





**Brighton & Hove  
City Council**

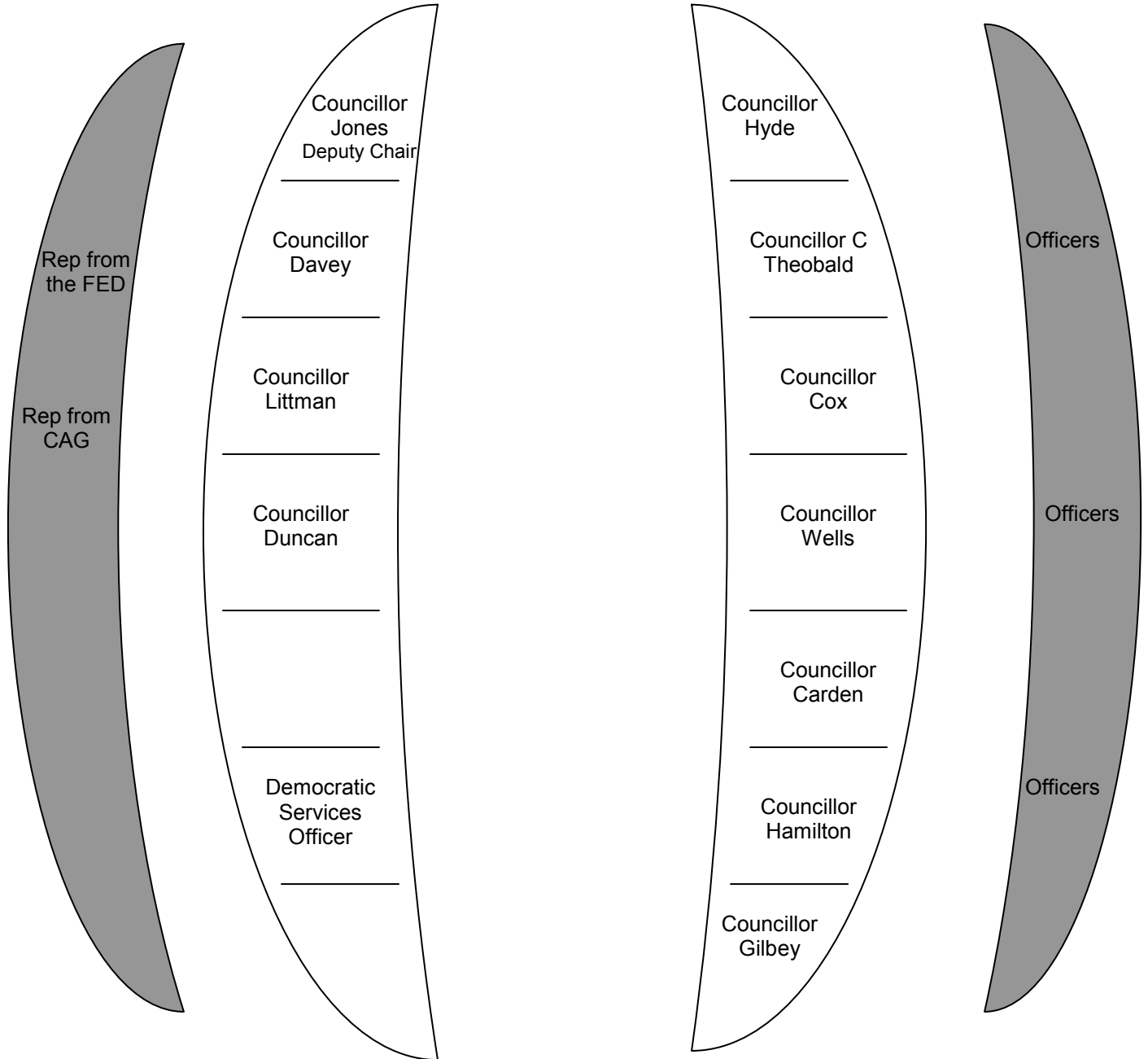
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>14 May 2014</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Duncan, Gilbey, Hamilton, Littman, C Theobald and Wells</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p><b>Ross Keatley</b> Acting Democratic Services Manager 01273 291064 ross.keatley@brighton-hove.gov.uk</p>

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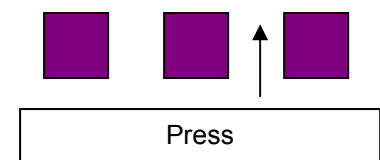
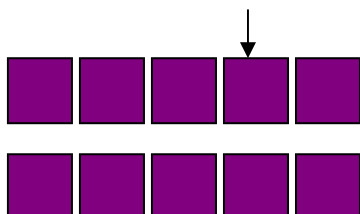
# Democratic Services: Planning Committee

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

### 196. 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

### 197. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 23 April 2014 (copy attached).

### 198. CHAIR'S COMMUNICATIONS

### 199. PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 7 May 2014.

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

### 201. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

#### MAJOR APPLICATIONS

**A. BH2014/00697 - Dorothy Stringer High School, Loder Road, Brighton - Full Planning 17 - 42**

Installation of an artificial turf pitch with associated fencing and floodlighting, incorporating landscaping works.

**RECOMMENDATION – GRANT**

*Ward Affected: Withdean*

**B. BH2014/00310 - Woollards Field, Lewes Road, Brighton - Full Planning 43 - 68**

Construction of a 2no storey Ambulance Make Ready Centre (MRC) building incorporating the provision of 82 car parking spaces, 5no disabled car parking spaces (total of 87 spaces) and 34 ambulance bays including access works, landscaping and other associated works.

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Moulsecoomb & Bevendean*

## PLANNING COMMITTEE

### MINOR APPLICATIONS

- C. BH2013/04082 - Land Rear of 4-34 Kimberley Road, Brighton - Full Planning Permission** **69 - 86**

Erection of 4no two storey dwellings (C3) with off-street parking, associated landscaping works and re-surfacing of access road

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Moulsecoomb & Bevendean*

- D. BH2014/00178 - 8 Richardson Road, Hove - Full Planning** **87 - 98**

Change of use from retail (A1) to public house (A4).

**RECOMMENDATION – GRANT**

*Ward Affected: Westbourne*

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

### INFORMATION ITEMS

- 203. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** **99 - 100**

(copy attached).

- 204. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** **101 - 224**

(copy attached)

- 205. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **225 - 228**

(copy attached).

- 206. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **229 - 230**

(copy attached).

- 207. APPEAL DECISIONS** **231 - 316**

(copy attached).

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

## PLANNING COMMITTEE

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

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

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

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

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

Date of Publication - Tuesday, 6 May 2014

**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 23 APRIL 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

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

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

**PART ONE****184. PROCEDURAL BUSINESS****184a Declarations of substitutes**

184.1 There were no declarations of substitutes.

**184b Declarations of interests**

184.2 There were no declarations of interests or lobbying in matters listed on the agenda.

**184c Exclusion of the press and public**

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

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

**184d Use of mobile phones and tablets**

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

**185. MINUTES OF THE PREVIOUS MEETING**

185.1 Mr Gowans referenced Item C paragraph. (12) (Application BH2013/02798 13A-14 Stone Street and 19A Castle Street Brighton) and asked that an additional sentence be added to the end of the paragraph to read, 'Mr Gowans asked why the outline of the proposed student accommodation had been omitted from the north elevation of the drawings, and the Officer explained that this was on account of the drop in levels.'

185.2 **RESOLVED** – That, with the above addition, the Chair be authorised to sign the minutes of the meeting held on 2 April 2014 as a correct record.

**186. CHAIR'S COMMUNICATIONS**

186.1 There were none.

**187. PUBLIC QUESTIONS**

187.1 There were none.

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

188.1 There were no requests for further sites visits.

**189. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS****Minor Applications**

**A. 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) It was noted that this application had formed the basis of a site visit prior to the meeting.

(2) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The site related to a pub on the western corner of Portland Road which formed the end of the terrace. The proposals sought to raise the level of the rear garden area to allow internal and external access without the use of steps. The main considerations related to the impact on the character of the building and the wider area and the impact on residential amenity. It was considered that raising the level of the garden would have a limited impact and bamboo screening and planters would be installed to safeguard amenity. The existing gate would be removed and blocked up with materials matching the retained wall. The hours that garden could be in use were not restricted in the



application and would relate to the hours that the pub was in operation. It was noted that the most recent noise complaint had been in 2008, and it was considered the proposals would not create any additional noise above the current arrangements. It was also considered there would be no harmful impact on neighbour amenity. For the reasons outlined in the report the application was recommended for approval.

### **Public Speaker(s) and Questions**

- (3) Ms Anne-Catherine Jack spoke in opposition to the application in her capacity as a local resident. She noted she was speaking on behalf of the neighbours on Westbourne Street whose properties were located at the rear of the proposal site. She emphasised that the neighbours were all customers of the pub and wished to be fair to the business, and their objections were based on two concerns in relation to additional noise caused from the installation of the new French doors and the raising of the garden. There was also concern in relation to the impact of the noise caused by patrons on young children who lived in close proximity to the premises. The residents considered that the bamboo screening would not provide a long term solution or address concerns. The residents were already of the view that noise travelled down into the gardens, and there was concern that this would be much worse during the summer when the garden was likely to be busier and open later.
- (4) Ms Jack confirmed the location of her property in response to Councillor Hyde.
- (5) In response to Councillor Cox it was confirmed by Ms Jack that she had not received a notification of the application from the Local Planning Authority, and she had to make her own enquiries to get further information on the application.
- (6) It was confirmed by Ms Jack in response to Councillor Davey that the garden was currently in use, but customers tended to use the area at the front more; however, neighbours often heard the noise of glass being recycled.
- (7) Councillor Jones asked about noise problems and Ms Jack stated that there generally had not been problems with noise from the pub.
- (8) Ms Emma Lundin spoke in support of the application in her capacity as the applicant. She stated that she owned and operated the pub with her partner; since taking over the premises they had worked to improve it and operate a welcome community and meeting space. The local residents' association met each month at the premises and the pub had been involved in community projects. The application was part of the ongoing works that had been undertaken since they had taken over, and the rationale was to make the garden space accessible as well as installing the French doors to create a better visual link with the inside of the premises. The pub already had air conditioning units to ensure the new doors would not need to be kept open during the hotter weather. They had worked to ensure neighbours were not disturbed by noise, and noted they had a number of letters of support.
- (9) In response to questions from Councillor C. Theobald it was explained by Ms Lundin that the garden was not usually open in the winter as the floor was difficult to maintain; when it was open ?efforts were made to close the area by 2200 to 2230 hours to

prevent noise disturbance and the recycling usually took place between 1000 and 1200 hours, and was normally only two bins used to empty bottles.

- (10) Councillor Hyde asked Ms Lundin if they would accept a condition in relation to the closure and clearing of the garden area, and Ms Lundin explained that the garden had been used regularly since they had operated the premises; they were not proposing an increased capacity nor would be encouraging this.
- (11) Ms Lundin confirmed to Councillor Davey that the proposal would allow for disabled access through both the pub and the side door to the garden.
- (12) Councillor Jones asked Ms Lundin about alternative types of screening and in response she explained that initially they had proposed a timber fence; however, Officers had considered this to be incongruous and it had been suggested that the bamboo would be more appropriate.
- (13) In response to Councillor Gilbey it was explained by Ms Lundin that the current exit from the garden to the street would be blocked up in the proposals as there was an alternative access point that was easier to manage.

