22.01.2014
Annex Elevations	101	v2 (r3)	22.01.2014
Annex Elevations	101	v2 (r3)	22.01.2014

6) 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.

BH2014/00073

73 Balsdean Road Brighton

Erection of single storey infill extension to front with pitched roof.

Applicant: Richard Smith

Officer: Andrew Huntley 292321

Approved on 17/03/14 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 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.

Plan Type	Reference	Version	Date Received
Location and Block Plan			10.01.2014
Existing Plans, Sections and Elevations	01		10.01.2014

Report from: 13/03/2014 to: 02/04/2014

Proposed Plans, Sections and Elevations	02	C	10.01.2014
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Reason: For the avoidance of doubt and in the interests of proper planning.

BRUNSWICK AND ADELAIDE

BH2013/04352

10 Holland Road Hove

Installation of hardstanding to create 1no parking space in front garden, including removal of section of front wall.

Applicant: Brighton & Hove Jewish Housing Association Ltd

Officer: Emily Stanbridge 292359

Refused on 24/03/14 DELEGATED

1) UNI

The proposal would result in the loss of the original form of the front wall and an attractive area of vegetated frontage which forms a positive characteristic in the street scene. As such, the proposals would harm the rhythm of the street and alter the degree of enclosure to the host property, along with introducing a parked car to the front of the property. It is therefore considered that the proposal would harm the character and appearance of the Brunswick Town Conservation Area and is contrary to policy HE6 and to SPD09 and SPD12.

BH2014/00106

Mews House St Johns Road Hove

Internal alterations to layout of second floor.

Applicant: Mr & Mrs Payne

Officer: Christopher Wright 292097

Approved on 25/03/14 DELEGATED

1) BH01.05

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

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

2) UNI

No works shall take place until full details of the external vent have been submitted to and approved in writing by the Local Planning Authority. The details shall include the style, material and colour of the vent, which shall match the existing colour of the building. 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.

BH2014/00145

24 Palmeira Avenue Mansions 21-23 Church Road Hove

Internal alterations to layout of flat.

Applicant: Michael Harvey

Officer: Joanne Doyle 292198

Refused on 17/03/14 DELEGATED

1) UNI

The internal subdivision, due to the introduction of new partitioning and a suspended ceiling, would have a significantly adverse effect on the original proportions, symmetry and historic character of the Listed Building. Furthermore

Report from: 13/03/2014 to: 02/04/2014

the loss of the existing internal stairs would result in the unnecessary loss of original historic fabric and form from this section of the building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11, Listed Building Interiors.

2) UNI2

Insufficient information has been submitted to demonstrate that drainage and ventilation to the proposed kitchen and bathrooms can be provided without having an adverse effect on the character or appearance of the interior of the building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11, Listed Building Interiors.

BH2014/00191

Flat 5 36 Adelaide Crescent Hove

Application for Approval of Details Reserved by Conditions 2, 3 and 4 of application BH2013/03384.

Applicant: Sema & Mehmet Ugur

Officer: Helen Hobbs 293335

Approved on 24/03/14 DELEGATED

BH2014/00196

23 Lansdowne Place Hove

Installation of external side door at basement level.

Applicant: Mrs Trisha Gaskell-Watkins

Officer: Helen Hobbs 293335

Approved on 25/03/14 DELEGATED

1) BH01.05

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

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

2) UNI

The proposed door shall be a solid 4 panelled timber door as shown on drawing no. 1304/302/A received on 18th March 2014.

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

BH2014/00261

40 Western Road Hove

Installation of new shopfront and fascia.

Applicant: Mr P Dono

Officer: Mark Thomas 292336

Refused on 02/04/14 DELEGATED

1) UNI

The new shopfront, by reason of the design, detailing and proportions of the folding doors, would detract from the character and appearance of the building and the wider conservation area. As such the development is contrary to policies QD10 and HE6 of the Brighton & Hove Local Plan 2005 and SPD02: Shop Front Design.

CENTRAL HOVE

BH2014/00079

Second Floor 10 Grand Avenue Hove

Application for Approval of Details Reserved by Condition 1 of application BH2013/03073.

Applicant: Pete Papanichola
Officer: Emily Stanbridge 292359
Approved on 28/03/14 DELEGATED

BH2014/00171

8 Vallance Court Hove Street Hove

Alterations to fenestration to front elevation and installation of bi-fold doors, new decking and rooflight onto existing roof terrace.

Applicant: Mr David Cranfield
Officer: Sonia Gillam 292265
Approved on 19/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed plans, sections, elevations. Site location plan and block plan	0130/100	A	12/02/2014

BH2014/00173

25 George Street Hove

Display of internally illuminated fascia and projecting signs.

Applicant: The Boots Company Plc
Officer: Helen Hobbs 293335
Approved on 18/03/14 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.

BH2014/00210

8 Medina Terrace Hove

Replacement of existing window to ground floor south elevation with new timber casement window.

Applicant: Mrs P Samson

Officer: Emily Stanbridge 292359

Approved on 21/03/14 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 joinery profiles for the new window hereby approved shall exactly match the joinery details of the existing window and shall be retained as such thereafter. In addition externally the glass shall be held in place with traditional putting in accordance with the email submitted by LCE Architects received 24 February 2014.

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

BH2014/00229

Albany Towers 6-7 St Catherines Terrace Hove

Alterations to porch, steps and creation of ramp access.

Applicant: Albany Towers Limited

Officer: Christine Dadswell 292205

Approved on 31/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 to clad the porch hood along with those used in the construction of the external surfaces of the steps and ramp 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 railings shown on the approved plans shall be painted black within 3 months of installation and shall be retained as such thereafter.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	PO1	P2	03/02/2014
Existing and Proposed Floor Plans	PO2	P2	03/02/2014
Existing and Proposed Porch Sections	PO3	P3	03/02/2014

BH2014/00354

Flat 5 Courtenay House 1 Courtenay Terrace Hove

Internal alterations to layout of flat, removal of rear bow window to reinstate balcony incorporating timber framed sliding doors and railings and replacement of rear UPVC window with timber framed sash window.

Applicant: Mrs J Moyes

Officer: Helen Hobbs 293335

Approved on 02/04/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 works hereby permitted shall utilise lime based render without water-proofing additives, to match the texture and finish of the surrounding render and be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The balcony doors hereby approved shall be constructed from timber and painted

white.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

4) UNI

No works shall take place until full details of the proposed balcony railings including full details of the method of fixing have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory appearance of the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

5) UNI

The windows hereby approved shall be timber vertical sliding sashes and painted white.

Reason: To ensure the satisfactory appearance of the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

6) UNI

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

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

Plan Type	Reference	Version	Date Received
Block and site plan	TA770/01		4th February 2014
Floor plan as existing and section as existing	TA770/02		4th February 2014
Rear elevation as existing	TA770/03		4th February 2014
Side elevation as existing	TA770/04		4th February 2014
Floor plan and section as proposed	TA770/05		4th February 2014
Rear elevation as proposed	TA770/06		4th February 2014
Side elevation as proposed	TA770/07		4th February 2014
Large scale details	TA770/08		4th February 2014
Window sections			4th February 2014

7) UNI

The drainage to the new balcony hereby permitted shall link to the existing downpipe.

Reason: To ensure the satisfactory appearance of the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

BH2014/00356

Flat 5 Courtenay House 1 Courtenay Terrace Hove

Internal alterations to layout of flat, removal of rear bow window to reinstate balcony incorporating timber framed sliding doors and railings and replacement of rear UPVC window with timber framed sash window.

Applicant: Mrs J Moyes

Officer: Helen Hobbs 293335

Approved on 01/04/14 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.

Report from: 13/03/2014 to: 02/04/2014

2) UNI

The balcony doors hereby approved shall be constructed from timber and painted white.

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

3) UNI

No works shall take place until full details of the proposed balcony railings including full details of the method of fixing have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

4) UNI

The windows hereby approved shall be timber vertical sliding sashes and painted white.

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

5) UNI

The external finishes of the works hereby permitted shall utilise lime based render without water-proofing additives, to match the texture and finish of the surrounding render and be retained as such thereafter.

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

6) UNI

The drainage to the new balcony hereby permitted shall link to the existing downpipe.

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

GOLDSMID

BH2013/03635

2 Osmond Road Hove

External alterations including new windows, doors, railings and walkway following prior approval for change of use from offices (B1) to residential (C3) to form 3no one bedroom flats and 10no studio flats (BH2013/02666).

Applicant: LAN Estates Ltd

Officer: Jason Hawkes 292153

Approved on 13/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

The hereby approved railings and walkway shall be painted black prior to use and shall be retained as such thereafter.

Reason: In the interests of the character and appearance of the development and 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
Block Plan	YO70-A01		24th October 2013
Location Plan	YO74-A02		24th October 2013
Existing Basement Floor Plan	YO74-A03		24th October 2013
Existing Ground Floor Plan	YO74-A04		24th October 2013
Existing First Floor Plan	YO74-A05		24th October 2013
Existing Front Elevation	YO74-A07		24th October 2013
Existing Side Elevation	YO74-A08		24th October 2013
Existing rear Elevation	YO74-A09		24th October 2013
Proposed Basement Plan	YO74-D01		3rd February 2014
Proposed Ground Floor Plan	YO74-D02		3rd February 2014
Proposed First Floor Plan	YO74-D03		3rd February 2014
Proposed Front Elevation	YO74-D04		24th October 2013
Proposed Side Elevation	YO74-D05		7th November 2013
Proposed Rear Elevation	YO74-D06		7th November 2013
Proposed Side Elevation	YO74-D07		7th November 2013

BH2013/03749

St Mary & St Abraham Church Davigdor Road Hove

Certificate of Lawfulness for existing use of property as place of worship. (D1)

Applicant: A Akbar

Officer: Steven Lewis 290480

Approved on 01/04/14 DELEGATED

BH2013/03794

Blue Willow 7 Lansdowne Road Hove

Conversion of roof space to form 3no 1 bedroom flats. External alterations including two storey rear and side infill extension and roof alterations including raising ridge height, removal of central chimney, new dormers to East, North and West elevations and roof lights to South elevation. Alterations and additions to windows and doors on all elevations.

Applicant: Brunswick Property Ltd

Officer: Clare Simpson 292454

Approved on 24/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

The windows of the development hereby permitted shall be white painted timber and shall be maintained in this colour and composition unless any variation has been agreed in writing by the Local Planning Authority.

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

3) UNI

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

4) UNI

None of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

5) UNI

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

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

6) UNI

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

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

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
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Site location plan			7th 2013	November
Block Plan	12		7th 2013	November
Existing elevations 1	10		13th 2013	November
Existing elevation 2	10		7th 2013	November
Existing floor plans	Dwg No. 1		7th 2013	November
Existing roof plan			13th 2013	November
Proposed floor plans 2 (second floor plan)	Dwg No.8		7th 2013	November
Proposed floor plans 2	Dwg No.10		7th 2013	November
Front elevation option 3	Dwg 10		13th 2013	November
Proposed roof plans	Dwg No.11		7th 2013	November
Proposed elevations 3 (east and west)	5		13th 2013	November
Proposed elevations 2 (rear)	11		6th March 2014	
Section S2			13th 2013	November
Existing street scene shown from south	1.02G		7th 2013	November

9) UNI

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

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

BH2013/04363

Flats 1 & 2 44 Wilbury Road Hove

External alterations including removal of air conditioning units, pipe work and vents.

Applicant: Mr David Jay

Officer: Jason Hawkes 292153

Approved on 17/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Ground Floor Plan, Location and Block Plans	0287.EXG.001	B	6th January 2014
First Floor Plan and Joinery Details	0287.EXG.002	A	23rd December 2013
Existing Section AA and BB	0287.EXG.003	A	23rd December 2013
Existing Section CC and DD	0287.EXG.004	A	23rd December 2013
Record Plans	0287.EXG.005		23rd December 2013
Proposed Ground Floor Plan, Location Plan and Block Plan	0287.PL.001	A	6th January 2014
First Floor Plan and Joinery Details	0287.PL.002	A	11th February 2014
Proposed Section AA and BB	0287.PL.003		23rd December 2013
Proposed Section CC and DD and details	0287.PL.004		23rd December 2013
Proposed Freestanding Stair Details	0287.PL.005		23rd December 2013
Proposed External Improvements Photographs	0287.PL.006		23rd December 2013

BH2014/00003

Flat 3 61 Wilbury Crescent Hove

Replacement of existing timber windows to UPVC windows to front and rear elevations.