#### **Question(s) for Officers**

- (14) It was confirmed for Councillor Davey that there were no conditions in relation to the times of the operation of the garden as these would be restricted to the same ones as the pub.

#### **Debate and Decision Making Process**

- (15) Councillor Hyde noted that she was of the view the garden area would be used much more with the proposals, and she was pleased to see the provision of disabled access and the use of bamboo to screen. She expressed concern about the new doors being left open and stated that she would be satisfied to support the Officer recommendation with a condition that the garden be closed and cleared by 2230 hours as this would help to mitigate the potential for increased noise.
- (16) Councillor C. Theobald stated that the proposals would be an improvement and she welcomed the accessibility for disabled people. She stated that she would second the proposed condition put forward by Councillor Hyde.
- (17) Councillor Davey noted that he echoed the points made by colleagues in the debate in relation to the closure of the area at 2230 hours. He noted the improvements made at the premises in recent years.
- (18) Councillor Cox noted that the current owners had gone to great lengths to become part of the local community; however, he also noted the concerns of the local residents and supported the condition proposed by Councillor Hyde.
- (19) The Head of Development Control, Jeanette Walsh, suggested the wording of the condition, 'the garden to be closed after 2230 hours every day and the rear French doors to be kept shut after that time'.

- (20) Councillor Davey suggested that the condition should be worded such that the French be closed throughout all the hours to pub was open, except for access and egress, to reduce noise disturbance. The Head of Development clarified that the application replaced the existing fire escape with French doors and there was the potential for more noise disturbance.
- (21) The Committee voted on the proposed condition with the addition that the French doors remain closed whilst the premises was open and this was agreed with 6 in favour and 5 against.
- (22) A vote was taken, with the additional agreed condition, and the Officer recommendation that Planning permission be granted was unanimously agreed by the 11 Members present.

189.1 **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, and the additional condition set out below:

'The garden area shall not be in use between 2230 hours and the hour in which the premises opens for business the following day, and the rear French doors shall be kept shut at all times the premises is open except for access and egress.'

Reason: To safeguard the amenities of nearby residents and in order to comply with policy QD27 of the Brighton and Hove Local Plan

**Note:** Councillor Duncan was not present at the meeting.

**B. 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.

189.2 **RESOLVED** – That the application be withdrawn from the agenda.

**C. BH2013/04102 - St Wulfran's Church, Greenways, Ovingdean, Brighton - Full Planning Permission** - Change of use from agricultural land (Sui Generis) to burial ground (D1).

- (1) The Area Planning Manager, Nicola Hurley, introduced the application by reference to plans, photographs and elevational drawings. It was noted that St. Wulfran's Church was a listed building, and the application related to a parcel of land adjoining the existing graveyard which was currently classified as agricultural land. The land adjoined the South Downs National Park to the west and was located in the Ovingdean Conservation Area. The application sought the change of use of the land as burial ground; the main considerations related to the impact of the proposals; the impact on local residents, ecology and amenity impacts. The land was currently adjacent to open countryside and not in use as farmland; the supporting information provided by the church described that the current burial ground was close to capacity and there was a need for additional space. No adverse impacts had been identified and the burials

were proposed to start west and progress east across the site, and the lower eastern side of the site was set aside as a natural meadow. No additional harm to the area, church or the conservation area had been identified and the use was considered acceptable; as well as preserving the appearance of the conservation area. The meadow would provide visual relief, and there were no objections from either English Heritage or the Heritage Team. The supporting information stated that the burial policy would remain unchanged for Ovingdean residents and figures suggested burial numbers would be in the region of approximately ten a year, and the site would be screened by hedging. A number of objections had been raised in relation to the potential for increased vehicular numbers in the village attributed to burials; however, Officers had not identified any potential increase and for the reasons set out in the report the application was recommended for approval.

### **Public Speaker(s) and Questions**

- (2) Mr Anthony Kenney spoke in objection to the application in his capacity as a local resident. He stated that he lived at 'Field End' with his wife and noted the location of the site. The church had purchased the field two years ago which had double to size of the land it owned; the size of the burial would be out of proportion with the size of the church and have the potential capacity for 1500 burial plots. Many residents had objected on the grounds that they did not want to live in close proximity to a 'municipal burial ground' in Ovingdean. It was estimated that the upper west 60% of the site would be sufficient for burials for 220 years at the current rate of burials, and the objectors were requesting that permission not be given for burials in the lower 40% of the site. The regulatory conditions in the application were strongly supported as biodiversity was currently 'non-existent' and it was requested that the lower 40% of the field be kept permanently as 'wild field'.
- (3) Mr Kenney confirmed in response to Councillor Hyde that the upper 60% would be sufficient to provide burial sites for the next 220 years, and residents had largely accepted this use at this part of the site.
- (4) In response to Councillor Hamilton it was confirmed by Mr Kenney that the church had stated it would maintain their current burial policy; however, there was concern that this position could change and numbers could increase in response to the national shortage of burial sites.
- (5) Mr Ewart Wooldridge spoke in support of the application in his capacity as the Church Warden. He stated that the church was very satisfied with the report and Officer recommendation. It was considered the approach taken by Officers would protect the lower part of the field for use as a natural meadow. The church was firmly committed to preserving and enhancing the traditional appearance of the site and the church parish council had agreed the terms of reference to advise them on the landscaping of the site. The site would be a 'special' place for the community and open for other community activities. The church was confident with the Officer recommendation.
- (6) In response to Councillor Hyde it was confirmed by Mr Kenney that the current burial policy had three categories for burial and it was intended these would remain unchanged. They were specifically: those living in Ovingdean; those with very close connections to Ovingdean and those that had died in Ovingdean.

- (7) Councillor Jones asked about biodiversity and Mr Kenney explained that this was managed very carefully; close contact was maintained with experts and there was an active advisory group. Mr Kenny added there was already active wildlife at the site, and experts would advise on the landscaping on the site.
- (8) In response to Councillor C. Theobald it was confirmed by Mr Kenney that the figure of 10 burials a year was produced from 20 years of data, and the church had made explicit commitment to maintain the lower part of the site as a natural meadow.

### **Question(s) for Officers**

- (9) The Chair referenced the report in relation to Councillor Hyde's concern that the burial policy of the church could change. Councillor Hyde stated that she would prefer to see the burial policy formalised by condition to mitigate the concerns of residents. The Senior Solicitor, Hilary Woodward, highlighted that there were strict tests in relation to the imposition of conditions – largely that they should be necessary and reasonable, and any condition would have to be properly justified. Councillor Hyde replied that the access to the village was difficult and she was not content that the application would prevent the site becoming a large municipal cemetery.
- (10) Councillor Hamilton noted that it was likely the church would have to adhere to a diocese wide policy on burials.
- (11) The Head of Development Control clarified that the report before the Committee had carefully assessed the application and not identified a need to restrict the number of burials.
- (12) Councillor Hyde reiterated her position and stated the concerns of residents that the village was not a suitable site for a busy graveyard. The Principal Transport Officer Steven Shaw noted that no significant potential increase in traffic had been identified, and for this reason it was not considered necessary to restrict the number of burials at the site to make it acceptable in transport terms.
- (13) Councillor Littman noted that the church had managed the burial policy for a significantly long period of time and he did not consider it necessary to condition this.
- (14) The Committee voted on the proposal to impose an additional condition in relation to burial policy at the site, and the motion was defeated on a vote of 3 in favour with 8 against.
- (15) In response to Councillor Gilbey it was noted that the use class of the site could potentially be varied by application following the usual consultation and consideration.

### **Debate and Decision Making Process**

- (16) Councillor Hyde noted that she would not be able to support the application.
- (17) A vote was taken and the Officer recommendation to grant planning permission was carried on a vote of 9 in favour with 2 against.

189.3 **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.

**Note:** Councillor Duncan was not present at the meeting.

**D. BH2012/01263 - Amber Court, 38 Salisbury Road, Hove - Full Planning** - 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.

(1) The Area Planning Manager, Nicola Hurley, gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a three-storey flat roofed property on Salisbury Road with the ground floor raised at street level; it was noted that the eastern side of the street was largely traditional. Permission was sought for a lower ground floor level to create office space with similar fenestration to the existing frontage. The main considerations related to the impact of the office on the character of the building; highways safety and amenity considerations. The principle of the application did conflict with Policy EM4; however, it sought to provide additional employment opportunities in the city. There would be a ramp and pedestrian access within the existing curtilage and a number of buildings in the street already had lower ground floors, but the design would not replicate the existing proportions. The lower ground floor was considered to be well designed and there would be no harmful loss of light or outlook. Whilst Environmental Protection had suggested there would be increased noise due to the new use policy stated that B1 office use was compatible with residential units. It was not expected that the application would cause material harm and for these reasons the application was recommended for approval.

#### **Question(s) for Officers, Debate and Decision Making Process**

(2) In response to Councillor Hyde the Principal Transport Officer, Steven Shaw, explained that there would be a loss of two parking spaces at the front of the site, but all the other garages and parking at the rear would be retained. In relation to proposed 14 cycle spaces this figure had been driven by the applicant.

(3) In response to the Chair it was explained that the new frontage proposed fenestration to match the existing.

(4) In response to Councillor C. Theobald it was explained that the cycle provision would be communal for use by both the residential and commercial aspects of the site, and the potential number of employees at the site had not been identified by the applicant.

(5) The Committee expressed some concern about the details of the materials and it was agreed that this would be agreed by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.

(6) A vote was taken and the Officer recommendation that planning permission be granted was carried unanimously by the 11 Members presents at the meeting.

189.4 **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 and details of materials to be provided under condition 5) to be agreed by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons..

**Note:** Councillor Duncan was not present at the meeting.

**E. BH2014/00433 - 17 Old Shoreham Road, Hove - Full Planning** - Erection of single storey rear extension with associated landscaping and parking alterations.

- (1) It was noted that the site had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager, Nicola Hurley, gave a presentation by reference to photographs, plans and elevational drawings. The property was in use as a care home and had previously been extended; the proposed application would provide an additional eight en-suite bedrooms and would be single storey. There was also of letter of support from both of the local Ward Councillors. The main considerations related to the principle of the extension; the design and appearance; highways matters and tree considerations. Policy allowed extensions to residential care homes where criteria set out in Policy HO11 were met; however, there was in concern in relation to criteria A) as the proposed extension would add an additional 24 metres to the length of the property and involve the partial excavation of the garden. The extension was considered excessive as it was twice the length of the existing building and would double the ground floor space of the building. The proposal would dominate the rear garden and the form was inappropriate and incongruous. The impact on the amenity of the neighbouring properties was outlined and in particular it was noted that no. 15 would be impacted upon as the side windows served a secondary kitchen window, garage and utility room – if granted the windows at this outlook could be obscurely glazed. There were concern in relation to the excessive depth of the extension and it was considered that this would be un-neighbourly. Whilst the principle of the development was supported this did not outweigh the concerns of Officers and for the reasons set out in the report the application was recommended for refusal.
- (3) The Head of Development Control, Jeanette Walsh, noted that at the site visit Officers had paced out approximately 17 metres; when this should have been 23 metres.

#### **Public Speakers(s) and Questions**

- (4) Councillor K. Norman spoke in support of the application; he highlighted that he was speaking on behalf on the Ward Councillors who were both unable to attend the meeting. Both of the Ward Councillors were in support of the application and in favour of the proposed development, and added that similar size extensions had been agreed in the neighbouring ward for student accommodation. He stated that there was a citywide need for these types of facilities, and a desire to use facilities within the city rather than have to send people outside of the city to meet their long-term care needs.

- (5) In response to Councillor Davey it was explained by Councillor K. Norman that this site should be viewed in comparative terms to those of a similar scale that had been granted planning permission.
- (6) Mr Peter Mallinson and Mr David Kemp spoke in support of the application in their capacity as the applicant and the architect respectively. Mr Mallinson explained that he had been the director of Loxwood House [the application site] since 1985 and the facility provided care for people with learning disabilities and in the last couple of years had extended services to those with dementia. The garden was currently underused and the architect had put forward a commendable scheme. Mr Kemp stated that that the property had been a care home for many years and the traditional appearance had been maintained internally and externally. The proposed extension would be linked to the parent building to provide access for staff and residents. The proposal would maintain two areas of external space: a sensory courtyard garden and significant remaining area of lawn at the rear. The new rooms would meet current standards for hygiene and dignity and the net gain would actually be seven bedrooms due to loss of one to provide the extension.
- (7) In response to a question from Councillor Davey it was explained by Mr Kemp that a more ecological development had not been considered as the intention was to mirror the style of the existing building and make the additional footprint a reasonable size.

#### **Question(s) for Officers**

- (8) It was confirmed in response to Councillor Hyde that the length of the remaining lawn would be 15 metres.
- (9) In response to Councillor Davey the Area Planning Manager confirmed that, in policy terms, an extension would not be expected to meet the same levels of sustainability as a new build property. It was also confirmed that the main objection related to the size and there had been advice from Officers at the pre-application stage that a reduction in the length would be more acceptable.
- (10) In response to Councillor C. Theobald it was confirmed that three apples trees would be felled as part of the application.

#### **Debate and Decision Making Process**

- (11) Councillor Hyde noted the difficulty of the decision, and stated that she was content with the amount of garden space that would remain if the application were granted. The extension was big in scale and whilst this was not ideal the excavation would not impact on the neighbouring properties and the potentially affected rooms were not habitable rooms. The social benefits of the scheme outweighed the concerns about the size of the proposals, and it was preferable that more residential care placements be provided within the city.
- (12) Councillor Jones noted he sympathised with the applicant, and felt that it would not be possible to turn the property back into a family home. He recognised the potential to overdevelop site, but noted that recent legislative changes had placed increased



regulations on social care providers. He stated he was still undecided on the application.

- (13) Councillor Littman noted he echoed many of the points made in the debate, and he did not usually support such applications building on existing gardens spaces; however, he recognised the shortage of residential care places within the city, and on balance he would not support the Officer recommendation.
- (14) Councillor C. Theobald noted that the city needed more residential care places, but she felt the size of the proposal was too large – like Councillor Jones she was undecided.
- (15) Councillor Cox noted that two local residential care homes had shut recently as they were no longer economically viable due to the recent changes to regulations. He noted the issues in relation to the size of the proposals and stated that he recognised the need for such facilities in the city.
- (16) Councillor Gilbey stated that she had been concerned with the close proximity of the windows of the neighbouring property. She sympathised with the applicant and noted that the proposals would not be visible from the road. She stated that the decision was very difficult, but she was leaning towards voting against the Officer recommendation.
- (17) Councillor Davey reiterated the difficulty of the decision and the need for such facilities; however, he felt that the proposal was too big and felt there was the potential for something smaller with a higher level of sustainability to come forward.
- (18) The Chair stated that he agreed with many of the comments made by colleagues, but he was of the view the proposals were too big and the amenity of future occupants of the neighbouring properties would be adversely affected. The blank 24 metre wall was not good architecture and he would support the Officer recommendation.
- (19) Before the vote was taken the Head of Development Control noted that there was no objection to the principle of the development, and there had been no discussion with the Local Planning Authority by the applicant in terms of viability.
- (20) A vote was taken and the Officer recommendation to refuse permission was carried on a vote of 7 in support with 4 against.

189.5 **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 **REFUSE** planning permission for the reason set out below:

Reasons for Refusal:

- i. 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.

- ii. 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.

Informatives:

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

**Note:** Councillor Duncan was not present at the meeting.

- F. **BH2013/04082 - Land Rear of 4-34 Kimberley Road, Brighton - Full Planning -** Erection of 4no two storey dwellings (C3) with off-street parking, associated landscaping works and re-surfacing of access road.

189.6 **RESOLVED** – That the application be withdrawn from the agenda.

**Note:** Councillor Duncan was not present at the meeting.

- G. **BH2014/00294 - 39-40 King's Road, Brighton - Householder Planning Consent -** Replacement of existing timber sash windows with UPVC sash windows on first, second, third and fourth floors.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site was located in the Old Town Conservation Area and there had been a similar application allowed at appeal in 2001; however, this application sought the replacement of an increased number of windows. The considerations related to the visual impact on the conservation area and the street scene. Since the successful appeal in 2001 both local and national policy had been changed, and the proposal was now considered contrary to policy which outlined that replacement windows must match those existing. Whilst the proposed design would broadly match the use of UPVC standard double glazed unit would give a harder appearance. It was considered that these differences would harm both the appearance and of the historic building and the conservation area.

**Public Speakers(s) and Questions**

- (2) Mr Simon Bareham supported, by Mr David Moyle, spoke in support of the application in their capacity as the agent and applicant respectively. Mr Bareham stated that the application sought the replacement of the failing timber windows that had been damaged by water penetration. There was 'surprise' at the recommendation to refuse the application given the appeal decision to grant a similar application in 2001; it was

also suggested that the Council's approach was not reasonable as it was believed they were not in possession of a copy of the 2001 appeal decision. The response from the Heritage Team was not considered consistent as the application proposed the same features that had been approved in the 2001 appeal, and the comments also referenced dormer windows that did not form part of the application. Residents had clearly stated their desire for better water protection and a higher standard of heat retention. The proposed details evidenced that they could be integrated within the conservation area.

- (3) Councillor Cox asked the applicant why they felt timber framed windows could not be used at this location given the Officer recommendation. In response Mr Kemp explained that the issue primarily related to maintenance as he had been unable to source a paint that could withstand the weather conditions for more than 1 year and prevent water penetration. Given the options that had already been tried it was felt UPVC windows were the only appropriate way forward.
- (4) In response to Councillor Davey it was explained by Mr Kemp that the proposed windows had details that related to the current proportions of the existing timber windows. The majority of the timber framed windows had been replaced or renovated approximately eight years ago and many of these had rotted within this time; it was felt the only option was to replace with UPVC windows.
- (5) Mr Kemp confirmed to Councillor C. Theobald that the windows also had secondary double glazing.
- (6) The Chair asked if the applicant had sought advice from the Heritage Team given that there were large conservation areas in the city that had timber framed windows on similar seafront locations. The applicant explained that he had taken advice, but felt that the particular exposed corner position of the building made the situation worse, and there were neighbouring properties with UPVC windows.

#### **Question(s) for Officers**

- (7) The Area Planning Manager noted for the Committee that there were many other similar seafront locations in the city which were able to maintain their timber fronted sashes.
- (8) In response to Councillor Cox it was explained that since the successful 2001 appeal both local and national policy had moved on and there was very clear guidance in SPD 9 that discussed the replacement of timber framed windows and Officers were placing significant weight on this policy.

#### **Debate and Decision Making Process**

- (9) Councillor Davey noted a similar retrospective application that the Committee had refused in Clifton Street; he stated the policy was very clear on these matters and UPVC windows were not likely to be acceptable in conservation areas. He sympathised with the applicant, but felt that given the number of other timber framed windows in the city on seafront locations there no compelling reason to depart from policy.

- (10) Councillor C. Theobald noted that UPVC windows appeared bulky and did not give the same visual finish; she added that the building was on a very prominent part of the seafront and she felt the policy was right on these matters.
- (11) The Chair noted the prominence and local appreciation of the application site and felt that further discussion with the Heritage Team could find a suitable way forward to retain the timber framed windows.
- (12) Before the vote was taken the Head of Development Control, Jeanette Walsh, noted that there had been no pre-application advice sought by the applicant; adding that this was a free service provided by the Local Planning Authority.
- (13) A vote was taken and the Officer recommendation to refuse planning permission was carried on a vote of 10 in favour with 1 abstention.

189.7 **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 **REFUSE** planning permission for the reason set out below:

Reasons for Refusal:

- i. 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.

Informatives:

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

**Note:** Councillor Duncan was not present at the meeting.

**H. BH2013/03946 - Block C & D, The Priory, London Road, Brighton - Full Planning -** Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level.

- (1) The Committee agreed to forego a presentation and move straight to the vote.
- (2) A vote was taken and the Officer that planning permission be granted was agreed by 10 in favour with 1 against.

- 189.8 **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.

**Note (1):** Following the vote Councillor C. Theobald indicated that she voted incorrectly and that asked her vote be recorded as against the Officer recommendation. This amendment is reflected in the vote listed above as 10 in favour with 1 against.

**Note (2):** Councillor Duncan was not present at the meeting.

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

- 190.1 There were no further requests for site visits.

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

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

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

- 192.1 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.]

**193. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**194. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**195. APPEAL DECISIONS**