Applicant: Miss Gillian Elstub

Officer: Sonia Gillam 292265

Refused on 25/03/14 DELEGATED

1) UNI

The proposed front window, by reason of its materials, method of opening and general design, would form an unsympathetic alteration that would fail to reflect the original character and appearance of the building or to reinforce the uniformity of the façade as a whole. The development would detract from the surrounding Wilbury Crescent street scene and as such is contrary to policies QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance SPD12 - Design Guide for Extensions and Alterations

BH2014/00053

Flat 11 Granville Court 2-4 Denmark Villas Hove

Installation of 3no replacement aluminium windows.

Applicant: Mr J Royston

Officer: Joanne Doyle 292198

Approved on 26/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

Report from: 13/03/2014 to: 02/04/2014

The development hereby permitted shall be carried out in accordance with 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			29 Jan 2014
Window Frame Designs			25 Jan 2014
Window Specification	1001-ASSY	A	15 Jan 2014

BH2014/00133

1 Cambridge Mews Cambridge Grove Hove

Installation of timber gate to side boundary wall.

Applicant: Mr Stephen Bone

Officer: Oguzhan Denizer 290419

Approved on 17/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

The hereby approved gate shall be installed in accordance with details outlined in an email dated 23rd February 2014.

Reason: For the avoidance of doubt and 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 and photographs listed below.

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

Plan Type	Reference	Version	Date Received
Site Location Plan			15/01/2014
Existing Site Plan			20/01/2014
Proposed Site Plan			20/01/2014
Photographs			15/01/2014
Existing Elevation			17/01/2014
Proposed Elevation			17/01/2014

BH2014/00182

10 Ranelagh Villas Hove

Certificate of Lawfulness for proposed hip to gable roof extension, new enlarged rear dormer and rooflights to front and rear elevations.

Applicant: Mr Simon Clemson

Officer: Oguzhan Denizer 290419

Approved on 17/03/14 DELEGATED

BH2014/00188

101 Shirley Street Hove

Formation of rear dormer and insertion of front rooflight.

Applicant: Mr James Epps

Officer: Helen Hobbs 293335

Report from: 13/03/2014 to: 02/04/2014

Refused on 24/03/14 DELEGATED

1) UNI

The rear dormer by reason of its design and excessive size, with large areas of tile hung cladding, would represent an unsightly and bulky addition to the existing building that would dominate the rear roof slope, causing significant harm to the character and appearance of the property and wider surrounding area. 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.

2) UNI2

The front rooflight would be excessively large and poorly positioned in relation to the fenestration below, causing significant harm to the character and appearance of the recipient property and the wider street scene. 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.

BH2014/00221

58 Palmeira Avenue Hove

Non material amendment to BH2012/01178 to increase the number of photovoltaic panels situated on the buildings roof from 24 in number to 29.

Applicant: Owen Property

Officer: Andrew Huntley 292321

Approved on 21/03/14 DELEGATED

BH2014/00255

Gill House Conway Street Hove

Prior approval for change of use of offices (B1) to residential (C3) to form 2no one bed flats on the ground floor and 2no one bed flats on the first floor.

Applicant: Harket Property LLP

Officer: Mark Thomas 292336

Prior Approval is required and is approved on 26/03/14 DELEGATED

BH2014/00307

92 Lyndhurst Road Hove

Loft conversion incorporating rooflights to front, rear and side outrigger to create 1no maisonette at first and second floor level.

Applicant: Clifton Properties Ltd

Officer: Steven Lewis 290480

Approved on 01/04/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plans, Sections, Elevation and Location Plan	1087/01		31/01/2014
Proposed Plans, Sections, elevations and Block Plans	1087/P02		04/02/2014

BH2014/00365

18 Granville Road Hove

Prior approval for the erection of a single storey extension, which would extend beyond the rear wall of the original house by 3.4m, for which the maximum height would be 3.8m, and for which the height of the eaves would be 2.4m.

Applicant: Mr Richard Andrews

Officer: Christine Dadswell 292205

Prior approval not required on 14/03/14 DELEGATED

BH2014/00436

17 Wilbury Villas Hove

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 3.9m, and for which the height of the eaves would be 2.5m.

Applicant: Mr Adrian Marlowe

Officer: Emily Stanbridge 292359

Prior approval not required on 14/03/14 DELEGATED

BH2014/00625

43 Palmeira Avenue Hove

Application for Approval of Details Reserved by Condition 8a of application BH2012/03903.

Applicant: Cedarmill Developments

Officer: Paul Earp 292454

Approved on 31/03/14 DELEGATED

HANGLETON & KNOLL

BH2014/00156

34A Moyne Close Hove

Prior approval for change of use from offices (B1) to residential (C3) to form 1no single dwelling.

Applicant: Guinness South

Officer: Jason Hawkes 292153

Prior approval not required on 14/03/14 DELEGATED

BH2014/00263

79 Rowan Avenue Hove

Certificate of lawfulness for proposed loft conversion incorporating hip to gable end roof extension, front rooflight, side window and rear dormer.

Applicant: Mr T Manton

Officer: Helen Hobbs 293335

Approved on 26/03/14 DELEGATED

BH2014/00272

14 High Park Avenue Hove

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to rear, rooflight to front and insertion of window to side elevation.

Applicant: Stephen Pierce

Officer: Emily Stanbridge 292359

Approved on 14/03/14 DELEGATED

BH2014/00286

2 Elm Drive Hove

Certificate of lawfulness for proposed loft conversion incorporating removal of existing rooflight and installation of 2no rooflights to front and dormer to rear.

Applicant: Hannah Barratt

Officer: Helen Hobbs 293335

Approved on 26/03/14 DELEGATED

BH2014/00287

6 Warene 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 5m, for which the maximum height would be 3.34m, and for which the height of the eaves would be 2.10m.

Applicant: Romani Latif

Officer: Steven Lewis 290480

Prior approval not required on 14/03/14 DELEGATED

BH2014/00367

4 Hangleton Valley Drive Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.9m, for which the maximum height would be 2.95m, and for which the height of the eaves would be 2.65m.

Applicant: Mr Phil Mann

Officer: Christine Dadswell 292205

Prior approval not required on 14/03/14 DELEGATED

BH2014/00385

76 Hangleton Way Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.15m, for which the maximum height would be 2.95m, and for which the height of the eaves would be 2.4m.

Applicant: Mr Alf Abrahams

Officer: Helen Hobbs 293335

Prior Approval is required and is approved on 24/03/14 DELEGATED

BH2014/00450

55 Poplar Avenue Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.35m, and for which the height of the eaves would be 2.9m.

Applicant: Katharine Matthews

Officer: Sonia Gillam 292265

Prior approval not required on 24/03/14 DELEGATED
SOUTH PORTSLADE

BH2013/04023

Former Infinity Foods Site 45 Franklin Road and 67 67a & 67b Norway Street Portslade

Application for approval of details reserved by condition 17 of application BH2013/01278.

Applicant: Taylor Wimpey (South West Thames) Ltd

Officer: Jason Hawkes 292153

Approved on 20/03/14 DELEGATED

BH2013/04044

103-105 Abinger Road Portslade

Display of internally illuminated fascia sign, 1no internally illuminated projecting sign, 1no non illuminated projecting sign, 3no vinyl window graphics, 4no non illuminated poster cases and externally illuminated totem sign.

Applicant: Southern Co-operative

Officer: Christopher Wright 292097

Split Decision on 17/03/14 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

GRANT advertisement consent for the internally illuminated fascia, internally illuminated projecting and one non illuminated projecting signs shown on drawing nos. 001-ARP-101 Revision A, 001-ARP-102 Revision A, 001-ARP-104 Revision A and 001-ARP-105 Revision A received on 27 Nov 2013

1) UNI

REFUSE advertisement consent for the vinyl window graphics, non illuminated poster cases and externally illuminated totem signs, shown on drawing nos. 001-ARP-101 Revision A, 001-ARP-103 Revision A, 001-ARP-106 Revision A, 001-ARP-107 Revision A and 001-ARP-108 Revision A received on 27 Nov 2013

2) UNI2

1. The proposed externally illuminated totem sign would, by reason of the siting, scale and proportions, appear unduly dominant, incongruous and discordant in a prominent position within the predominantly residential street scene and would thereby have a harmful impact on visual amenity and the character of the locality. As such the proposal is contrary to policy QD12 of the Brighton & Hove Local Plan and SPD07: Advertisements.

3) UNI3

2. The proposed vinyl window graphics and poster case signs on the front elevation of the retail shop, would, when read in conjunction with the other signs proposed, give the building a cluttered appearance that would detract from the character of the building and have a harmful impact on visual amenity. As such the proposal conflicts with policy QD12 of the Brighton & Hove Local Plan and SPD07: Advertisements.

4) UNI4

The applicant has failed to demonstrate that the proposed totem sign would not, due to its scale and siting, obscure visibility between highway users such that highway and public safety would be compromised, contrary to policies TR7 and QD12 of the Local Plan and SPD07.

BH2013/04155

54 Locks Hill Portslade

Erection of two storey side extension and single storey rear extension.

Applicant: Mr & Mrs Daniel Goldenberg

Officer: Christopher Wright 292097

Refused on 28/03/14 DELEGATED

1) UNI

The proposed development, by reason of the design, bulk, massing and position of the proposed extensions up to the site boundary and because the rear and side elevations are in a raised, prominent and readily visible location, would not be sympathetic to the character and appearance of the recipient dwelling or the

pattern of existing development and would unbalance the junction between Locks Crescent and Locks Hill spatially, to the detriment of the street scene and visual amenity. As such the proposal is contrary to policies QD2 and QD14 of the Local Plan and SPD12.

BH2013/04226

79 Trafalgar Road Portslade

Conversion of existing basement into 1no one bedroom flat (C3) including alterations to fenestration to front and rear elevations.

Applicant: Mrs O Olorenshaw

Officer: Liz Arnold 291709

Refused on 17/03/14 DELEGATED

1) UNI

The proposed basement flat would receive a poor level of natural light and outlook due to the basement nature of the unit and the positioning of windows. As such, the proposal represents an energy inefficient form of development in addition to a substandard level of accommodation which would be detrimental to the residential amenity of future occupiers. As such the proposal is contrary to policies SU2 and QD27 of the Brighton & Hove Local Plan.

BH2013/04263

Aldi Stores Ltd 7 Carlton Terrace Portslade

Application for variation of condition 12 of application BH2011/02857 (Application for variation of conditions 11 & 12 of application BH2010/01684) (original permission BH2006/00834)) to amend the hours of free parking at Portslade Shopping Centre from two hours to one and a half hours.

Applicant: Aldi Stores Limited

Officer: Steven Lewis 290480

Refused on 14/03/14 COMMITTEE

1) UNI

The applicant has failed to demonstrate that the reduced hours would allow sufficient time for combined trips by the wider community between the store and the Boundary Road/Station Road District Shopping Centre and is has not been proven that the viability and the vitality of the district shopping area would not be unduly harmed by the hours proposed. The proposed development is not sustainable development in accordance with paragraph 14 of the National Planning Policy Framework as the adverse impacts significantly and demonstrably outweigh any benefits.

BH2014/00076

33 Melrose Avenue Portslade

Erection of single storey side and rear extension.

Applicant: K Angilley

Officer: Christopher Wright 292097

Refused on 31/03/14 DELEGATED

1) UNI

The proposed development would, by reason of the siting, bulk, height and roof form, have an unsympathetic relationship with the character and appearance of the recipient dwelling, to the detriment of visual amenity and the wider street scene particularly in this readily visible and prominent location on a hillside. As such the proposed conflicts with policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12: Design Guidance for Extensions and Alterations.

BH2014/00131

15-19 rear of 15-19 and 15A Norway Street Portslade

Application for Approval of Details Reserved by conditions 6, 7, 8 and 9 of application BH2013/02919.

Applicant: Spear Developments Ltd

Officer: Jason Hawkes 292153

Split Decision on 17/03/14 DELEGATED

1) UNI

APPROVE the details pursuant to condition 7 & 8(i) and subject to full compliance with the submitted details.

The details pursuant to condition 6, 8(ii) and 9 are NOT APPROVED for the reasons set out below

1. Given the lack of details regarding proposed materials, the requirements of condition 6 have not been satisfied. The scheme is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. Insufficient information has been submitted to discharge the details required by condition 8(ii). The scheme is therefore contrary to policies SU11 & QD27 of the Brighton & Hove Local Plan.
3. Given the lack of details regarding proposed sustainability measures, the requirements of condition 9 have not been satisfied. The scheme is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 8: Sustainable Building Design.

BH2014/00136

Portslade Baptist Church South Street Portslade

Removal of existing door, porch and ramp to west elevation and creation of new access door and ramp to north elevation and associated alterations.

Applicant: R D Patching

Officer: Sonia Gillam 292265

Approved on 19/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

The hereby approved door, balustrade and handrail shall be painted white 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.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing floor plans and elevations	722/13/EXG/01		16/01/2014
Proposed floor plans, sections and elevations	722/13/P/02		16/01/2014
Location plans and block plan	722/13/P/03		16/01/2014
Existing and proposed west	722/13/P/04		22/01/2014

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elevation			
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BH2014/00149

49-51 Church Road Portslade

Application for approval of details reserved by conditions 5, 6 and 8 of application BH2012/03036.

Applicant: Westscott Developments

Officer: Adrian Smith 290478

Split Decision on 17/03/14 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 5 & 8 subject to full compliance with the submitted details.

1) UNI

The details pursuant to condition 6 are NOT APPROVED

2) UNI2

1. Insufficient information has been provided on the landscaping scheme for the development as required by condition 6 of planning permission bH2012/03036.

BH2014/00205

9 Romany Close Portslade

Certificate of lawfulness for proposed removal of existing conservatory and erection of single storey extension to side elevation.

Applicant: Mr Paul Hilton

Officer: Julia Martin-Woodbridge 294495

Refused on 01/04/14 DELEGATED

1) UNI

The rear extension is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995. The width of the proposed extension is greater than half the width of the original dwellinghouse.

2) UNI2

The block plan is insufficient to accurately calculate whether the existing extensions to the dwelling house make up more than 50% of the curtilage.

BH2014/00293

5 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 5.9m, for which the maximum height would be 3.0m, and for which the height of the eaves would be 2.6m.

Applicant: Mrs Jackie Snow

Officer: Oguzhan Denizer 290419

Prior Approval is required and is refused on 13/03/14 DELEGATED

1) UNI

The plans submitted within this application do not reflect the measurements stated within the application form. The plans show that the proposed total development extends beyond the rear wall of the original dwelling house by more than 6m.

BH2014/00390

Vale House Vale Road Portslade

Prior approval for change of use from offices (B1) to residential (C3) to form 42 units.

Applicant: CLTX Ltd

Officer: Christopher Wright 292097

Report from: 13/03/2014 to: 02/04/2014

Prior Approval is required and is approved on 01/04/14 DELEGATED

1) UNI

The applicant has provided details of on-site car parking and secure cycle storage which is compliant with policies TR1, TR14 and TR19 of the Brighton & Hove Local Plan and SPGBH4: Parking Standards and is sufficient to mitigate the impact on traffic in the vicinity of the site in accordance with paragraph (7) of paragraph N (Procedure for applications for prior approval under Part 3) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

2) UNI

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Letter from Soils Limited dated 30 January 2014	13966/EFM		5 Feb 2014
Instigation of Works Letter from Brooks Murray dated 26 February 2014	985.09		3 Mar 2014
Correspondence from Brooks Murray dated 5 February 2014.	985.09		5 Feb 2014
Email from Soils Limited (ESFM) dated 4 February 2014.			4 Feb 2014
Email from Soils Limited (ESFM) dated 5 February 2014.			5 Feb 2014
Email from Soils Limited (NJL) dated 30 January 2014.			30 Jan 2014
Covering letter from Soils Limited dated 8 November 2013.	BMA/ValeHouse/081113		5 Feb 2014
Instruction letter to Argyll Environmental from Brooks Murray.	AEL-P01013-003_Vale		5 Feb 2014
Phase One Environmental Assessment by Argyll Environmental dated 5 November 2013.	AEL-2006-PHI-202302_FINAL		5 Feb 2014
Flood Risk Assessment by Brooks Murray			5 Feb 2014
Transport Assessment by Brooks Murray			5 Feb 2014
Existing Ground Floor & Site Plan	985.09-001		5 Feb 2014
Existing First Floor Plan	985.09-002		5 Feb 2014
Existing Second & Plant Floor Plan	985.09-003		5 Feb 2014
Existing Site Location Plan	985.09-004		5 Feb 2014
Proposed Ground Floor & Site Plan	985.09-101-A		5 Feb 2014
Proposed First Floor Plan	985.09-102		5 Feb 2014

Proposed Second & Plant Floor Plan	985.09-103		5 Feb 2014
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3) UNI

The applicant has provided sufficient details of mitigation measures in respect of contaminated land risk and as such the proposal is in accordance with paragraph (8) of paragraph N (Procedure for applications for prior approval under Part 3) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

HOVE PARK

BH2013/03139

1 Barrowfield Drive Hove

Erection of single storey side extension. Construction of a pitched roof to existing rear extension.

Applicant: Mr Amir Solehi

Officer: Helen Hobbs 293335

Approved on 20/03/14 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing plans	11,045/1 ba		19th September 2013
Existing site plan, block plan and proposed plans	11,045/1	b	27th January 2014

BH2013/03541

10 Lloyd Road Hove

Erection of two storey rear extension and enlargement of existing dormer to front.

Applicant: Derek Green

Officer: Andrew Huntley 292321

Refused on 18/03/14 DELEGATED

1) UNI

The two-storey rear extension, by reason of its height, depth and proximity to the shared boundary, would have a detrimental impact on the residential amenity of 12 Lloyd Road through loss of light and outlook. The proposal is thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and

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Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

2) UNI2

The extended front dormer, by reason of its siting and width, would appear cramped in relation to adjoining bay windows and would appear poorly sited and designed in relation to the existing building 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 for Extensions and Alterations.

BH2013/03588

Outside 101 Old Shoreham Road Hove

Replacement of existing telephone box with kiosk combining public telephone and ATM service.

Applicant: BT Payphones

Officer: Liz Arnold 291709

Approved on 17/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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
Kiosk Location - 1:1250 Location Plan Page 7 of 9 Issue 15			20th January 2014
Kiosk Location - 1:500 Location Plan Page 8 of 9 Issue 15			20th January 2014
Block Plan Page 3 of 9 Issue 15			20th January 2014
Photographs of Existing Telephone Box Page 4 of 9 Issue 15			20th January 2014
Kiosk Elevations			21st October 2013

BH2014/00004

103 Nevill Avenue Hove

Replacement of existing garage with detached ancillary annexe.

Applicant: Steven Goff-Beardsley

Officer: Andrew Huntley 292321

Approved on 28/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the western elevation of the annex hereby approved without planning permission obtained from the Local Planning Authority.

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

3) UNI

The proposal hereby approved shall only be used as ancillary accommodation in connection with the use of the main property 103 Nevill Avenue as a single dwelling house and it shall at no time be occupied as a separate unit of accommodation.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plans, Elevations, Site and Block Plans	0136/S30		02.01.2014
Proposed Plans, Sections & Elevations	0136/P30		02.01.2014

5) UNI

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

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

BH2014/00038

Co-operative Superstore Nevill Road Hove

Installation of plant and machinery to replace existing with timber fence enclosure.

Applicant: Waitrose Ltd

Officer: Helen Hobbs 293335

Approved on 25/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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
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			Received
Block plan	13-083-AZ(P)-002		7th January 2014
Existing site elevations	13-082-YE(P)-001		7th January 2014
Existing elevations	13-082-YE(P)-001		7th January 2014
Existing ground floor plan	13-082-YA(P)-GO1		7th January 2014
Proposed ground floor plan	13-082-AG(P)-GO1		7th January 2014
Machinery details	213802/1		28th January 2014
Machinery details	213802/2		28th January 2014

BH2014/00054

97 Old Shoreham Road Hove

Change of use from retail (A1) to estate agents (A2).

Applicant: Mr Ian Mackenzie

Officer: Jason Hawkes 292153

Refused on 18/03/14 DELEGATED

1) UNI

It has not been demonstrated that the existing retail use is no longer economically viable as an individual unit or in the context of the wider parade. In the absence of this information the proposal is contrary to policy SR7 of the Brighton & Hove Local Plan.

BH2014/00077

Co-op Superstore Nevill Road Hove

Display of internally illuminated fascia and totem signs, externally illuminated information signs and non illuminated information and directional signs.

Applicant: Waitrose Ltd

Officer: Helen Hobbs 293335

Approved on 21/03/14 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

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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.

BH2014/00113

21 Shirley Drive Hove

Hip to gable roof extension, raising of ridge height with dormers to front and rear elevations and rooflights. Erection of a single storey front extension and associated external alterations.

Applicant: Mr Julian Adams

Officer: Jason Hawkes 292153

Approved on 14/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan, Existing and Proposed Elevations	B1/A		3rd February 2014
Existing and Proposed Floor Plans	B2/A		3rd February 2014

BH2014/00114

21 Shirley Drive Hove

Remodelling of existing chalet bungalow to create a two storey house with associated alterations including erection of a single storey front extension, front dormer and rooflights.

Applicant: Mr Julian Adams

Officer: Jason Hawkes 292153

Approved on 14/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Block Plan			17th January 2014
Location Plan, Existing and Proposed Elevations	H1		14th January 2014
Existing and Proposed Floor Plans	H2		17th January 2014

BH2014/00169

48 Hill Brow Hove

Erection of raised decking to rear garden, boundary screening and associated landscaping. (Retrospective).

Applicant: Mr Anthony Nelson

Officer: Helen Hobbs 293335

Refused on 25/03/14 DELEGATED

1) UNI

The rear decking and associated boundary screen, by reason of their excessive scale and coverage, appear unduly dominant additions which detract from the character and appearance of the existing property and surrounding area. The development is therefore contrary to policy QD14 of the Brighton & Hove Local

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Plan.

BH2014/00175

The British Engineerium The Drove Way Hove

Application for Approval of details Reserved by Conditions 10, 11 & 12 of application BH2011/00228

Applicant: The British Engineerium Ltd

Officer: Steven Lewis 290480

Approved on 20/03/14 DELEGATED

BH2014/00185

19 Onslow Road Hove

Application for Approval of Details Reserved by Condition 9 of Application BH2013/01811.

Applicant: Mrs Adele Lias

Officer: Jason Hawkes 292153

Approved on 20/03/14 DELEGATED

BH2014/00220

6 The Spinney Hove

Remodelling of existing chalet bungalow to create a two storey 5no bedroom house with associated alterations including erection of first floor side extensions and creation of rear terrace.

Applicant: Margaret Rignell

Officer: Steven Lewis 290480

Refused on 19/03/14 DELEGATED

1) UNI

The proposal, by reason of its scale, width, siting, massing and detailing, would fail to respect the spacing around the existing building, and those adjoining, and would appear unduly dominant, failing to emphasise or enhance the positive characteristics of the area. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations

2) UNI2

The proposal, by reason of its siting, scale and massing, would cause significant loss of light and outlook for occupants of 5 The Spinney. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations

BH2014/00296

69 Dyke Road Avenue Hove

Erection of two storey detached dwelling (C3) with access from Dyke Close.

Applicant: Mr Pat Camping

Officer: Steven Lewis 290480

Approved on 02/04/14 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that

Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

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

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no alterations to the front boundary wall, fronting onto Dyke Close, to create an additional access to the property shall be carried out without Planning Permission being obtained from the Local Planning Authority.

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

4) UNI

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

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

5) UNI

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 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.