195.1 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 4.40pm

Signed

Chair

Dated this

day of

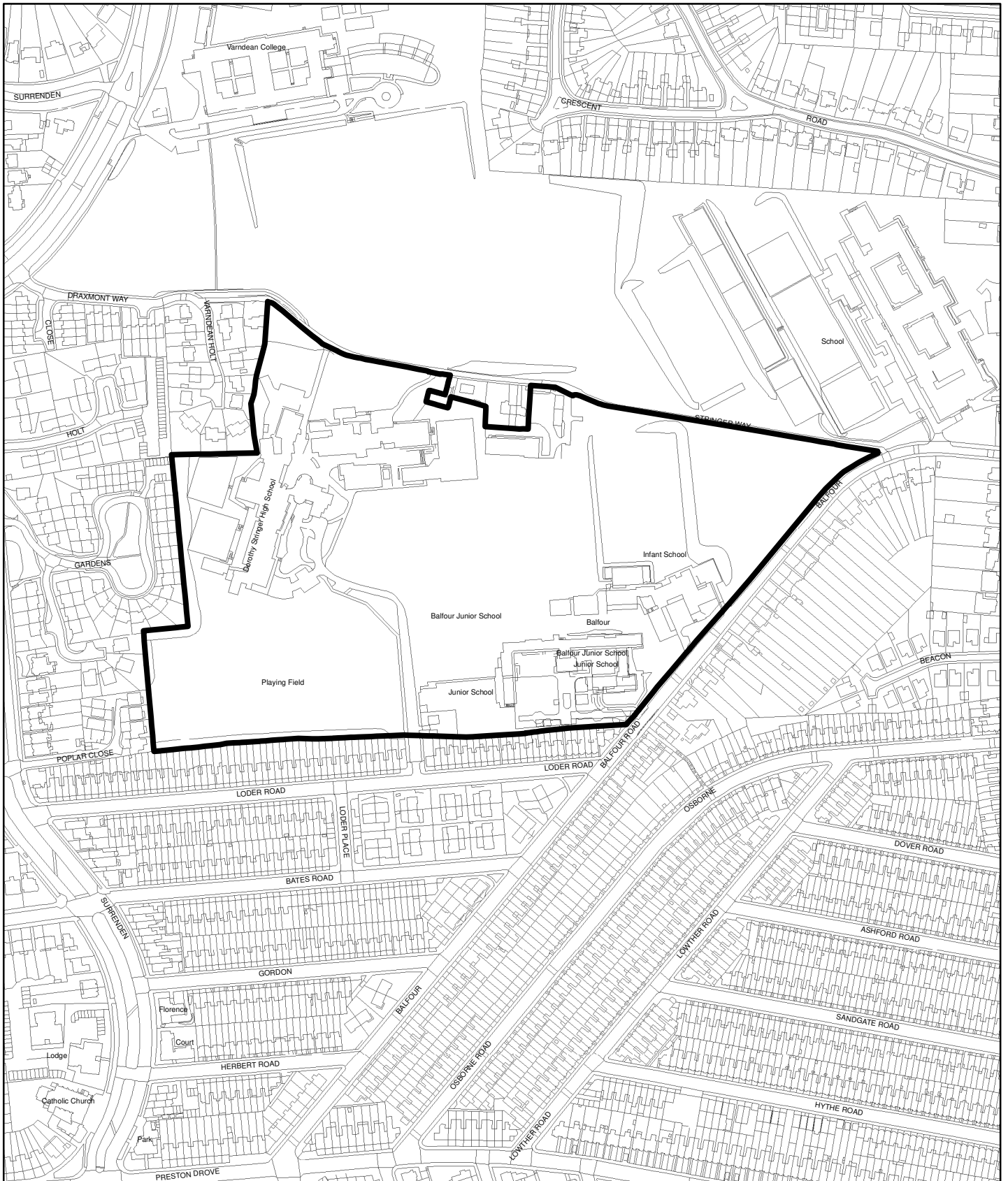
# **ITEM A**

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

**BH2014/00697  
Full planning**

**14 MAY 2014**

# BH2014/00697 Dorothy Stringer High School, Loder Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:4,000**



<b><u>No:</u></b>	<b>BH2014/00697</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Dorothy Stringer High School Loder Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Installation of an artificial turf pitch with associated fencing and floodlighting, incorporating landscaping works.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	10 March 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	09 June 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Surfacing Standards, 1a Perth House, Corbygate Business Park, Corby, NN17 5JG		
<b><u>Applicant:</u></b>	Ros Stephen, Dorothy Stringer High School, Loder Road, Brighton, BN1 6PZ		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

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

## 3 RELEVANT HISTORY

**BH2013/03280:** Dorothy Stringer School, Loder Road. Installation of an artificial turf pitch with associated fencing and floodlighting, incorporating

alteration to internal access and landscaping works. Refused 16<sup>th</sup> December 2013 for the following reasons:

- The proposed development would result in the loss of two healthy and mature Elm trees which form part of the National Elm Collection and are covered by a tree preservation order. The trees make an important contribution to the visual amenity of the area. The loss of the trees would be materially harmful to the character and appearance of the area and to the objectives of the National Elm Collection. The proposal is therefore contrary to policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD06: Trees & Development Sites.
- Insufficient information has been submitted to demonstrate that the impact of the use of the pitch and the proposed floodlighting will not have a negative impact on the neighbouring amenity, by reason of light pollution and noise disturbance. The proposal is therefore contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.

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

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

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

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

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

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

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

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

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the construction of an artificial turf pitch. The pitch is proposed to mainly replace a central field. The proposed pitch (including the fencing) would be approximately 86m x 56m. The proposal includes perimeter fencing, 15m high floodlighting and a storage container.
- 4.2 The scheme includes 2m high acoustic fencing along the south elevation of the football pitch alongside the fencing for the pitch. 1.8m high acoustic fencing is also proposed on the playing field alongside the boundary with 29-129 Loder Road and 1-7 Poplar Close. The proposal includes the relocation of cricket nets to the south west corner of the playing fields.
- 4.3 The scheme requires the part removal of the clump of semi-mature trees located adjacent the swimming pool. Excavation works are required which

comprise the removal of earth and chalk. The removed chalk is to be used for new butterfly havens around the campus.

- 4.4 The pitch is mainly for football and will allow up to 9-a-side football as well as football training, coaching and other recreational usage for other sports, such as hockey.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: One hundred and twelve (112)** letters of representation have been received (**see appendix for list**) objecting to the application.

- 5.2 The grounds of objection are as follows:

- The scheme would result in a serious impact on residential amenity. The scheme would result in light pollution for miles around as well as an increase in noise disturbance from increased traffic and use of the artificial pitch. The use of the pitch late into the evenings and weekends will also result in a significant noise impact and loss of outlook on adjacent properties.
- The application will involve destroying healthy mature trees which provide potentially important native habitats for birds, insects, reptiles and bats. The trees contribute to the network of green corridors joining the city to the South Downs National Park and should be protected. The loss of the trees planted as part of a landscaping condition under BH2001/02115/FP is regrettable.
- The scheme will exacerbate parking and traffic problems in the area and could result in a danger to pedestrians and additional pollution through car fumes.
- The 1.8m acoustic fencing will have little effect in reducing noise and will result in difficulties for residents. The blocking in of the pitch will also change the appearance of the site and give it an industrial feel. The fencing will stop access to the playing fields.
- The pitch would reduce open space available for students at the school. The loss of the green space is resisted.
- The proposal would spoil the view over the playing fields. The money for this use should be spent elsewhere.
- The scheme is not significantly different to the previous refused scheme.
- The submitted application includes inaccuracies and anomalies.
- The use of an artificial pitch is inappropriate and has low ecological value.
- There are five 3G floodlit pitches which are available to hire within 5 miles of the school. With these pitches nearby, the proposed pitch is unjustifiable.
- The butterfly havens are a cheap way of dumping chalk. No details are given of the appearance of the butterfly havens. The use of the pitch will also affect wildlife, especially at night.
- The pitch will prevent water flow beneath and restrict gaseous exchange. The scheme could result in flooding of adjacent houses.
- The use will result in an increase in litter.
- The travel plan makes no comment about the possible increase in traffic to the school due to the increased use of the ATP.

- There is concern that the scheme could result in anti-social behaviour and crime.
  - This local amenity should not be used for commercial gain. The benefits to the local community are challenged given its potential impact on adjacent properties.
- 5.3 **One hundred and forty seven (147)** letters have been received (**see appendix for list**) supporting the proposal.
- 5.4 The scheme is supported on the following grounds:
- The current grounds are virtually unusable throughout the autumn and winter. The scheme offers wider curriculum opportunities for the school and the adjacent schools as well after school clubs. The benefits to the school are undeniable.
  - This will promote an active lifestyle for the school and all the community, including local clubs. The scheme would promote the benefits of an active lifestyle to the health and well-being of people in the city.
  - There is no other all weather pitch in the area and a shortage of similar facilities in the city.
  - The area will be screened and add to the butterfly havens across the city. The school intends that the local environment will be enhanced, including the planting of trees. The school intends to re-use the displaced chalk on site to create a rich network of surrogate habitats. The school has had great success with its Butterfly Haven and this scheme will fund further havens.
  - The facility will dovetail with government policy to promote physical exercise and sport as a way to develop good health and fight obesity.
  - The scheme is far enough away from the nearest housing to be acceptable.
- 5.5 **Balfour Primary School:** Support. The provision of the facility will create an invaluable asset to the schools locally and the wider community in providing supporting facilities and opportunities as well as providing a legacy for sport in the City as a whole.
- 5.6 **Stanford Junior School:** Support. The development will have significant benefits for Dorothy Stringer pupils and will also benefit many other students from partner schools.
- 5.7 **Hertford Junior School:** Support.
- 5.8 **Preston Park & Fiveways Local Action Team:** Object:
- The use of the pitch by Dorothy Stringer students will be limited.
  - There has been no open debate between members of the community and the school and sparse information was circulated.
  - There is no significant support for this scheme for this to be a community facility.
  - The protected Elms are still endangered as the development is within their protected root area.
  - The scheme results in a loss of privacy, light pollution, environmental damage, loss of trees and a reduction in biodiversity.

- The scheme also results in the likelihood of anti-social behaviour and the change of use of the playing fields to a commercial business use.

**5.9 Brighton & Hove's Wildlife Forum: Object:**

- The submitted Environmental Assessment contains inaccuracies and fails to identify wildlife and habitat corridors within the site.
- The Council is urged to seek advice as to whether the scheme would preserve the roof protection zone of the Elm trees to be retained on site.
- The floodlighting over long hours will be disruptive to local biodiversity.
- The school's desire to have an ATP at any cost regardless of local objections raises concern.
- The landscape scheme submitted is sketchy and lacking in detail.
- The scheme is contrary to local and national policies.

**5.10 East Sussex Fire & Rescue Service: No objection.**

**5.11 East Sussex County Ecologist: Comment:** The level of ecological surveys submitted is not sufficient to inform mitigation, compensation and enhancement. A further biodiversity report is required to assess the likely impacts of the scheme.

**5.12 Southern Gas Networks: No objection.** Records indicate that this location includes gas pipes owned by Southern Gas Networks. A copy of the plans and the gas safety booklet should be passed to the applicant for their information.

**5.13 Southern Water: No objection.** Subject to no development or new tree planting to be located within 3 metres either side of the centreline of the public sewer crossing the site and all existing infrastructure. Existing infrastructure should be protected during the course of construction works. The applicant needs to ensure that arrangements exist for long term maintenance of the Sustainable Urban Drainage Systems to be installed.

**5.15 Sport England: No objection.** Subject to no development commencing until a community use agreement has been submitted to and approved in writing by the Local Planning Authority.

**5.16 Sussex Police: No objection.** Due to the increase in legitimate access to the school's grounds, the risk opportunist theft could increase. The crime prevention adviser refers to the document Secured by Design Schools Documents 2010 for advice regarding siting, access, use and security.

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

**Internal:**

**5.18 Arboricultural Section: No objection.** The proposed artificial turf pitch involves the partial loss of a group of mixed tree planting. No objection is raised to this loss. Subject to a suitable Arboricultural Method Statement, the scheme would also preserve the protected Elm trees. Overall, the Arboricultural Section has no objection to the proposals in this application subject to a condition requiring the

submission of an Arboricultural Method Statement and landscaping scheme to submitted and approved by the Local Planning Authority in writing.

**5.19 Environmental Health: No objection.**

Noise: The applicant has submitted an Acoustic Report which examines the potential noise impact of the development. The report recommends that to avoid the likelihood of noise disturbance in line with British Standard 4142, mitigation of a 2m acoustic fence to the south side of the artificial pitch and a 1.8m close boarded fence along the southern eastern edge of the school premises is required.

Light: The applicant has submitted light surveys and has addressed the previous concerns raised by the Environmental Health Officer regarding glare from individual lamps of the floodlights. This has been achieved by reducing the number of lamps from 16 to 12. This reduces potential for glare. The proposed hours of use have also been reduced to 07:00 to 21:00 Monday to Friday and 09:00 to 18:00 Saturdays, Sundays and Bank Holidays.

Given the reduction in the number of floodlights, reduced size pitch and noise mitigation measures, the scheme has addressed the previous reasons for refusal and is deemed acceptable subject to conditions.