6) UNI

No development shall take place until details of the proposed solar panels and method of affixation has been submitted to and approved in writing by the Local Planning Authority. The panels shall thereafter be constructed, maintained in accordance with the approved details.

Reason: To ensure that the development is sustainable, makes efficient use of energy and provide opportunity for the micro-generation of energy on site to comply with policy SU2 and SU16 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

7) UNI

No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

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

8) UNI

No development or other operations shall commence on site in connection with the development hereby approved until a detailed Construction Specification/Method Statement for foundations has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

Reason: To 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 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.

10) UNI

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

11) UNI

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.

12) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing site survey	TA394/01		30/01/2014
Existing Site Location Plan	TA394/02	C	30/01/2014
Proposed ground & first floor plans	TA394/03	B	30/01/2014
Proposed front and rear	TA394/04	B	30/01/2014

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elevations			
Proposed side elevations	TA394/05	A	30/01/2014

13) 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 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.

BH2014/00304

287 Dyke Road Hove

Application for Approval of Details Reserved by Condition 4 of application BH2013/03457.

Applicant: Care Management Group

Officer: Steven Lewis 290480

Approved on 17/03/14 DELEGATED

BH2014/00582

19 Windsor 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 6.5m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.6m.

Applicant: John Boothby

Officer: Joanne Doyle 292198

Prior Approval is required and is approved on 02/04/14 DELEGATED

WESTBOURNE

BH2013/03528

54 New Church Road Hove

Alterations to boundary wall, formation of terrace with canopy and additional play structures. (Retrospective)

Applicant: Brightsaurus Nursery

Officer: Clare Simpson 292454

Approved on 24/03/14 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
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Proposed site plan and location plan	1324-01		16th October 2013
Proposed site plan, location plan and photographs,	1324-02		16th October 2013
Proposed site plan and location plan	1324-01		11th March 2014
Proposed site plan, location plan and photographs	1324-02		16th October 2013

3) UNI

Within six months of the date of this decision the two redundant vehicle crossovers on New Church 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.

4) UNI

Within three months of the date of this permission a written management plan for the outdoor play area shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall detail how all outside areas are to be managed, including details of staff supervision, layout of area showing types of play areas (e.g. quiet, wet, sand areas, planting, etc). The agreed scheme shall be implemented in full and thereafter retained.

Reason: To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policies QD27 and HO26 of the Brighton & Hove Local Plan.

5) UNI

Outdoor play sessions in connection with the day nursery use hereby permitted shall be restricted to within the hours of 09.00 to 17.00 Monday to Friday with no use permitted on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.

BH2013/04204

Flat 17 Blenheim Court 17 New Church Road Hove

Replacement of existing windows and balcony doors with UPVC windows and balcony doors.

Applicant: Mr Kenneth Haslam

Officer: Helen Hobbs 293335

Refused on 14/03/14 DELEGATED

1) UNI

The proposed windows by reason of their design and method of opening are considered poorly designed and would lead to a mix of window styles that fail to maintain a sympathetic and consistent appearance to the property. This would harm the character and appearance of the existing property and surrounding conservation area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2013/04253

26 Westbourne Villas Hove

Erection of single storey rear extension, creation of terrace at first floor to rear with glass balustrading, 1 no rooflights to front and 1no rooflight to the rear with other associated alterations.

Applicant: Chris Bloomfield

Report from: 13/03/2014 to: 02/04/2014

Officer: Liz Arnold 291709

Approved on 21/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plan	A-01		16th December 2013
Existing Elevations	A-02		16th December 2013
Existing Elevations	A-03		16th December 2013
Site Plans	A-04		16th December 2013
Proposed Plans	D-01		13th March 2014
Proposed Elevations	D-02		13th March 2014
Proposed Elevation	D-03		16th December 2013

BH2014/00022

21 New Church Road Hove

Change of Use from residential (C3) to mixed use residential and dental surgery. (C3/D1).

Applicant: Mark Rayner

Officer: Liz Arnold 291709

Approved on 31/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 dental surgery hereby permitted shall not be used 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 staff and visitors to the dental surgery at all times.

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

3) UNI

The dental surgery, as identified on drawing no. 121111, except in the case of

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patients requiring emergency treatment, shall not be open or in use except between the hours of 08:30 to 20:00 on Mondays, 08:30 to 17:30 Tuesdays, Wednesdays, Thursdays and Fridays, and not at any time on Saturdays, Sundays or Bank Holidays.

Reason: To protect the residential amenity of neighbouring occupiers and to comply with policies SU9, SU10, SR5, HO19 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The measures set out in the Travel Plan received on the 17th March 2014 shall be fully implemented and shall be maintained as such thereafter.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR4 and TR14 of the Brighton & Hove Local Plan.

5) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan			15th January 2014
Block Plan			15th January 2014
Existing Layout	121111		15th January 2014
Proposed Floor Plans	121111		17th March 2014

6) UNI

The hereby approved mixed use premises shall only be used, in accordance with drawing no. 121111, for the provision of a dental surgery and residential accommodation and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

BH2014/00217

28 Pembroke Crescent Hove

Replacement of existing timber doors with aluminium bi-folding doors to the rear.

Applicant: Mrs Elenie Chard

Officer: Jason Hawkes 292153

Approved on 01/04/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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
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			Received
Site Plan			4th February 2014
The Sliding Door Company details for double doors			24th January 2014
The Sliding Door Company details for triple doors			24th January 2014
Manufacturing details			29th January 2014

BH2014/00280

2 Pembroke Gardens Hove

Creation of dormers to side and rear and installation of rooflight to rear.

Applicant: J Besser

Officer: Emily Stanbridge 292359

Approved on 02/04/14 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the submitted drawings, no development shall take place until revised details regarding the materials to be used in the construction of the side and rear dormer have been submitted and approved in writing by the local planning authority.

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

3) UNI

The development hereby permitted shall be carried out in accordance with 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 location and block plans	/01		30.01.2014
Existing ground and first floor plans	/02		30.01.2014
Existing loft space and roof plan	/03		30.01.2014
Existing elevations and sections	/04		30.01.2014
Proposed ground and first floor plans	/05		30.01.2014
Proposed second floor and roof plans	/06		30.01.2014
Proposed elevation and section	/08		30.04.2014
Proposed elevations and sections	/09		30.04.2014

WISH

BH2013/04374

18 Park Avenue Hove

Remodelling of existing house including removal of existing garage to side and conservatory to rear, erection of two storey side and single storey rear extension, installation of 5no rooflights and other associated alterations.

Applicant: Ian Holland

Officer: Liz Arnold 291709

Approved on 27/03/14 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan	389/PA21		20th December 2013
Existing Floor Plans	389/PA22		20th December 2013
Existing Elevations	389/PA23		20th December 2013
Existing Elevations	389/PA24		20th December 2013
Proposed Floor Plans	389/PA25		20th December 2013
Proposed Elevations	389/PA26		20th December 2013
Proposed Elevations	389/PA27	Rev. A	7th March 2014

BH2014/00155

Westbourne Motors 268-272 Portland Road Hove

Display of externally-illuminated totem pole.

Applicant: Southern Co-operative

Officer: Liz Arnold 291709

Refused on 21/03/14 DELEGATED

1) UNI

The totem sign, by reason of its height, size, method of illumination and siting would appear as a visually incongruous and intrusive feature to the shopfront, which would be detrimental to the visual amenity of the site and wider

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surrounding area. The totem sign would harm the visual amenities of the area and as such is contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07, Advertisements.

BH2014/00168

39 Leicester Villas Hove

Roof alterations including hip to barn end roof extension, rooflights to front, rear and side elevations, front and rear dormers and alterations to fenestration.

Applicant: Mr Rupert Maitland

Officer: Helen Hobbs 293335

Refused on 26/03/14 DELEGATED

1) UNI

The proposed front dormer and hip to barn-end roof extension would unbalance the pair of semi detached properties, creating a visually heavy roof to one side, and would appear overly dominant and out of keeping with the wider street scene. The proposal is therefore contrary to policies QD1, QD2, and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extension and Alterations (SPD12).

2) UNI2

The proposed rear dormer, by virtue of its excessive size and design, represents an overly dominant addition to the roofslope and would be detrimental to the character and appearance of the property. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extension and Alterations (SPD12).

3) UNI3

The proposed rooflights, by virtue of the excessive number and inappropriate positioning, would form incongruous features that significantly harm the character and appearance of the property, street scene and wider surrounding area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extension and Alterations (SPD12).

BH2014/00236

78 Braemore Road Hove

Erection of conservatory to rear.

Applicant: Julie Hall

Officer: Sonia Gillam 292265

Approved on 21/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed elevations and floor plan	Dwg 1		24/01/2014
Existing elevations and floor plan	Dwg 2		24/01/2014
Site plan and block plan	Dwg 3		24/01/2014

BH2014/00273

Flat 1 62 Fonthill Road Hove

Erection of a single storey rear extension with associated alterations including creation of a revised terrace with steps to garden level.

Applicant: Benjamin Djamaluddin

Officer: Emily Stanbridge 292359

Refused on 27/03/14 DELEGATED

1) UNI

The proposed extension by reason of its projection, scale and design in relation to the existing property would appear unduly bulky and would create an overly extended appearance to the property. The proposal forms an uncharacteristic addition which would harm the appearance of the existing property and wider surrounding area. 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.

BH2014/00279

163 Portland Road Hove

Change of use from car showroom (SG04) to retail (A1).

Applicant: R Phillips

Officer: Steven Lewis 290480

Approved on 27/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 or in use except between the hours of 08:00 and 22:00 on Mondays to Saturdays, and 10:00 and 16:00 on Sundays, Bank and Public Holidays.

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

3) UNI

Prior to the first occupation of the use hereby permitted the redundant vehicle crossovers directly in front of 163 Portland 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.

4) UNI

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority

Report from: 13/03/2014 to: 02/04/2014

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.

5) UNI

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for staff of, and customers to, the use hereby approved have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented in accordance with the agreed details and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

6) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan			30/01/2014
Floor Plan	163PR		30/01/2014

7) UNI

No servicing (i.e. deliveries to or from the hereby approved use) shall take place except between the hours of 08:00 and 18:00 on Monday to Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

BH2014/00281

43 Portland Avenue Hove

Demolition of existing garage and outbuildings to side and erection of single storey rear extension.

Applicant: Linda Hirshberg

Officer: Helen Hobbs 293335

Approved on 31/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 cedar cladding 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.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	491(PL)2		30th January 2014
Proposed and existing plans	491(PL)a	a	3rd March 2014

BH2014/00432

14 Worcester Villas Hove

Certificate of lawfulness for proposed loft conversion incorporating dormer to rear and 2no rooflights to front. Removal of existing wc room and alterations to fenestration at ground floor rear elevation.

Applicant: Martin Webb

Officer: Andrew Huntley 292321

Approved on 14/03/14 DELEGATED

Withdrawn Applications

PLANS LIST 23 April 2014**PATCHAM**

Application No: BH2014/00572
6 Ashley Close

1no Sycamore (T18) in rear garden, 30% crown reduction - 6 to 8 feet dependant on re-growth from last reduction - and shape. 1no Horse Chestnut (T20) and 1no Sycamore (T21) adjacent to drive to garage, removal of epicormic growth on trunk.

Applicant: Mrs Wheeland
Approved on 17 Mar 2014

Application No: BH2014/00883
25 Highview Avenue North

3no Sycamore (T1, T2, T4) and 1no Ash (T3) - reduce height by 3m and side by 1m.
1no Chestnut (T5) reduce by 2-3m.

Applicant: Mrs Barbara McCallister
Approved on 27 Mar 2014

PRESTON PARK

Application No: BH2014/00637
53 Grantham Road

Fell 1no Sycamore (T1) - tree is not visible from a public area thus has no public amenity value.

Applicant: Mr Dimitri Mantazis
Approved on 27 Mar 2014

Application No: BH2014/00670
36d Preston Park Avenue

Fell 1no Ash (T2) causing excessive shading. (Tree has no public visibility thus not viable for a TPO.)

Applicant: Mr Mike Cassidy

Approved on 17 Mar 2014

Application No: BH2014/00671
36d Preston Park Avenue

1no Prunus cerasifera pissardii (T1) - heavy lean to north, reduce by 50% (4m) to lower risk of limb failure. 1no Sycamore (T3) remove northernmost stem back to origin - causing shading and damaging wall.

Applicant: Mr Mike Cassidy
Approved on 17 Mar 2014

WITHDEAN

Application No: BH2014/00852
18 Hazeldene Meads, Brighton BN1 5LR

T1- 1no Irish Yew- Reduce in height by approx 2.5m and shape top, prune to clear buildings. REASON - To improve light into 16 Hazeldene Meads.

Applicant: Mr Dave Tyrrell
Approved on 27 Mar 2014

QUEEN'S PARK

Application No: BH2014/00849
3 College Road, Brighton BN2 1HN

1no Elm (T1) - Reduce back to previous reduction points.

Applicant: Miss Greer Whitewick
Approved on 27 Mar 2014

BRUNSWICK AND ADELAIDE

Application No: BH2014/00878
24 First Avenue Hove

Fell 1no ornamental Cherry (T1) to ground level. The tree is not visible from any public space thus has no public amenity value.

Applicant: Mr Andrew Hinds
Approved on 27 Mar 2014

CENTRAL HOVE

Application No: BH2014/00729
59 Hova Villas

1no Beech (T1) sever and strip out ivy (as far as time allows) and reduce approx 3m to bring branches back 2m from buildings.

Applicant: Mr Mark Haddock
pproved on 18 Mar 2014

GOLDSMID

Application No: BH2014/00696
2 Champions Row Wilbury Avenue

1no Elm (T1) remove two, low, south pointing, 45 degree angled limbs. Reduce the length of all remaining stems and branches by 1.5m for maintenance and to allow in more light.

Applicant: Mr Bill McFarlane
Approved on 18 Mar 2014

Application No: BH2014/00724
22 Denmark Villas

Fell 1no Rowan (T1) poor specimen, dense ivy has mis-shapen and crowded the canopy and it leans over the neighbour's garden. (Tree has no public visibility thus not valid for a TPO.)

Applicant: Mr Mark Haddock
Approved on 17 Mar 2014

Application No: BH2014/00725
22 Denmark Villas

1no Magnolia (T2) 1m reduction and thin to increase light into the garden.

Applicant: Mr Mark Haddock
Approved on 17 Mar 2014

Application No: BH2014/00726
29 Denmark Villas

1no Elm (T1) 4m reduction, canopy now very large.

Applicant: Mr Mark Haddock

Approved on 17 Mar 2014

Application No: BH2014/00727
29 Denmark Villas

1no Bay (T2) - 50% / 7m reduction back to shrub-like ball.

Applicant: Mr Mark Haddock
Approved on 17 Mar 2014

WESTBOURNE

Application No: BH2014/00547
Priory Hospital, 14 New Church Road

1no Silver Birch (T1) - clear building by 2.0m. 1no Apple (T8) reduce overall crown by 25% and sever ivy. 2no Hawthorn (T9, T10) reduce overall crown by 25%. 1no Bay (T12) crown lift to 3.5m, clear building by 2.0m and remove secondary stem. 1no Flowering Cherry (T14) reduce overall crown by 25%, remove major deadwood.

Applicant: Mr Steve Wood
Approved on 20 Mar 2014

Application No: BH2014/00550
Priory Hospital, 14 New Church Road

Fell 1no Monterey Cypress (T13). Although the Cypress may be seen from a public area the view is substantially obscured by the adjoining buildings; accordingly its public amenity value is not sufficient to warrant a TPO.

Applicant: Mr Steve Wood
Approved on 20 Mar 2014

Application No: BH2014/00551
Priory Hospital, 14 New Church Road

1no Elm (T6) shorten the branches by 25%, clear building by 2.0m. 1no Elm (T11) shorten the branches by 25%.

Applicant: Mr Steve Wood
Approved on 20 Mar 2014

Application No: BH2014/00730
14 Princes Square

Fell 2no Leylandii (T21 and T22) to ground level. (Trees are hazardous, thus not valid for a TPO.)

Applicant: Ms Natalie Barb

Approved on 18 Mar 2014

NEW APPEALS RECEIVED**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2013/01905

36 Baker Street Brighton

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

APPEAL LODGED

17/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2013/02616

Land rear of 285 Dyke Road Hove

Erection of 1no three bedroom bungalow with access from The Droveaway.

APPEAL LODGED

18/03/2014

Planning Committee

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2013/03030

43 Russell Square Brighton

Certificate of lawfulness for proposed change of use from single dwelling (C3) to small house in multiple occupation (C4).

APPEAL LODGED

26/03/2014

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WISH**

BH2013/04037

64 Welbeck Avenue Hove

Erection of raised timber decking to rear of property with steps to garden level and a balustrade.

APPEAL LODGED

26/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2013/02747

5 Steine Street Brighton

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

APPEAL LODGED

26/03/2014

Planning Committee

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PRESTON PARK**

BH2013/03886

16 Waldegrave Road Brighton

Erection of a single storey rear infill extension.

APPEAL LODGED

26/03/2014

Planning Committee

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2013/04324

157 Shirley Drive Hove

Gable end roof extension to front incorporating increased ridge height, balcony with French doors and associated alterations.

APPEAL LODGED

27/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WESTBOURNE**

BH2013/04233

10 Princes Crescent Hove

Creation of new vehicle crossover and driveway with associated front garden and boundary wall alterations.

APPEAL LODGED

28/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/04267

70 Greenways Brighton

Erection of single storey rear extension and formation of additional floor incorporating front, side and rear rooflights and associated roof alterations.

APPEAL LODGED

31/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2014/00392

47 Westdene 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 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

APPEAL LODGED

01/04/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2013/02191

2 Ship Street Brighton

Display of externally illuminated fascia and hanging sign and non illuminated painted signs.

APPEAL LODGED

01/04/2014

Delegated

**Brighton & Hove
City Council****INFORMATION ON HEARINGS / PUBLIC INQUIRIES****23rd April 2014**

This is a note of the current position regarding Planning Inquiries and Hearings

Flat 5a, 6 Palmeira Square, Hove BN3 2JA

Planning application no: BH2012/01706

Description: Creation of 1no one bed studio flat. (Retrospective)

Decision: Delegated

Type of appeal: Public Inquiry

Date: 24th June 2014

Location: Hove Town Hall

Flat 5a, 6 Palmeira Square, Hove BN3 2JA

Planning application no: BH2012/01707

Description: Internal alterations to create 1no one bed studio flat. (Retrospective)

Decision: Delegated

Type of appeal: Public Inquiry

Date: 24th June 2014

Location: Hove Town Hall

21 Rowan Avenue, Hove BN3 7JF

Description: Change of use to Dog Kennels.

Decision: Enforcement

Type of appeal: Informal Hearing

Date: 1st July 2014

Location: Brighton 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

APPEAL DECISIONS

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G – 24 ST. JAMES’S STREET, BRIGHTON – QUEEN’S PARK 261

Applications BH2012/0336 – Appeal against refusal for creation of a 4th floor to provide 2 bedroom flat. **APPEAL DISMISSED** (delegated decision)

H – CO-OP WELCOME, 67-71 PORTLAND ROAD, HOVE – WESTBOURNE 265

Application BH2013/02130 – Appeal against refusal for advertisements proposed include 1 x Fascia sign – externally illuminated by overhead trough light to front elevation, 1 x Fascia sign – externally illuminated by overhead trough light to side elevation and 1 x internally illuminated projection sign to front elevation. **APPEAL DISMISSED** (delegated decision)

I – 49 WITHDEAN ROAD, BRIGHTON – WITHDEAN 269

Application BH2013/03513 – Appeal against refusal for single storey rear extension with proposed two storey extension to an existing garage to the front of an existing residence. **APPEAL ALLOWED** (delegated decision)



Appeal Decision

Site visit made on 21 February 2014

by **P Jarvis Bsc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 February 2014

Appeal Ref: APP/Q1445/D/13/2210475

4 Ryde Road, Brighton, BN2 3EG

- 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 Terry Blount against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02911 was refused by notice dated 31 October 2013.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension at 4 Ryde Road, Brighton BN2 3EG in accordance with the terms of application ref: BH2013/02911 dated 20 August 2013 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, 1:500 Block Plan, Existing Elevations, Existing Rear Elevation, Existing Side Elevation, Existing Ground Floor Plan, Existing First Floor Plan, Proposed Rear Elevation, Proposed Rear Side Elevation, Proposed Ground Floor Plan, Proposed Foundation Plan, Section AA and BB, Proposed Beam Layout and Proposed Roof Fall Plan, all received by the Local Planning Authority on the 21 August 2013.
 - 3) The materials to be used in the external faces of the development shall match those on the existing dwelling.

Main issue

2. The main issue is the effect on the character and appearance of the host dwelling and wider area.

Reasons

3. The dwelling is a modest terraced property which has been extended to the rear with two and single storey flat-roofed extensions across part of its width. The proposal would infill the existing open area to the side, extending to the same depth as the existing single-storey element, with which it would be integrated with a new opening across the whole rear elevation.

4. The Council's Design Guide for Extensions and Alterations (2013) (SPD) provides detailed guidance to achieve subordinate extensions that are respectful of the design, scale and proportions of the host building. It sets out examples of how such 'infill' additions might be achieved and indicates that the acceptability of such extensions is generally dependant on the design, relative land levels and whether the adjoining property has such an extension.
5. Whilst the proposed extension would result in a single-storey element at ground floor which would 'wrap around' the existing two-storey rear addition, it is my view that it would not be so large as to dominate or detract from the form and appearance of the original dwelling. It would be 'contained' by the existing boundary wall to the adjoining property (No. 2 Ryde Road) and would leave a reasonable sized garden area to serve the existing modest property.
6. Whilst of flat roofed design, in contrast with the pitched roof of the original dwelling, it would be clearly read as a later modern addition and the form and appearance of the original dwelling would be identifiable. The use of a flat roof would also match the form of existing additions and would ensure that the impact on the host property and wider area is minimised. It would be finished in materials to match the host dwelling. Overall I consider that it would provide a contrasting but nevertheless respectful addition to the existing property.
7. I therefore find that the proposal would not have a harmful effect on the character and appearance of the host dwelling and wider area. It would comply with Policy QD14 of the Brighton and Hove Local Plan (2005) which seeks to ensure that extensions are well designed, sited and detailed in relation to the property to be extended and use materials sympathetic to the parent building. I also find that it would satisfy the more detailed guidance in the SPD.
8. I also find no conflict with the National Planning Policy Framework which seeks good design which contributes positively to making places better for people.
9. I therefore conclude that the appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 3 February 2014

by R Barrett Bsc Msc Dip UD Dip Hist Cons MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 March 2014

Appeal Ref: APP/Q1445/E/13/2202773

22 Lewes Crescent, Brighton, East Sussex BN1 1GB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Christopher Goss against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00261, undated, was refused by notice dated 8 May 2013.
 - The works proposed are insertion of wheelchair platform lift to link flat 7 to flat 9 and associated alterations. Proposed additional shower room in flat 9 and associated alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Despite the appeal site address above, which is taken from the application form, it is clear to me that the proposed works relate to flats 7 and 9 at 22 Lewes Crescent. This is confirmed on the decision notice and the appeal form, and I am making my decision accordingly.

Main Issue

3. The effect of the proposed lift on the special architectural or historic interest of the listed building.

Reasons

4. The appeal site is a grade I listed building. It forms part of an early nineteenth century, attractive, curved terrace, of similar properties, that front onto a park. It was designed by Amon Wilds and Charles Augustin Busby for the developer Thomas Kemp. Properties in the terrace are grade I listed. With Classical proportions and detailing, the listed building and its terrace provides an elegant composition together with the terrace on the opposite side of the park.
5. The appeal site was built as one house. It has subsequently been divided into flats and joined with its neighbour No 20. Generally the interior has been much altered over time, including the interior of flats 7 and 9. In those flats alterations include some adjustment to the historic plan form, to insert a corridor, some subdivision of the principal front rooms and loss of a secondary staircase. In the storage room in flat 7, in which the proposed lift would be sited, a chimney breast has been removed, suspended ceilings inserted and the cornice removed. In the bedroom above it, in flat 9, the chimney breast is retained, although the recess on one side has been filled in. However, despite these alterations, the historic plan form, with the status of rooms varying

through the floors of the building, can still be appreciated. The rooms are generally regular in shape, and what remains of the historic features and details are consistent with the original layout and contribute to the significance of the listed building.