**5.20 Policy Section: No comment.**

**5.21 Sports Facilities / Sports Development: Support.** The scheme improves the opportunity for pupils to engage in sport and physical activity.

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

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment and transport movements in addition to details of temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in compliance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

**5.23** The development hereby permitted shall not be occupied until a School Travel Plan for the development has been submitted and approved by the Local Planning Authority. The School Travel Plan shall be approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted.

**5.24** To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £46,500 to help finance off-site highway improvement schemes.

## 6 MATERIAL CONSIDERATIONS

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

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features

QD26	Floodlighting
QD27	Protection of Amenity
HO19	New community facilities
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space

Supplementary Planning Guidance:

SPGBH4 Parking Standards  
Interim Guidance on Developer Contributions

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed development; impact on trees and nature conservation the visual impact; impact on neighbouring residential amenity, noise, floodlighting, transport implications and the benefit of the facilities both to the school and the community.
- 8.2 The scheme follows a scheme for an 11-a-side football pitch (ref: BH2013/03280) which was recently refused on two grounds: the loss of 2 protected mature elm trees and the potential impact of the scheme on the amenity of adjacent properties.

### **Principle of Development:**

- 8.3 Policy SR17 of the Local Plan states planning permission will be granted for smaller scale new sporting and recreation facilities provided that:
- it involves either the expansion of existing facilities or the provision of new facilities located close to the communities that they are intended to serve;
  - they have good pedestrian and cycle links and are well served by public transport; and
  - intensification of facilities would not have a harmful impact on the local environment either visually (including artificial lighting), through additional noise and disturbance or impact on the natural environment.
- 8.4 New facilities should be located close to the communities they are intended to serve in order to reduce the length of journeys needed to get to them and school sites are well suited to provide additional community recreation facilities. Educational sites should play an important role in the location and provision of new facilities through the development of community sports programmes.



- 8.5 Policy SR20 is concerned with protecting public and private outdoor recreation space and states permission will not be granted for development on areas of outdoor recreation space other than that which is incidental and appropriate to the respective recreation uses unless it can be demonstrated that the land is not an important open space under the terms set out in Policy QD20 and particular attention should be paid to the retention of playing fields.
- 8.6 In this instance the proposal would enhance sports and recreation facilities for the benefit of pupils of the school and the wider community. Unlike the existing playing fields, the proposed pitches could be used throughout the year. Such facilities encourage children to play sports and lead active lifestyles. Outside of school hours the proposed facilities would provide a useful resource for local sports clubs and groups and the location within a residential area is appropriate for serving the local community.
- 8.7 As well as providing all year round facilities for the Dorothy Stringer School, the new pitch would offer facilities for the other schools and college within the Varndean campus. The facility would allow sports to be undertaken when the indoor facilities are being used for exams. The applicant has stated that the pitch would also cater for the city wide School Games Organiser competitive programmes and provide for the training and development of city wide coaching, Duke of Edinburgh programmes and Sport Leaders courses.
- 8.8 Albion in the Community are in partnership with the Dorothy Stringer School and intend to work with the school to further foster these links with the aid of the new pitch. Albion in the Community would provide and develop programmes to engage and improve the quality of life of the local community through coaching sessions for children of all abilities. The Dorothy Stringer School is a specialist sports school and has existing changing facilities to accommodate the proposed pitch.
- 8.9 The Design & Access Statement indicates that the pitch would for the most be part used by the school and for community purposes. The pitch would be rented out in the evenings and weekends.
- 8.10 Sport England has raised no objection to the scheme subject to a community use agreement being in place. Brighton & Hove City Council Sports Facilities Team support the proposal as it improves the opportunity for pupils and residents to engage in sport and physical activity.
- 8.11 The proposal meets the requirements of policies SR17 and SR20 in that it provides new sporting facilities close to the community and has good pedestrian and cycle links. In accordance with policy SR17, this amended scheme has addressed the potential impact of the proposal on the amenity of adjacent residential properties and addressed the impact on the natural environment (as outlined below).

**Impact on trees:**

- 8.12 Policy QD16 of the Brighton & Hove Local Plan relates to the retention and protection of existing trees on site. Supplementary Planning Document 06:

Trees and Development Sites (SPD6) outlines guidance for developers on the retention of trees on development sites.

- 8.13 Should this application be granted consent, the scheme would mainly affect two distinct groups of trees and bushes. The first group relates to a clump of four groups of mixed species of semi-mature trees located adjacent to sports centre and swimming pool building. The trees have all been planted close together and none are likely to mature into fine specimens, having been grown as screening / clumps. These trees were planted as part of a landscaping scheme required under condition 6 of application BH2001/02112/FP. That scheme was for the construction of a new sports block, changing facility art block & 3 storey classroom block.
- 8.14 The Arboricultural Section does not object to the partial loss of this group. The loss of these trees is regrettable as they do have some amenity value. The trees partly shield the view of the swimming pool extension from the south and east of the site and also have some biodiversity value. However, the trees are semi mature and the proposal includes a landscaping plan which indicates over 30 replacement trees. These replacement trees would mainly be sited along the entrance and adjacent the proposed artificial pitch. Having regard to the age of the trees and the comments of the Arboriculturist, no objection is raised to the partial loss of this group of trees.
- 8.15 The second group of trees and bushes affected by this development are located adjacent the vehicular access to the site. These trees separate the Dorothy Stringer School from Balfour Junior School. These groups of trees include 2 mature Elms located in a visually prominent position at the end of the group of trees.
- 8.16 These trees are fine specimens. Not only are they covered by Tree Preservation Order, but they help to make up Brighton & Hove's National Elm Collection. Brighton & Hove has always had a high population of Elm trees and currently has over 17,000. These were originally planted in large numbers by the Victorians and Edwardians. This was because of the trees' tolerance to the thin chalk soil and salty winds. Elm Trees also house elm-dependent White-letter Hairstreak butterflies, a species which has been on the decline in areas that have suffered with Elm Disease.
- 8.17 The two Elm trees in question have been categorised as A1 in the Arboricultural Consultant's tree survey. This means they are of high quality with an estimated remaining life expectancy of at least 40 years and are particularly good examples of their species.
- 8.18 The previous scheme for an artificial pitch proposed the loss of the Elm trees. The loss of trees was required to accommodate the proposed football pitch. Given the importance of the Elm trees, their loss was resisted and the previous scheme was refused on these grounds. To overcome this concern, the current scheme has reduced the size of the proposed football pitch so that it would not significantly affect the Elm trees. The pitch has been reduced in size from 107m x 76.5m to 86m x 56m. . This reduces the use of the pitch from a 11-a-

side pitch to a 9-a-side pitch. The pitch would now be outside the crown span of the trees and located more than 10m from the trunks of the trees.

- 8.19 The Council's Arboriculturist has commented that the proposed pitch is now a sufficient distance from the proposed development to allow them to be protected during the course of the development, thus ensuring their retention post-development.
- 8.20 Having regard to the retention of the Elm trees, the proposal is considered appropriate in respect of its impact on existing trees on site. This is subject to the submission of a detailed Arboricultural Method Statement to be submitted and approved by the Local Planning Authority prior to commencement of works. The statement will outline all proposed tree protection measures during the course of the development. A further condition is recommended requiring a detailed landscape scheme to be submitted and approved by the Local Planning Authority. Subject to these conditions, the scheme is considered to be in accordance with policy QD16 and SPD6.

**Design:**

- 8.21 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.
- 8.22 The installed appearance of the artificial pitch would be a green coloured grass playing surface with white and blue coloured line markings. The appearance of the pitch would be dominated by the proposed fencing and floodlights. Perimeter fencing is required around all sides of the pitch to provide a ball-stop. The fencing would be open steel mesh fencing and is 4.5m around the whole of the pitch. The scheme includes floodlighting around the pitch to facilitate its use during evenings and throughout the winter months. Eight floodlighting columns are proposed to a height of 15m. Four floodlights are proposed to the north and south sides of the pitch. The scheme includes a viewing area within the fencing to the north. This area includes a storage container for sports equipment.
- 8.23 The proposed pitch would replace part of Dorothy Stringer's School's natural grassed field. The area of development runs from the lower level to the west to a higher level to the east and is in front of existing school buildings, including a swimming pool. The area is mostly grass and includes a practice area for cricket wickets. This area is to be relocated within the school grounds. To facilitate the development, the scheme includes extensive ground works to level the site. This would mainly involve the removal of soil and chalk from the east side of the site and its reuse for new butterfly havens within the Varndean Campus. The scheme includes natural grass banking around the perimeter of the pitch to slope back to the existing ground levels.
- 8.24 The pitch itself is large measuring 86m in length and 56m in width. It would form a dominant structure in the campus and would be highly visible in the area. There are other outdoor sports pitches within the wider Varndean campus. The existing pitches are significantly smaller than this proposed pitch. Whilst substantial in size, given the setting of the school and the overall campus, the

scheme is not considered to significantly detract from the visual amenity on the campus or of the area.

- 8.25 The pitch would be set against the backdrop of the school and would be a significant distance from the nearest residential properties. The nearest residential properties on Loder Road lie to the south of the site and would be over 100m from the proposed pitch. As such the perimeter fencing for the proposed pitch is not considered unduly harmful to neighbours' outlook and would not have an overbearing impact.
- 8.26 The proposed acoustic fencing would be along the south facing perimeter fencing of the football pitch. This fencing would be 2m high. Additional acoustic fencing is proposed adjacent the boundary of the playing field in the south west corner of the campus to a height of 1.8m. This fencing would not significantly detract from the appearance of the campus.
- 8.27 The school playing fields are used for sport, and in this context, together with the variety of building forms within the school campus, it is not considered the appearance of the artificial pitch and lighting columns would be incongruous or detrimental to visual amenity. Given the site context within the school playing fields and Varndean campus, the proposal would not stand out as an inappropriate addition and is appropriate in terms of its design.

**Impact on Amenity:**

- 8.28 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.29 Policy SU10 states that proposals for new development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment.
- 8.30 The proposed development could affect residential amenity in two ways: noise and disturbance from people arriving and leaving and taking part in sport, and the light being emitted from the proposed floodlights. The assessment of the amenity impact is focussed on the use of the proposed pitches outside of school hours – in the evenings and at weekends – because during the school day the pitches would be used by pupils of the school as the existing playing fields are used. It is though also acknowledged that the facilities would result in an intensification of the use during the school day.
- 8.31 It is anticipated that sports use of the proposed artificial pitches would produce noise from spectators and participants shouting and perhaps the sound of a referee's whistle. Noise created from the use of the proposed pitch will undoubtedly increase to the overall levels of noise that neighbours already experience.
- 8.32 Concern was raised in the previous scheme that the potential noise impact of the proposed football pitch had not been fully addressed. To address this

concern, the current scheme includes a full acoustic assessment of the potential noise impact of the proposed use. In order to establish current noise levels on site, measurements have been undertaken at the edge of a similar facility at Hayesbrook School in Tonbridge, Kent. Noise monitoring has also been undertaken at Dorothy Stringer School and at the nearest affected residential properties on Loder Road and at Varndean Cottages.