6. The proposal to insert a lift would necessitate a sizable vertical opening within both flats. This would result in loss of some areas of ceiling and floor, works which would not be reversible. In addition, the insertion of the lift frame and support works within each room would alter their existing regular shape and would cause further harm to the historic layout. It would be sited adjacent to an original chimney breast in flat 9 and, as it would cover a good deal of it, would detract from it and reduce an understanding of the structure and features of the listed building. Even though the chimney breast has been removed where the lift is proposed in flat 7, the siting of the lift so close to its former position, would reduce the possibility of it being reintroduced in the future. Moreover, the proposed lift, would be a very modern insertion, with a modern appearance, which would detract from the historic character of the rooms affected.
7. In addition, to support the proposed lift and frame, a diagonal supporting beam, running from an external wall to the internal centrally sited structural wall, is proposed, which would be positioned within the void between the original ceiling and the later suspended ceiling. This, together with other structural measures proposed, would represent a substantial structural alteration to the building. Whilst its structural integrity would be assessed under the Building Control Regime, the extent of structural works required and their invasive nature add to my concern.
8. I conclude that the appeal proposal would fail to preserve the special architectural interest of the listed building and would fail to accord with Brighton and Hove Local Plan (2005) Policies HE1 and HE4. These, together, promote proposals that would not have an adverse effect on the architectural and historic character or appearance of the interior or exterior of a listed building and promote the reinstatement of their original features. It would also be contrary to Brighton and Hove Supplementary Planning Guidance Note 11: *Listed Building Interiors*, which on page 4, indicates that any new layout must respect the original plan form and room proportions and should not divide the floor into ill proportioned irregular spaces.

Public Benefits

9. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, I find that the harm identified to the listed building, would, in the context of the significance of the heritage asset, be less than substantial. Paragraph 134 of the Framework requires that where the harm identified would be less than substantial, that harm should be weighed against any public benefits of the proposal. I have noted, whilst the listed building already has a lift, it is small and unsuitable for independent use by the appellant's elderly relative, who is resident in flat 9. I am aware that the appeal proposal would provide an internal link between the two flats that would be capable of independent use by the appellant's relative, which would help with her care. However, the loss of historic fabric would be irreversible and would affect the listed building long after the personal circumstances of the

appellant have ceased to exist. Whilst the proposed lift may reduce the number of people using the main staircase, I have very limited evidence to suggest that existing use is a problem. I have also had regard to the suggested replacement of the cornice in the storage room of flat 7 with a cornice detail in keeping with the original profile in the hall. However, whilst these matters would all be benefits of the appeal proposal, they would not constitute the public benefits referred to in Paragraph 134 of the Framework and required to outweigh the harm identified to the listed building.

Conclusion

10. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR



Appeal Decision

Site visit made on 27 February 2014

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2014

Appeal Ref: APP/Q1445/H/13/2203496

Pizza Express, Unit 4 The Boardwalk, Brighton Marina Village, Brighton, BN2 5WA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Benn Handley against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01040, dated 2 April 2013, was refused by notice dated 17 June 2013.
 - The advertisements proposed are two internally-illuminated fascia signs, one internally-illuminated menu sign, two internally-illuminated glass blade signs, four non-illuminated windbreaks, two non-illuminated umbrellas, and 14 non-illuminated blinds
-

Procedural matters

1. The content of the National Planning Practice Guidance has been considered but in light of the facts in this case the Guidance does not alter my conclusions.

Decision

2. The appeal is allowed and express consent for the display of the advertisements as applied for is granted. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations.

Main Issue

3. The main issue in this appeal is the effect of the advertisements on the visual amenity of the area.

Reasons

4. I saw at my site visit that there is a wide variety of signage within Brighton Marina and the row of restaurants within which the appeal site lies along the waterfront, namely Mermaid Walk. This signage includes wind-break screens, large umbrella structures, lighting, and main fascia boards announcing the name of the premises. This collection of signage is not obtrusive in the area and does not harm the appearance of the buildings to which they are attached, or the character of the wider area which, in this part of the Marina, is mixed commercial and residential, along with water-based activities.
5. The signs the subject of this appeal are in situ and fit comfortably within this character. The size and position of the principal signs attached to the building do not clutter its appearance and are appropriately scaled to the building design and shape. The windbreaks, umbrellas, blinds and lamps in front of the

premises are similarly of an acceptable number, size and design for the premises and wider area. The simple black and white design of the signs is not intrusive.

6. The illuminated sign to the side of the premises is positioned to indicate the main entrance to the premises. The sign is not imposing or excessive in scale. I could appreciate that it forms an important role in directing potential customers as to how to enter the restaurant. It causes no harm to the character of the area.
7. The advertisements would not cause harm to public safety
8. I have had regard to the advertisements the subject of a parallel appeal (ref. APP/Q1445/H/13/2207555) and consider that there would not be any harm arising from the cumulative effect of the advertisements in both appeals. My findings as set out above remain unaltered.
9. The proposed development would therefore be consistent with the objectives of Policy QD12 of the Brighton & Hove Local Plan 2005, and guidance within the Council's Supplementary Planning Document: Advertisements 2007, which seek to ensure advertisements and signs are sensitively designed and contribute to the visual amenity of the area. For the reasons given, and having regard to all other matters raised, consent is granted for their display.

C J Leigh

INSPECTOR



Appeal Decision

Site visit made on 11 March 2014

by **E A Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2014

Appeal Ref: APP/Q1445/D/14/2212541

Norton Cottage, The Green, Rottingdean, Brighton, BN2 7HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs C Mears against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03382 was refused by notice dated 27 November 2013.
 - The development proposed is extension of existing balcony. Replacement of front entrance door & frame. Replacement of former garage door with new window and wall (to match existing walls).
-

Preliminary matters

1. On 6 March 2014 the Planning Practice Guidance (PPG) was published by the Department for Communities & Local Government. In relation to this Appeal the PPG refers to the design and historic environment statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.
2. In their second reason for refusal the Council incorrectly refers to the neighbouring property as The Grange, whereas it is called Grange Lodge. Accordingly I refer to Grange Lodge in this decision.

Decision

3. The Appeal is dismissed.

Main issues

4. The first main issue is the effect of the scheme on the character and appearance of Rottingdean Conservation Area (RCA), which is a designated heritage asset. The second main issue is the effect of the scheme on the living conditions of the occupiers of Grange Lodge.

Reasons

Character and appearance

5. The NPPF states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm should require clear and convincing justification. At the same time opportunities for new development in conservation areas should be sought. In addition, where a proposal would lead to less than substantial

harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

6. Rottingdean is a medieval rural downland village which sits at the bottom of Beacon Hill and just to the north of the coast. The RCA has several character areas and the Appeal site is located within the central "Green" area. This area is centred around the Green and the pond, which are flanked by prestigious detached residences. The Green, pond, soft landscaped gardens, churchyard and downland backdrop all contribute to the verdant and rural character of the core of the RCA.
7. The Appeal site occupies a prominent position on the east side of The Green, opposite the pond. Within the immediate setting of the Appeal property are Norton House and The Grange (just to the south of Grange Lodge), which are both Grade II listed residences. There are also a number of listed buildings within the wider setting of the Appeal property, including the Plough PH, The Dene and St Margaret's Church. The number and proximity of listed buildings highlight the sensitive nature of the setting of the Appeal site.
8. The existing first floor balcony stretches almost the full width of the dwelling and is enclosed by dark stained timber slats and railings. Not only are balconies not a traditional feature at the front of properties in the conservation area, due to its horizontal lines and materials the existing balcony appears as a prominent and incongruous feature within the street scene.
9. The proposed enlarged balcony would project forward of the host property and forward of the front elevations of the adjacent properties. Its glazed front would form an uncharacteristic feature and its reflective qualities would increase its visibility. As a result of these factors the proposed balcony would be materially more prominent than the existing balcony from the street scene and in views across the Green. Due to its siting and discordant appearance it would dominate the setting of Norton House, when viewed from the south and The Grange and Grange Lodge when viewed from the northwest.
10. UPVC window and door frames are typically more bulky and lack the detailing of timber frames. Also, due to their bright, uniform finish, bulk and proportions they can appear stark and utilitarian. The proposed first floor patio door frames, which have already been installed, do not appear particularly bulky due to the size of the opening they relate to. However they are featureless and suburban in appearance and materially detract from the character and appearance of the host property and the adjoining property, Grange Lodge.
11. Although the lower half of the proposed ground floor window and the front entrance would be screened at most times by the front gates and wall to the property, their upper sections would be clearly visible in the street scene. From the limited details submitted the proposed window and entrance door frame would appear to be visually bland and flat and would materially detract from the character and appearance of the host property and Grange Lodge.
12. It is noted that UPVC has been used in the past on the property, although from the photographs submitted the first floor door frames were brown in colour and set within a timber frame. At ground floor level the garage, top windows and sliding entrance doors similarly had timber frames. As such they were not as bland or prominent as the proposed fenestration.

13. For these reasons the proposed balcony extension and replacement fenestration would be highly visible and would be totally out of keeping with the street scene and the wider conservation area. It would also detract from the setting of The Grange, Grange Lodge and Norton House, which all contribute to the character and appearance of the RCA.
14. Accordingly the scheme would be contrary to policy HE6 of the Brighton and Hove Local Plan which seeks to ensure that new development is to a high quality design and respects or enhances the character or appearance of the conservation area. Design detailing should reflect the scale, character or appearance of the area and materials and finishes should be sympathetic to the conservation area. Policy QD14 of the Local Plan similarly requires new development to be well designed and that the materials to be used should be sympathetic to the host building.
15. In these respects policies HE6 and QD14 of the Local Plan are consistent with the NPPF, which states that decisions should aim to ensure that developments are visually attractive. Permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of an area and the way in which it functions. Whilst decisions should not attempt to impose architectural styles or stifle innovation, it is proper to promote or reinforce local distinctiveness.
16. I conclude on the main issue that the scheme would materially detract from the character and appearance of the street scene. It would fail to preserve or enhance the RCA and would harm the significance of this heritage asset. It would therefore conflict with policies HE6 & QD14 of the Local Plan and the NPPF.

Living conditions

17. With the existing balcony it is possible to look over the side walls into the front garden and various habitable rooms at Grange Lodge. However the angle is acute in relation to the front windows at Grange Lodge and due to the restricted depth and size of the balcony it has limited scope for entertaining and extensive recreational use.
18. With the Appeal scheme the proposed low level timber cheeks would not prevent persons on the enlarged balcony from looking directly into the front garden and various habitable rooms at Grange Lodge. At the same time the enlarged balcony would have considerable scope for informal recreation and entertaining. As a consequence the scheme would result in a material loss of privacy and perceived loss of privacy for the occupants of Grange Lodge.
19. I conclude on this main issue that the scheme would materially harm the living conditions of the occupiers of Grange Lodge due to loss of privacy.

Other matters

20. Whilst not raised as an issue, it was clear from the Appeal site visit that the scheme would also result in a material loss of privacy for the occupants of Norton House. The proposed enlarged balcony would provide wider views into the private garden area, living room, conservatory and a bedroom at Norton House. This together with the likely increased use of the balcony would materially harm the living conditions of the occupants of that dwelling.

21. Finally, it is appreciated that the proposed fenestration would be easy to maintain in this coastal environment and that the proposed balcony would increase the limited outdoor amenity space for the occupants of the property. However, these benefits would fail to outweigh the harm that would be caused to the character and appearance of the RCA and the living conditions of the occupiers of the adjacent properties.

Conclusion

22. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which the imposition of conditions would not satisfactorily address.