- 8.33 The report concludes that the proposal would not have a significant noise impact on the Varndean Cottages houses to the north. However, it will be necessary to erect a 2m acoustic screen to the southern side of the fencing of the football pitch and 1.8m acoustic screen along the southern and south eastern boundary of the school premises in order to significantly reduce the level of noise attributable to the proposed football pitch. The Environmental Health Officer agrees with these findings and has no objection to the proposal subject to the installation of the proposed acoustic fencing as indicated on the plans.
- 8.34 The comments of the Environmental Health Officer take into account the hours of use of the proposed pitch which are Monday to Friday 7am – 9pm and Saturday, Sundays and Bank Holidays 9am-6pm. This is reduction in the proposed hours of use when compared to the previous scheme for the larger pitch.
- 8.35 At a height of 1.8m, the acoustic fencing adjacent the residential properties would not detrimentally affect the amenity of the adjacent properties in respect of loss of light or outlook. The fencing would not restrict access to the playing fields for residents on Loder Road, it would alter the route of access. This is considered to be acceptable.
- 8.36 Policy QD26 of the Local Plan applies to proposals for floodlighting and states proposals for floodlighting are required to keep to the minimum necessary level of light intensity and to an appropriate number, height, design and size of structures and fittings necessary to minimise light pollution and harm to amenity. Floodlighting which creates significant illumination beyond those areas requiring illumination or will result in detriment to amenity or to sensitive areas and their settings will not be permitted.
- 8.37 The previous scheme was partly refused on the grounds that the application had not fully addressed concerns raised regarding the proposed floodlighting and its potential impact on adjacent properties. The previous scheme included information which for the most part met the standards from the Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light.' But had some omissions. This is the nationally recognised guidance document for lighting performance.
- 8.38 The current scheme again includes appropriate lighting reports and the issue regarding potential glare has been addressed in two ways. Firstly, whereas the previously application required 16 lamps inside their luminaire, the current scheme for a smaller pitch only requires 12 lamps inside their own luminaires. The Environmental Health officer has commented that that fewer lamps means

less potential for glare. Secondly, the reduction in the original operation hours is also a consideration.

- 8.39 Taking into account the amendments to the scheme and the submitted details, the lighting levels and potential glare is considered to be acceptable and would not detrimentally affect the amenity of any adjacent residential properties.
- 8.40 Having regard to the amended details and reports submitted and subject to conditions, the scheme is deemed appropriate in respect of its impact on the amenity of adjacent residential properties.

**Sustainable Transport:**

- 8.41 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.
- 8.42 The applicant is proposing to retain the existing pedestrian routes within the site. Pedestrian access to the site can be achieved from Loder Road from the south, Stringer Way to the north east and Draxmont Way to the north west. The majority of pedestrian routes within the site are segregated from other road users and are deemed acceptable.
- 8.43 The applicant states that there are currently 35 cycle parking spaces on site. These are located close to the car parking areas and near the proposed sport pitch and are therefore deemed acceptable to cater for any additional demand occurring outside of school hours.
- 8.44 The maximum car parking standard for a D2 (sport pitch) land use is 1 car space per 2 players at the busiest period plus 1 car space per 5 spectator positions. The applicant intends to retain the existing car parking provision of 89 car parking spaces including 4 disabled parking spaces. Given that these are existing car parking spaces the Highway Authority would not object to the proposed car parking provision. Given the level of car parking available and the demand generated by this development it is unlikely to result in overspill car parking on the adjacent highway.
- 8.45 The applicant hasn't submitted a Transport Statement in support of this application that details a forecast of the likely trip generation associated with this proposal or any modal split data as to how people will travel to the site. The trips associated with the operation of the ATP during school times are already taken account of as they are associated with the operation of the school. The use outside of school times associated with other schools and community use may increase the trips above existing levels as there could be more people partaking in activities at any one time than is currently the case. This is because of the improvement in the quality of the facilities could encourage people to relocate from other sites within the city to this one and because the flood lights enable continuous use of the site throughout the year. Even taking account of the fact that the school currently hires out their sports hall and pitches and the potential for divert trips from other facilities there is considered to be an increase in trips as a result of this development.

- 8.46 Given the scale of the development it is forecast that there could be an increase in total person trips associated with this development. The Highway Authority would therefore look for this to be mitigated by the applicant funding off-site highway works. To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 2nd February 2012, the Transport Team has recommended a financial contribution of £46,500.
- 8.47 As this scheme is for a community use and does not increase the number of children on site or result in overspill of parking onto the surrounding streets, it would be unreasonable for the Local Planning Authority to request this contribution for this scheme.
- 8.48 The applicant has submitted a Travel Plan dated October 2012. As a result of this application the applicant must produce an updated Travel Plan which takes account of the Council's latest School Travel Plan guidance and the fact that there could be increased use of the facility in the evening. The School Travel Plan must promote sustainable forms of travel to community users. Measures that should be included are the provision of public transport information at the point of booking and relevant transport information on any promotional material or website. If recommended for approval, an updated Travel Plan could be required by condition.
- 8.49 Subject to the submission of Travel Plan, the scheme is deemed appropriate in terms of its demand for travel and highway considerations.

**Sustainability and Biodiversity / Ecology:**

- 8.50 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.
- 8.51 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill.
- 8.52 Policy QD18 of the Brighton & Hove Local Plan relates to the protection of protected species and states that measures will be required to avoid any harmful impact of a proposed development on such species and their habitats.
- 8.53 The change in levels from the excavation work gives the school the opportunity to take advantage of the underlying chalk material. This material attracts and offers support to a diverse flora and many rare species such as butterflies. The school has an existing butterfly haven located to the north of the school. The butterfly haven at the Dorothy Stringer School has launched the 'Big Butterfly Count' in previous years and is recognised as a great success. The school are understandably proud of their biodiversity achievements and are an established Local Wildlife Site. The school intends to reuse the excavated chalk to create a

3 new butterfly havens within the campus. These new butterfly havens will add to the biodiversity of the area.

- 8.54 The scheme includes the removal of a number of trees within the site to accommodate the proposed pitch. The area of trees to be removed is not included in the Dorothy Stringer Wildlife Area. To compensate for the removal of the trees, the applicant is proposing extensive landscaping.
- 8.55 The previous biodiversity achievements and intentions of the school are recognised. However, the loss of the existing areas of woodland needs to be fully considered in respect of their potential ecological benefits. The East Sussex County Ecologist has commented that the level of ecological surveys is not sufficient to inform appropriate mitigation, compensation and enhancement.
- 8.56 Consequently, a condition is recommended requiring the submission of further ecological surveys to ascertain the use of the site by protected species and to inform appropriate mitigation has been submitted prior to commencement of development for the approval of the Local Planning Authority. Subject to this condition, the scheme is deemed appropriate in respect of its impact on nature conservation.

## 9 CONCLUSION

- 9.1 The proposed pitch would provide enhanced sporting facilities for the school and would improve the opportunity for pupils and residents to engage in sport and physical activity. The proposal is also considered appropriate in respect of its design and impact on trees and would not significantly affect the amenity of any adjacent residential properties.

## 10 EQUALITIES

- 10.1 The proposal would allow suitable access for people with disabilities.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Existing Site Location	01		3 <sup>rd</sup> March 2014
Block Plan of Site	02		3 <sup>rd</sup> March 2014
Proposed Location Plan	03	01	21 <sup>st</sup> March 2014
Proposed ATP Plan	04	01	21 <sup>st</sup> March 2014



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Isometric View	05		3 <sup>rd</sup> March 2014
Elevations	06		3 <sup>rd</sup> March 2014
Floodlighting Scheme	07		3 <sup>rd</sup> March 2014
Landscaping Plan	08	01	21 <sup>st</sup> March 2014
ATP Storage Container	09		3 <sup>rd</sup> March 2014
Section A-AA and B-BB	10		3 <sup>rd</sup> March 2014
Section C-CC and D-DD	11		3 <sup>rd</sup> March 2014
Topographical Survey	T1		3 <sup>rd</sup> March 2014

- 3) The 2m acoustic screen shall be installed to the south side of the artificial turf pitch and the 1.8m closed boarded fence at the southern and south-eastern edge of the school premises shall be installed as shown on the Proposed Location Plan (drawing no.03) prior to the use of the artificial pitch. The acoustic fencing shall be retained as such thereafter.  
**Reason:** To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) All Floodlight Masts, Lamps and Luminaires shall be installed, operated and maintained in strict accordance with the specification and details contained in the report from Surfacing Standards Ltd, Project Code SSL1519, dated 3<sup>rd</sup> March 2014.  
**Reason:** To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 5) The artificial turf pitch hereby permitted shall not be used except between the hours of 07.00 to 21.00 on Monday to Friday and between the hours of 09.00 to 18.00 on Saturdays, Sundays and Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 6) No development shall commence on site until a detailed scheme which provides for the retention and protection of adjacent trees to be retained has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.  
**Reason:** To protect the trees in the vicinity of the site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 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 and planting of the development.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 8) No development shall commence until an ecological survey has been submitted to and approved by the Local Planning Authority. The survey shall ascertain the use of the site by protected species and outline appropriate mitigation measures. The scheme shall be implemented in accordance with the agreed details.  
**Reason:** To ensure appropriate nature conservation measures and in accordance with policy QD18 of the Brighton & Hove Local Plan.
- 9) Prior to the use of the artificial pitch a detailed scheme outlining the community use of the proposed pitch shall be submitted to and approved

by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

**Reason:** To ensure access to the facilities is secured for the benefit of the wider community and in order to comply with policy SR17 of the Brighton & Hove Local Plan.

- 10) Notwithstanding the submitted plan, prior to the use of the artificial pitch a Travel Plan shall be submitted to and agreed in writing by the Local Authority. The scheme shall be carried out in accordance with the details contained therein and the applicant shall engage with the Council Travel Plan Coordinator to ensure regular monitoring of the Travel Plan takes place for the lifetime of the development.

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

- 11) 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.

#### 11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed pitch would provide enhanced sporting facilities for the school and would improve the opportunity for pupils and residents to engage in sport and physical activity. The proposal is also considered appropriate in respect of its design and impact on trees and would not significantly affect the amenity of any adjacent residential properties.

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3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. The crime prevention adviser refers the applicant to the document Secured by Design Schools Documents 2010 for advice regarding siting, access, use and security.
5. Given the proximity of the development to gas pipes, the applicant is advised to contact Southern Gas Networks prior to the commencement of works.
6. Given the proximity of public foul sewer and water distribution mains within this site the applicant is advised to contact Southern Water prior to the commencement of works. No development or new tree planting to be located within 3 metres either side of the centreline of the public sewer crossing the site and all existing infrastructure. Existing infrastructure should be protected during the course of construction works. The applicant needs to ensure that arrangements exist for long term maintenance of the Sustainable Urban Drainage Systems to be installed.
7. 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 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.
  - (v) Identify a monitoring framework, which shall include a commitment to undertake an annual staff and pupil travel survey, for at least five years, or until such time as the identified targets are met, to enable the Travel Plan to be reviewed and updated as appropriate. Annual surveys should be submitted to the Council's School Travel Plan Officers:
  - (vi) A commitment to reduce carbon emissions associated with school travel:
  - (vii) Identify targets focussed on reductions in the level of staff and parent car use:
8. Detailed guidance can be obtained on the Council's website <http://www.brighton-hove.gov.uk/content/parking-and-travel/travel-transport-and-road-safety/school-travel-plans#STP%20guidance>.

**Dorothy Stringer High School, Loder Road**

**Ref: BH2014/00697**

**Appendix: List of addresses of objections and support**

<b>Objections</b>		
<b>Number/Name</b>	<b>Road</b>	<b>City/Town</b>
57	Ashford Road	Brighton
108, 128, 158, 166(x2), 174,182, 184(x3)	Balfour Road	Brighton
6	Beacon Close	Brighton
11(x3)	Belle Vue Cottages	Brighton
77	Chester Terrace	Brighton
19	Compton Avenue	Brighton
31	Cuthbert Road	Brighton
8	Draxmont Way	Brighton
Crank Barn	Ditchling Common	Ditchling
49	Ditchling Crescent	Brighton
369	Ditchling Road	Brighton
111	Ewart Street	Brighton
26	Exeter Street	Brighton
19, 35	Friar Crescent	Brighton
3, 16, 30, 32, 34, 37, 44, 55, 32, 34, 37, 44, 55	Friar Road	Brighton
25	Green Ridge	Brighton
5(x2), 17, 23(x2), 27(x2), 28, 33, 34, 35, 43, 43B, 50, 59(x2), 65, 73, 91, 99(x2), 105(x2), 109(x5), 111, 119, 121, 127, 149, 151, 153	Loder Road	Brighton
61(x2), 69a, 81, 91, 149, 201	Osborne road	Brighton
37	Park Crescent Road	Brighton
14	Redvers Road	Brighton
63	Rugby Road	Brighton
Flat 27	Shanklin Court	Brighton
21	Surrenden Holt	Brighton
54, 115, 137, 147	Surrenden Road	Brighton
113	Waldegrave Road	Brighton
4, 24(x2), 33(x2), 36(x2)	Whittingehame Gardens	Brighton
104	Woodbourne Avenue	Brighton
4(x2), 6, 7, 9(x4), 17	Varndean Holt	Brighton
1, 2	Vardean Cottages, Stringer Way	Brighton

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<b>Support</b>		
<b>Name/Number</b>	<b>Street</b>	<b>City/Town</b>
36	Argyle Road	Brighton
40	Ashford Road	Brighton
12 (x2), 146	Balfour Road	Brighton
27	Barnett Road	Brighton
6	Barnfield Gardens	Brighton
88, 99	Bonchurch Road	Brighton
42	Bates Road	Brighton
32, 33D, 46, 48 (x2), 79	Beaconsfield Villas	Brighton
59	Braeside Avenue	Brighton
27	Bristol Gate	Brighton
59	Carlyle Street	Brighton
76	Cedar Drive	Southwater, Horsham
3	Chailey Avenue	Rottingdean
29C	Chichester Place	Brighton
17	Clermont Road	Brighton
4, 14, 15, 24	Clermont Terrace	Brighton
9, 17	Clyde Road	Brighton
16	Cobden Road	Brighton
35	Coldean Lane	Brighton
6 (x2), 66	Compton Road	Brighton
28	Cornwall Gardens	Brighton
49	Cuckmere Way	Brighton
1, 3	D'Aubigny Road	Brighton
27	Westcombe, Dyke Road	Brighton
86A, 139 (x2), 177, 184, 419	Ditchling Road	Brighton
19	Dover Road	Brighton
20	Down Terrace	Brighton
148C	Dyke Road	Brighton
Flat 31	Sussex Court, Eaton Road	Hove
2	Eastwoods, Ditchling Road	Brighton
19 (x2)	Edburton Avenue	Brighton
134	Elm Grove	Brighton
6	Fircroft Close	Brighton
7 (x2)	Florence Road	Brighton
6	Frederick Street	Brighton
97	Freshfield Road	Brighton
16, 157	Freshfield Street	Brighton
32	Greenfield Crescent	Brighton
46	Hamilton Road	Brighton
42	Hampden Road	Brighton
34 (x2), 36	Harrington Road	Brighton
4, 53, 77, 129	Hartington road	Brighton
92, 146, 180 (x2)	Havelock Road	Brighton

PLANNING COMMITTEE LIST- 14 MAY 2014

49	Heather Close	Bournemouth
54	Hendon Street	Brighton
23	Herbert Road	Brighton
77	Hevers Avenue	Horley, Surrey
1	Highfield Crescent	Brighton
62	Hollingbury Park Avenue	Brighton
88	Hollingbury Road	Brighton
96, 118, 147	Hollingdean Terrace	Brighton
18	Howard Road	Brighton
62	Islingword Street	Brighton
26	Jevington Drive	Brighton
19	Kingsley Road	Brighton
19	Larkfield Way	Brighton
37 (x2), 38	Loder Road	Brighton
Timbers	London Road	Brighton
54 (x2)	Lowther Road	Brighton
8	Lucerne Road	Brighton
17	Mackie Avenue	Brighton
83 (x2)	Maldon Road	Brighton
36, 131	Maresfield Road	Brighton
4 (x2)	Matlock Road	Brighton
29	Mayo Ct, Mayo Road	Brighton
Flat 3, 16	Montpelier Terrace	Brighton
15	Mornington Mansions	Hove
49 (x2)	Old London Road	Brighton
7 (x2), 28, 148, 181, 195	Osborne Road	Brighton
16 (x3)	Overhill Gardens	Brighton
3	Parachial Terrace	Brighton
9	Parkmore Terrace	Brighton
9 (x2)	Pelham Square	Brighton
7	Poplar Close	Brighton
19	Port Hall Street	Brighton
149	Preston Drove	Brighton
11	Prince Regent's Close	Brighton
43 (x2)	Princes Road	Brighton
236	Queens Park Road	Brighton
24 (x2)	Queens Park Rise	Brighton
42	Reigate Road	Brighton
11	Rotherfield Close	Brighton
74, 67	Roundhill Crescent	Brighton
2, 15 (x2), 47, 66	Rugby Road	Brighton
49, 95 (x2)	Springfield Road	Brighton
37	Sackville Road	Hove
Homeleigh	South Road	Brighton
28, 68	Southdown Avenue	Brighton
94	Southover Road	Brighton
111	Stammer Park Road	Brighton

PLANNING COMMITTEE LIST- 14 MAY 2014

Flat 14, 20	Stanford Avenue	Brighton
41	Stanford Road	Brighton
17, 46, 99	Surrenden Road	Brighton
28B	Sutherland Road	Brighton
111	Tarring Road	Worthing
7A	Varndean Road	Brighton
15	Vere Road	Brighton
32, 44, 74A, 75, 111	Waldegrave Road	Brighton
9	Walmer Crescent	Brighton
16	Walpole Terrace	Brighton
41	Withdean Crescent	Brighton





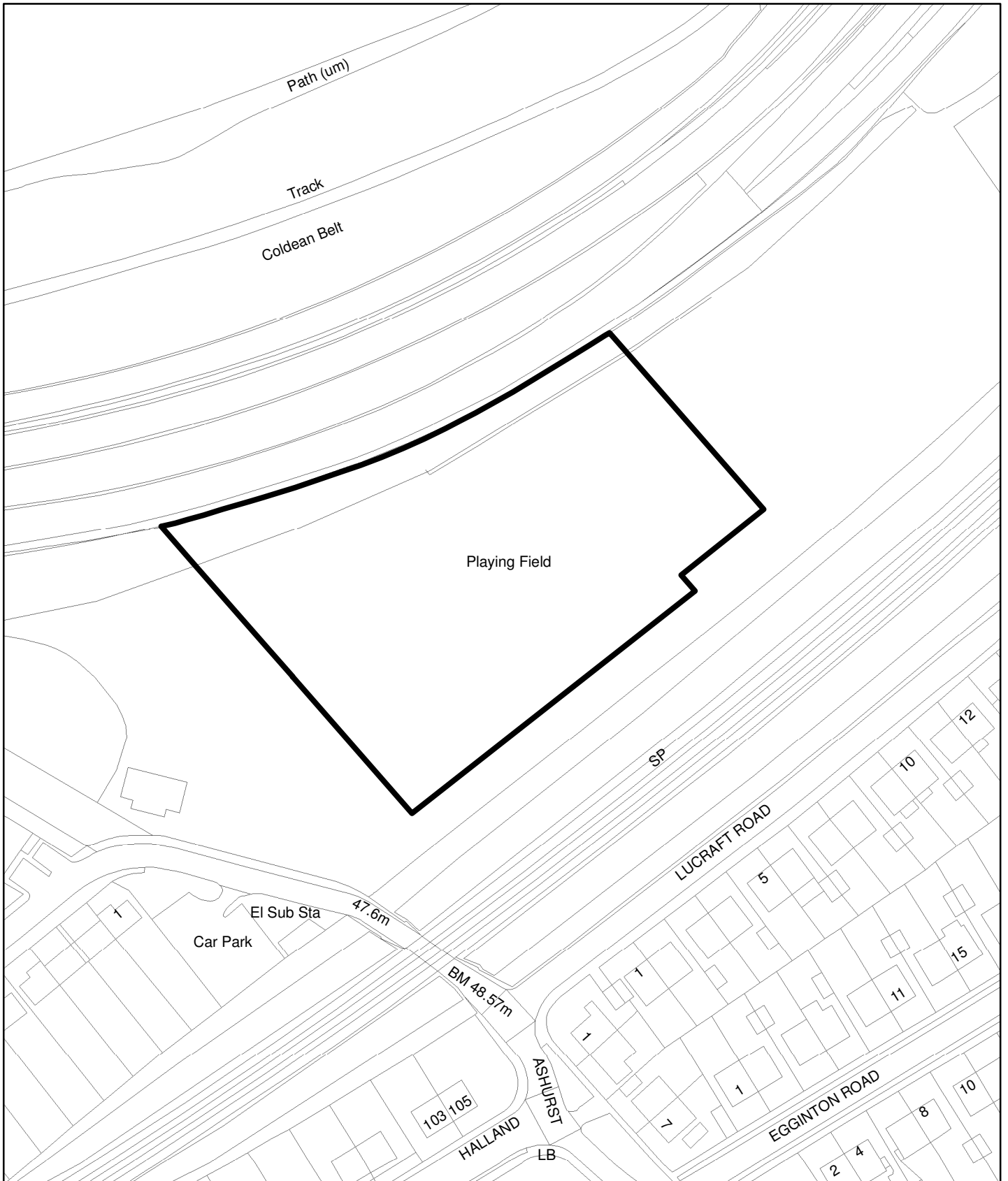
# **ITEM B**

**Woollards Field, Lewes Road, Brighton**

**BH2014/00310**  
**Full planning**

**14 MAY 2014**

# BH2014/00310 Woollards Field, Lewes Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>INo:</u></b>	<b>BH2014/00310</b>	<b><u>Ward:</u></b>	<b>MOULSECOOMB &amp; BEVENDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Woollards Field Lewes Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Construction of a 2no storey Ambulance Make Ready Centre (MRC) building incorporating the provision of 82 car parking spaces, 5no disabled car parking spaces (total of 87 spaces) and 34 ambulance bays including access works, landscaping and other associated works.</b>		
<b><u>Officer:</u></b>	<b>Sue Dubberley Tel 293817</b>	<b><u>Valid Date:</u></b>	<b>14 February 2014</b>
<b><u>Con Area:</u></b>	<b>Adjoining Stanmer</b>	<b><u>Expiry Date:</u></b>	<b>16 May 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>DMH Stallard, Gainsborough House, Pegler Way, Crawley RH11 7FZ</b>		
<b><u>Applicant:</u></b>	<b>South East Coast Ambulance Service NHS Foundation Trust, John Flower, The Horseshoe, Banstead SM7 2AS</b>		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 Woollards Field is located south-west of the Southern Water offices on the A270 at Falmer. It is a rectangular grassed field between the A270 and railway line. It was last used as overflow playing fields for schools and was declared surplus to requirements in 1990.
- 2.2 The site is relatively flat and contains a number of mature trees within it, some of which are covered by a Tree Preservation Order, notably a line of mature hornbeams adjacent to the railway embankment.
- 2.3 The site is within the defined built up area and is allocated for hi-tech and office uses under policy EM2 of the Local Plan.
- 2.4 The application site itself is located on the western end of Woollards Field, the eastern end of the site having been granted consent for a new archive centre in 2011 known as 'The Keep'. The archive centre has been completed and opened to the public earlier this year.