E Lawrence

INSPECTOR



Appeal Decision

Site visit made on 18 March 2014

by **E A Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 March 2014

Appeal Ref: APP/Q1445/D/14/2213754

26 Saltdean Drive, Saltdean, Brighton, BN2 8SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Mather against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03920 was refused by notice dated 13 January 2014.
 - The development proposed is the erection of a new external steel balcony structure to the rear elevation and provision of new French doors to access the balcony from the first floor lounge.
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Preliminary matter

1. On 6 March 2014 the Planning Practice Guidance (planning guidance) was published by the Department for Communities & Local Government. In relation to this Appeal the planning guidance refers to the design statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a new external steel balcony structure to the rear elevation and provision of new French doors to access the balcony from the first floor lounge at 26 Saltdean Drive, Saltdean, Brighton, BN2 8SB in accordance with the terms of the application, Ref BH2013/03920, dated 18 November 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, MM/001/01 and MM/001/02 Revision A.
 - 3) No development shall take place until a detailed drawing(s) at 1:50 scale or greater, showing the precise dimensions and shape of the galvanized steel supports, timber balustrade and glazing frame and the glazing pattern have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

- 4) No development shall take place until full details of the colour and finish of the proposed galvanized steel supports, timber balustrade and glazing frame have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Main issues

3. The first main issue is the effect of the scheme on the character and appearance of the host property. The second main issue is the effect of the scheme on the living conditions of the occupiers of the nearby and adjacent dwellings, with particular regard to privacy, noise and disturbance.

Reasons

Character and appearance

4. The Appeal site is located in a mixed residential area located on land which rises steeply to the west. As a consequence the Appeal dwelling sits at a much lower level than the highway and it appears as a bungalow within the street scene. To the rear the dwelling is a full two storeys in height with a dormer at second floor level. The rear of the dwelling is of no particular architectural merit, having both a flat rear elevation and irregular suburban fenestration.
5. The proposed balcony would be well proportioned and would sit centrally within the rear elevation of the dwelling. Together with the proposed first floor doors it would relieve the strong flat and horizontal lines of the rear elevation and would relate appropriately to the first floor living space. Accordingly, subject to the use of appropriate materials and finishes, the proposed balcony would blend in appropriately with the host dwelling and the rear garden environment.
6. However, few details are provided regarding the colour, tone and detailed design of the proposed galvanised steel supports, timber balustrade and glazing frame. These features all need to respect the colour and tones of the host building and the lightweight appearance of the existing fenestration. Whilst no conditions are suggested by the Council, this is a matter which would need to be made the subject of conditions. Similarly, a condition is required which ensures that the scheme is implemented in accordance with the approved plans. This is for the avoidance of doubt and in the interests of proper planning.
7. I conclude on this main issue that the scheme would blend in satisfactorily with the character and appearance of the host property and the surrounding area. It would therefore comply with policies QD2 and QD14 of the Brighton and Hove Local Plan, which require extensions to be well designed and detailed in relation to the host dwelling and its surroundings. Development should take into account local characteristics and materials should be sympathetic to the host dwelling. The NPPF likewise requires new development to respond to local character and reflect the identity of local surroundings and materials.

Living conditions

8. Balconies are a common feature within this area of steeply undulating downland and in general they are positioned to provide expansive views across the valley and towards the coast. The dwellings are constructed on steeply

sloping ground and this together with the balconies results in some overlooking between dwellings and gardens at different levels.

9. The Appeal dwelling sits at a considerably higher level to the adjacent dwellings in Chichester Drive West, and its main living accommodation is at first floor level. As such the outlook from the kitchen, dining area and living room of the Appeal property is towards and over the dwellings in Chichester Drive West, across the valley and towards the coast. Also, there is a row of mature evergreen trees adjacent to the rear boundary of the Appeal property, which materially reduces the scope for looking into the rear garden of the adjacent property.
10. The proposed balcony would project slightly closer to the rear gardens of the properties in Chichester Drive West. However due to its modest size its scope for recreational use would be limited. Also, the proposed balcony floor and timber balustrade would considerably reduce the scope for overlooking from the dining area window and the adjacent living room and kitchen windows.
11. The rear elevations of the adjoining dwellings are set back from the rear elevation of the Appeal property. In addition, the proposed balcony would be just 2 metres in depth and would be sited several metres from the side boundaries of the Appeal site. As a result there would be little scope for any loss of privacy within the adjoining dwellings. As with the dwellings in Chichester Drive West the balcony itself would reduce any overlooking from some of the first floor habitable rooms.
12. The existing rear garden to the Appeal property provides a large and elevated space for outdoor leisure and entertainment. The proposed balcony is modest in size and has limited potential for entertaining. At the same time it would be sited adjacent to the existing dining room, living room and kitchen windows, which would likely be open during warm weather conditions, when the rear garden or balcony are most likely to be used. As a consequence of these factors, the use of the proposed balcony would be highly unlikely to result in additional and undue noise or disturbance for local residents.
13. I conclude on this main issue that the proposed development would not have a materially harmful impact on the living conditions of the occupiers of the adjoining and nearby properties due to loss of privacy, noise or disturbance. Accordingly the scheme would comply with policies QD14 and QD27 of the Local Plan, which together and amongst other things seek to ensure that new development does not cause significant harm to the living conditions of existing residents.

Conclusion

14. Having regard to the conclusions on both main issues the Appeal is allowed.

E Lawrence

INSPECTOR

Appeal Decision

Site visit made on 18 March 2014

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2014

Appeal Ref: APP/Q1445/A/14/2211793
140a Springfield Road, Brighton, BN1 6BZ

- 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 Graham Miles against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03683, dated 1 November 2013, was refused by notice dated 30 December 2013.
 - The development proposed is 1. Replace existing wood frame, single glaze front sash windows with white UPVC double glaze box sash windows of similar design. 2. Replace existing wooden front door with part glazing and single glaze glass panel above with composite part glazed door and double glazed panel above.
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Preliminary matter

1. On 6 March 2014 the Planning Practice Guidance (planning guidance) was published by the Department for Communities & Local Government. In relation to this Appeal the planning guidance refers to the heritage statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the designated heritage asset, Preston Park Conservation Area (PPCA).

Reasons

4. The Appeal site is located within the southern part of PPCA, which is characterised by residential terraces and villas with uniform front building lines. The streets are primarily straight, arranged in a grid pattern and many include a significant number of trees within the public realm. The PPCA is also strongly influenced by the railway line and viaduct, which form prominent features when entering and leaving the conservation area.
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5. The Appeal property comprises an inner terrace three storey Victorian dwelling, that has been converted to flats. Its front elevation is rendered and includes a full height canted bay feature, string courses, timber sash windows with key stone details and timber doors. These feature are all typical and make a valuable contribution to the character and appearance of the host property and the terrace as a whole.
6. The NPPF states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to it's conservation. Any harm should require clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. In addition, where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
7. Consistent with this, policy HE6 of the Brighton and Hove Local Plan seeks to ensure that new development is to a high quality design and respects or enhances the character or appearance of the conservation area. Design detailing should reflect the scale, character or appearance of the area and materials and finishes should be sympathetic to the conservation area. Policy QD14 of the Local Plan similarly requires new development to be well designed and that the materials to be used should be sympathetic to the host building.
8. The Appeal proposal includes the replacement of the bay windows at lower ground floor level with white UPVC double glazed sash units, the replacement of the window above the entrance door with a double glazed UPVC unit and the replacement of the entrance door with a partially glazed white composite door.
9. From the limited details supplied the window frames and doors would have a stark, flat, uniform finish and would lack the detail and grain of the existing windows and door. The proposed window frames would be considerably more bulky than the existing lightweight frames and the double glazing would appear modern and quite distinct from the single glazing in the upper floor windows.
10. Overall the new windows and door would look modern, stark and totally out of keeping with the retained timber fenestration above lower ground floor level. They would materially harm the character and appearance of the host property, the terrace and the street scene.
11. As pointed out by the Appellant, there are a number of UPVC windows within the area, including within Springfield Road, as well as a number of roof additions, which upset the rhythm of the terraces. Few details are provided regarding their planning background, although most examples I saw during the Appeal site visit, appear to predate the Brighton and Hove Local Plan 2005, the NPPF and the Brighton and Hove Supplementary Planning Document - *design guide for extensions and alterations* 2013 (SPD). More importantly, rather than setting a precedent for the Appeal scheme, they serve to highlight how small incremental changes to buildings can have a materially adverse impact on their character and appearance.
12. It is noted that the existing windows and door are not in a good state of repair, are not particularly secure and are not energy efficient. However, little evidence has been submitted to demonstrate that they are beyond reasonable repair, or that they could not be replaced with similar timber products.

Irrespective of this, the harm that would be caused by the proposed fenestration would significantly outweigh the benefits in relation to maintenance, security and energy efficiency.

13. Finally, the specific concerns raised regarding the advice received from officers prior to the submission of the Appeal application, fall outside the scope of this Appeal. It is a matter that would need to be pursued in the first instance through the local planning authority.
14. I conclude on the main issue that the proposal would materially detract from the character and appearance of the host property. It would also fail to preserve or enhance the character or appearance of PPCA and would materially harm the significance of this heritage asset. The proposal would therefore conflict with policies HE6 & QD14 of the Local Plan and the NPPF. It would also conflict with the SPD, which advises that the materials and detailing of replacement windows on street elevations should be consistent with the original or predominant windows and their materials should match other windows on the building. Within conservation areas plastic windows will not be acceptable on elevations visible from the street scene.

Elizabeth Lawrence

INSPECTOR



Appeal Decision

Site visit made on 11 March 2014

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2014

Appeal Ref: APP/Q1445/A/13/2206533
24 St. James's Street, Brighton, BN2 1RF.

- 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 Stuart Chalk against the decision of Brighton and Hove City Council.
 - The application Ref: BH2012/03367 dated 19 October 2012, was refused by notice dated 4 April 2013.
 - The development proposed is creation of a 4th floor to provide 2 bedroom flat.
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Preliminary matters

1. On 6 March 2014 the Planning Practice Guidance (planning guidance) was published by the Department for Communities & Local Government. In relation to this Appeal the planning guidance refers to the design and heritage statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.
2. The submitted drawings state that the proposed sash windows would have timber frames, whereas the application form states that they would be powder coated to match the existing. As this is a matter that can be dealt with by condition, it has not affected my ability to determine this Appeal.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issue is the effect of the scheme on the character and appearance of the host building, nearby listed terrace at 107-111 St James's Street and the East Cliff Conservation Area (ECCA).

Reasons

Character and appearance

5. The Appeal site is located in a mixed and accessible urban area where, in principle, new residential development is acceptable. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Consistent with this, policy HO4 of the
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- Brighton and Hove Local Plan seeks to make full and effective use of land and allows for residential developments at higher densities than those typically found in the area.
6. At the same time the Appeal site is located within the widely drawn ECCA and directly opposite a grade II "listed" terrace. Both the ECCA and the listed terrace are designated heritage assets and the NPPF states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to the conservation of the heritage asset. Any harm should require clear and convincing justification and where a proposal would lead to less than substantial harm, such harm should be weighed against the public benefits of the proposal.
 7. In relation to design the NPPF states that good design is a key aspect of sustainable development. New development should respond to local character and history, add to the overall quality of the area and be visually attractive as a result of good architecture and landscaping.
 8. Policy HE6 of the Local Plan is broadly consistent with the NPPF. It seeks to ensure that new development is to a high quality design and respects or enhances the character or appearance of the conservation area. Design detailing should reflect the scale, character or appearance of the area and materials and finishes should be sympathetic to the conservation area. Policy QD14 of the Local Plan requires new development to be well designed and that the materials to be used should be sympathetic to the host building.
 9. The ECCA is characterised by long straight terraces which predominantly have a north south orientation and rise up steeply from the seafront. These terraces and their setting reflect Brighton's development as a Regency and Victorian seaside resort. St James's Street runs from west to east and forms the principal shopping street in the area. It is both narrow and punctuated by frequent junctions which serve the narrow streets which run north to south. These junctions provide wider views of the conservation area in general and in particular provide views down to the seafront.
 10. The Appeal site occupies a prominent position alongside the junction of St James's Street and Dorset Gardens and directly opposite the junction with Madeira Place. As a consequence the Appeal building is particularly prominent within the street scene in views from Madeira Place, Dorset Gardens and a short distance to the east in St James's Street. The Appeal building is also opposite Nos.107 – 111 St James's Street, which comprises a "listed" early C19th terrace, which is four storeys in height, including an attic storey above a projecting cornice.
 11. The existing Appeal building is characterised by strong vertical and horizontal lines and large areas of glazing, within a plain rendered frame. It is both contemporary and uncluttered in its character and appearance and blends in appropriately with the attached terrace to the west. In particular, the parapet roof of the Appeal building sits between the parapet roof and ridge height of No.23 and the overall roofscape of the terrace is well balanced and follows the contours of the street.
 12. With the proposal the parapet wall would be raised and would result in a large bland rendered panel above the third floor windows. It would accentuate the

- width of the building, dominate the upper part of the building and appear disproportionate and out of keeping with the narrow, low parapet and cornice detailing at No.23. The proposed sloping mansard walls would appear out of context with the strong vertical and horizontal lines of the host property and the projecting sash windows would similarly fail to respect the smooth and uncluttered lines of the host building. The proposed sash windows and south facing doors would also fail to respect the style, proportions and alignment of the existing fenestration.
13. As a result of these factors the proposed additional floor would appear incongruous and totally out of keeping with the host building. The scheme would dominate and seriously detract from the appearance of the building and the roofscape when viewed from Madeira Place, Dorset Gardens and in some views within St James's Street. Overall, the scheme would materially detract from the setting of the adjacent "listed" terrace and the character and appearance of the ECCA. It would fail to satisfactorily address the previous Inspectors concerns in relation to scale and impact on the visual amenities of this part of the ECCA.
 14. The existing flank wall of the Appeal building projects forward of the front building line and is considerably taller than the building at 30 Dorset Gardens (No.30). Together with the Dorset Gardens Methodist Chapel it dominates the setting of No.30. With the Appeal scheme the situation would be exacerbated and No.30 would appear squat and visually overwhelmed by the two buildings alongside it.
 15. At present the top of the chapel can be seen above the existing Appeal building, when viewed from Madeira Place and a small section of St James's Street. The proposed development would obscure these views and would potentially result in some additional overshadowing within the chapel itself. Whilst these factors would not amount to a reason for dismissing this Appeal, they add to the concerns regarding the impact of the development on the character and appearance of the ECCA.
 16. It is acknowledged that the scheme would make a very modest, yet valuable contribution to the supply of homes both within a highly accessible mixed area and within Brighton and Hove as a whole. Whilst these factors weigh strongly in favour of the scheme they would be clearly outweighed by the harm the scheme would cause to the appearance of the host building and the significance of the ECCA and adjacent "listed" terrace.
 17. As pointed out by the Appellant the adjacent site to the east is currently being redeveloped. Planning permission has been granted for a large modern four storey retail and residential building, with an additional storey and associated roof terrace at fifth floor level. However that building respects the eaves and ridge height of the adjoining building to the east and is stepped down to the rear to respect the height of the adjacent properties in Dorset Gardens. The fifth floor is set back from the main elevations of the proposed building by a greater distance than with the Appeal scheme and the proposed fenestration above ground floor level is consistent in design and alignment. Overall, the approved fifth floor respects the design of the host building and the proportions and height of the adjacent buildings. As such it is not comparable to the

Appeal scheme and highlights the importance of assessing each proposal on its individual merits.

18. Finally, it is noted that mansard roofs and projecting sash windows within slate roofs slopes are relatively commonplace within the ECCA. However, they are typically associated with traditional Regency and Victorian buildings and respect their overall proportions and appearance. As such they do not set a precedent for the Appeal scheme.
19. I conclude on the main issue that the scheme would materially detract from the character and appearance of the host building, the street scene and the ECCA. It would fail to preserve or enhance the character or appearance of the ECCA and would materially detract from the setting of Nos.107 -111, causing harm to the significance of both heritage assets. Accordingly the scheme would conflict with the NPPF and policies HE6 & QD14 of the Local Plan.

Elizabeth Lawrence

INSPECTOR

Appeal Decision

Site visit made on 18 March 2014

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2014

Appeal Ref: APP/Q1445/H/13/2207444

Co-op Welcome, 67 – 71 Portland Road, Hove, BN3 5DQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Co-Operative Group Ltd against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/02130, dated 24 June 2013, was refused by notice dated 23 August 2013.
 - The advertisements proposed include 1 x Fascia sign – externally illuminated by overhead trough light to front elevation, 1 x Fascia sign – externally illuminated by overhead trough light to side elevation and 1 x internally illuminated projection sign to front elevation.
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Preliminary matter

1. On 6 March 2014 the Planning Practice Guidance (planning guidance) was published by the Department for Communities & Local Government. In relation to this Appeal the planning guidance refers to the advertisement statement set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of each of the proposed advertisements on the character and appearance of the host building.

Reasons

4. The NPPF states that the Government attaches great weight to the design of the built environment and that proposals should respond to the local character and history of their surroundings. Paragraph 67 goes on to state that poorly placed advertisements can have a negative impact on the built environment.
5. Policy QD12 of the Brighton and Hove Local Plan 2005 is broadly consistent with this. It allows for sensitively designed and located advertisements, which contribute to the visual amenity of the area. In assessing the suitability of an advertisement factors including size, colour, materials, location and overall impact are taken into account. The Council's Supplementary Planning Document 07 – *Advertisements* (SPD) further advises that a well designed

- fascia sign can complete the image of an attractive shop front. The Council will expect any new fascia sign to be contained within the dimensions of the existing fascia.
6. The Appeal property comprises three smaller properties at the western end of a two storey rendered Victorian terrace which is predominantly residential in character and appearance. The western section of the terrace has shop fronts at ground floor level and canted bay sash windows at first floor level. The eastern half of the terrace has two storey canted bay sash windows and modest sized front gardens. The individual properties also have prominent dormer windows in their front roof slopes. Collectively these features make a valuable contribution to the character and appearance of the terrace and the street scene as a whole.
 7. The Appeal property occupies a prominent position adjacent to the junction of Portland Road and Westbourne Street, which are part commercial and part residential in character. The commercial units along Portland Road predominantly have modest width shopfronts, which restricts the width of their fascia signs. In addition, the vast majority of fascia signs along Portland Road are sited well below the first floor window sills and overall are modest in width, depth and form. They reflect the modest scale of the properties and the local retail character and appearance of Portland Road, as well ensuring that the Victorian character of the buildings dominates the street scene.
 8. It is noted from the photographs submitted that at some time the property likely had fascia signs with a similar height to the proposed fascia signs. However, no details of their materials, colour and detailing is provided and so it is not possible to assess the impact the signage had on the host building. Irrespective of this, the scheme needs to be assessed on its individual merits and in light of the prevailing planning policies.
 9. The proposed advertisements have already been installed. The fascia signs fill the whole of the gap between the shop windows and the sills of the first floor windows. Not only are the signs uncharacteristically deep they stretch across the full width of the original three properties and the full depth of the western flank wall of the building. Although the colour of the proposed lettering is discrete, the main central lettering on the proposed front fascia sign is uncharacteristically large, bold and dominant. More importantly, the fascia signs due to their size and bright lime green colour completely dominate the host property and the immediate street scene.
 10. The situation is exacerbated by the proposed projecting box sign, which adds to the depth of the fascia when viewed from the west and increases the dominance of the fascia sign within Portland Road. Similarly the proposed external strip lights add to the dominance of the signage.
 11. Due to the bold and uniform design of the signs, together with the width and depth of the host property, the resultant signage would not appear cluttered. However, collectively the signage to the side and front of the premises would appear unduly bulky, prominent and totally out of keeping with the modest scale of the host property, the terrace and the street scene in general. The signage would materially detract from the character and appearance of the host property and its surroundings. The visual harm that would be caused by the signage would outweigh the benefits of covering up the upper part and flashing of a former fascia board.

12. Finally, the Appellant's comments regarding the corporate identity of the company and the impact the company is trying to make in an area where retail units are closing down and losing business are noted. However, it is assumed that there is a need for every advertisement, consequently the regulations stipulate that only amenity and public safety arguments can be considered.
13. I conclude that the proposed fascia signs and projecting box sign materially and unacceptably harm the character and appearance of the Appeal property. As such they conflict with policy QD12 of the Local Plan, the advice in the SPD and the NPPF.

Elizabeth Lawrence

INSPECTOR



Appeal Decision

Site visit made on 24 March 2014

by Simon Miles BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 April 2014

Appeal Ref: APP/Q1445/D/14/2214245

49 Withdean Road, Brighton BN1 5JB

- 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 Ronnie Smith against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03513, dated 15 October 2013, was refused by notice dated 17 December 2013.
 - The development proposed is single storey rear extension with proposed two storey extension to an existing garage to the front of an existing residence.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension with proposed two storey extension to an existing garage to the front of an existing residence at 49 Withdean Road, Brighton BN1 5JB in accordance with the terms of the application Ref BH2013/03513, dated 15 October 2013, subject to the conditions in the attached schedule, which forms part of this decision.

Main Issue

3. The Council does not oppose the proposed single storey rear extension. Having regard to the small size of this addition in relation to the existing dwelling and the secluded character of the plot, I am satisfied that this element can be accommodated without causing significant harm to the character, appearance and amenities of the area. I therefore consider the main issue to be the effect of the proposed two storey extension to the existing garage on the character and appearance of the area.

Reasons

4. The appeal relates to 49 Withdean Road, a detached dwelling set in a spacious, pleasantly landscaped plot occupying an elevated position above this steeply sloping road. I note that the existing dwelling and single storey garage are set back behind a substantial retaining wall. Because of this setback, the existing landscape features and the acute angle of view looking up from road level, the existing buildings are all but completely hidden in the street scene.
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5. The Council is nevertheless concerned about the size and scale of the proposed extension to the garage. I acknowledge that the resulting structure would be substantial, albeit that it would remain visually subservient to the host dwelling. Notwithstanding this, owing to the particular physical characteristics described above, my assessment indicates that the enlarged garage would have a barely discernible effect on the street scene. Although large, the resulting development would not be disproportionate in relation to the size of either the main dwelling or the plot. Neither would the development be at variance with the general character of the area, which includes a number of substantial garages and outbuildings, many of them significantly more prominent in the street scene.
6. In reaching this view, I am mindful that the Council's adopted Supplementary Planning Document 12 (SPD12), which provides design guidance for extensions and alterations, generally seeks to avoid garages in front gardens unless they are appropriately scaled, modestly located to avoid harm to the street scene, do not obscure the building's façade and are designed to match the main building. In other circumstances, I might well find a proposal such as this to be contrary to this guidance. However, each proposal must be assessed on its merits. In this case, the unusual degree to which the site is screened from the street scene, which alleviates any significant potential harm, justifies taking a pragmatic approach.
7. This leads me to conclude that the proposed two storey extension to the existing garage would cause no significant harm to the character and appearance of the area. I therefore find the proposal to be acceptable in relation to saved Policies QD1, QD2 and QD14 of the adopted Brighton & Hove Local Plan 2005 and SPD12 in terms of the need to ensure that development, including extensions and alterations, is designed to a high standard, takes account of local characteristics and makes a positive contribution to the visual quality of the environment. The proposal further complies with the National Planning Policy Framework and recently published Planning Practice Guidance to the extent that these aim to ensure that development is designed to a high quality, responds to local character and reflects the identity of local surroundings.
8. Overall, I find that there are no compelling or over-riding reasons why the appeal should not succeed. In addition to the standard time limit, the development should be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. The materials are specified in detail on the plans and, given the secluded character of the site, need not be the subject of a condition. However, I agree with the Council that a condition is necessary in relation to the protection of retained trees in the interests of the character and appearance of the area.

Simon Miles

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: PL-01, PL-02, PL-03, PL-04, PL-05, PL-06 and R&Co 103/01 Rev 01.
- 3) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of one year from the date of the completion of the development hereby permitted or as otherwise agreed in writing by the local planning authority.
 - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - (ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - (iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