### 3 RELEVANT HISTORY

**BH2012/02946:** Construction of new 2no storey Ambulance Make Ready Centre (MRC) building incorporating the provision of 105 car parking spaces and 4no disabled car parking spaces (total of 109 spaces), 41 ambulance bays and 20 cycle spaces with associated access and landscaping works. Withdrawn 23/04/2014.

**BH2010/03259:** Construction of a 1-3 storey archive centre comprising lecture and educational facilities, reading room, conservation laboratories, archivist study areas, offices, cleaning and repair facilities for archives, repository block and refreshment area. Associated energy centre, car, coach and cycle parking, waste and recycling storage, landscaping including public open space and access. Approved 14/01/2011.

**BH2005/01879/FP:** Variation of time related planning condition no.2 to outline consent 1291/CC to extend the period for submission of reserved matters. Finally disposed of 10/08/2011.

**BH2005/01934/FP:** Variation of planning condition 1 attached to BH2004/00400 to extend periods for commencement of reserved matters consent for B1 business use. Finally disposed of 10/08/2011.

**BH2004/03066:** Outline application for class B1 business development of up to 10,000sqm of floorspace with 312 car parking spaces. Finally disposed of 10/08/2011.

**97/0003/RM:** Submission of Reserved Matters (including siting, design and external appearance). Approved 14/7/97.

**1291/CC:** Outline application for 5,000sqm business development with 167 car spaces and a landscaped environmental strip/informal play area. Approved 28/4/93

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of a 2no storey Ambulance Make Ready Centre (MRC) building incorporating the provision of 82 car parking spaces, 5no disabled car parking spaces (total of 87 spaces) and 34 ambulance bays including access works, landscaping and other associated works.
- 4.2 The proposed building would be a simple rectangular shaped building with a pitched roof, providing two main functions, a two storey office and administration block and a double height space housing a garage style building accommodating the make ready function. The building would be clad mainly in zinc, with some tile cladding at ground floor, broken up with glazed areas, in particular by a large area of glazing to the north east elevation. The ground floor garage entrances would have translucent roller shutter doors.
- 4.3 The function of an MRC is to provide a base to which ambulance crews report at the start and end of their shift and where their vehicles are cleaned, replenished and maintained. The site would be operational 24 hours a day, 7 days a week and include the storage of medical and other supplies, an area for staff and crew refreshment, cleaning and minor maintenance of vehicles and administrative support, to include training and educational facilities. There would be a total of 246 operations staff based at the MRC including 234 ambulance staff and 12 patient transfer staff (PTS). There would also be a further 48 on-site staff

including 16 make ready operatives, 5 mechanics, 18 administration and 9 other support staff.

- 4.4 The MRCs are designed and located to support a cluster of smaller Ambulance Community Response Posts (ACRPs) to which vehicles would go to and respond to call outs from these posts. It is important to note that the function of the MRC is provide support services to ACRPs and it is not designed to provide a base from which to provide an emergency response. The applicants have stated that they do not propose to deploy ambulances from the MRC on emergency calls with the use of blue lights or sirens. Although, in the event that there was a life threatening emergency in the vicinity of the site then an exception would be made.
- 4.5 The applicant has stated that the development is essential to replace the current inadequate depot facility at Brighton General Hospital. The MRC would serve the Brighton Seven Dials, Brighton General Hospital, Brighton Hollingbury, Peacehaven, Lewes, Shoreham, Hove, Burgess Hill and Haywards Heath, Ambulance Community Response Posts (ACRPs) and the location would facilitate reduced response times due to the proximity to the A23 and A27 Trunk Roads. The South East Coast Ambulance NHS Foundation Trust have been looking for a site for some time to serve these ACRPs and the Woollards Field site has been chosen partly because of the good access to the A27 and A23 which the Trust state has been a key factor in deciding to submit an application on this site.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: One (1)** letter of representation has been received from **11 Ringmer Drive** objecting to the application.
- 5.2 **East Sussex County Ecologist: Support:** Provided that the 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.
- 5.3 **County Council (Highways): No objection.** Do not consider that there would be any adverse impact on the existing highway network that is the responsibility of the County Council.
- 5.4 **East Sussex Fire and Rescue Service: Comment.** Plans do not indicate the water supply and provision of hydrants.
- 5.5 **Environment Agency: No objection.** The site lies within a sensitive area with regard to groundwater and is also a Source Protection Zone 1. Planning permission should only be granted subject to conditions relating to site investigation, piling and drainage. Without these, the proposed development would pose an unacceptable risk to the environment.

- 5.6 **Highways Agency:** No objection.
- 5.7 **Network Rail:** Comment: The height of the embankment which runs adjacent to the operational railway is approximately 7-8m, as a result method statements for excavation works which are required to install the services or to lower the ground level alongside the toe of the embankment must be submitted for Network Rail acceptance. Lists of trees that are permitted and those that are not permitted are provided.
- 5.8 **South Downs National Park Authority:** No objection. The site is within close proximity to the South Downs National Park to the north and has the potential to impact upon the setting of the National Park. Accordingly, recommend that, if minded to grant consent, appropriate controls are placed on external lighting and landscaping to ensure that any potential detrimental impacts are appropriately mitigated.
- 5.9 **Southern Gas Networks:** Comment: A plan showing pipes owned by SGN is included for information. You will note the presence of a gas main in proximity to the site and advice regarding safe excavation is given in order to prevent damage to SGN plant.
- 5.10 **Southern Water:** No objection. Conditions are recommended to protect drainage and water supply apparatus. The proposal development would increase flows to the public sewerage system, and existing properties and land may be subject to greater risk of flooding as a result. Additional off-site sewers, or improvements to existing, will be required and an informative is recommended to ensure the applicant enters into a formal agreement with us to provide the necessary sewerage infrastructure required to service this development. There are no public surface sewers in the area to serve the development. Alternative means of draining surface from the development are required.
- 5.11 **Sussex Police (Community Safety):** Comment: Pleased to note that aspects of crime prevention have been incorporated into the Design and Access Statement. Development is to have a 1.8m high security fence with pedestrian gates which should be controlled and have remote access to allow visitor entry. Recommend lighting throughout the car park and CCTV.
- 5.12 **UK Power Networks:** No objection.
- Internal:**
- 5.13 **Arboriculturist:** No objection. The Arboricultural Section has no objection to this application subject to conditions being attached to any consent granted in order to ensure the retention of trees already present.
- 5.14 **Economic Development:** Support : The Senior Economic Development Officer supports the application and through a S106 agreement requests the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase in accordance with the Developer Contributions Interim Guidance.

5.15 **Environmental Health:** Support.

5.16 **Planning Policy:** Support: The proposed use (sui generis use class) would be a departure from the adopted Brighton & Hove Local Plan policy EM2. However there are a number of material considerations which can be taken into account:

1. The Submission City Plan Part 1 allocates Woollards Field South for B1 office space or alternative employment generating development that helps meet the city's infrastructure needs. The proposed use would therefore accord with DA3.C.2.
2. The need for the MRC facility and lack of alternative sites in the city. The need to deliver and protect a sub-regional integrated network of health facilities (including ambulance facilities) is recognised by the Submission City Plan Part 1 Policy CP18 Healthy City and the Infrastructure Delivery Plan (Annexe 1 to the City Plan).
3. The level of employment to be retained/ generated would also be a material consideration to justify a departure to the EM2 policy.

5.17 **Public Art:** To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement. It is suggested that the public art element for this application is to the value of £4,500.

5.18 **Sustainability:** Support: Approval is recommended with use of the following conditions requiring BREEAM 'very good' and further details of the renewable technologies specified for and installed in the scheme (pre commencement and post construction).

5.19 **Sustainable Transport:** Support: Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and a S106 contribution towards sustainable transport improvements in the vicinity of the site, in particular footway improvements.

## 6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows



## PLANNING COMMITTEE LIST- 14 MAY 2014

QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning Obligations
EM2	Sites identified for high-tech and office uses
EM3	Retaining the best sites for industry
NC3	Local Nature reserves
NC5	Urban fringe
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens
HE12	Scheduled ancient monuments and other important archaeological sites

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation & Development

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

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road
CP18	Healthy City

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to:
- The principle of the development on an allocated employment site
  - The impact to the character and appearance of the locality, including designated heritage and landscape assets
  - The design and appearance of the development including sustainability
  - Ecology
  - The demand for travel created by the development
  - The impact on flood risk and drainage
  - The impact on amenity including light and noise
  - Land contamination

### **The principle of development:**

- 8.2 The site is located within the built up area where development is acceptable in principle. The site is an allocated employment site for high tech and office uses under policy EM2 of the Local Plan. The Make Ready Ambulance Centre falls

within a “sui generis” use class due to the mix of operations that would be carried out from the facility and these include offices and the area administration and support functions for SECAmb (B1 use), vehicle maintenance and minor repair (B2), storage of medical supplies and equipment (B8), vehicle cleaning and car parking (sui generis) are industrial and business or ancillary uses. The development therefore represents a departure from the Local Plan.

- 8.3 An application to develop part of the site for an archive centre (The Keep) was approved in January 2011 as a departure from policy EM2 as the scheme identified the potential for the remainder of the site to accommodate up to 5640m<sup>2</sup> of B1 office space. This application is for the development of the remainder of the site allocated for B1 office space and is again considered as a departure from the local plan policy. However it is considered that the benefits of the development have to be balanced against the ‘loss’ of part of an allocated employment site and in the case of the Make Ready Centre it is considered that there are exceptional circumstances to allow a departure from policy.
- 8.4 The Economic Development team and Planning Policy both support the application and recognise and acknowledge the importance of the development to both the local and wider community and the need for such a facility with limited sites available to meet the requirements of the South East Coast Ambulance Service, both in size and location. Although the Economic Development team point out, that if a B1a office development were to be developed on the site it could provide significantly higher employment levels than the proposal, they also point out that it is clear that demand for office accommodation in the city is focused around the city centre and not out of town. This is reflected in the fact that while a number of planning consents have been granted previously for the site for office development and no development has come forward due to the lack of demand for an office use in this location.
- 8.5 Planning Policy team have also commented that while the proposed use would be a departure from the adopted Local Plan policy allocation for the site (EM2) for B1a office and high tech use, a material consideration is the submission City Plan Part 1. The strategy for the Lewes Road Area (DA3) is to further develop and enhance the role of Lewes Road as the city’s academic corridor. Woollards Field South is allocated for B1 office space or alternative employment generating development that helps meet the city’s infrastructure needs. The proposed use would therefore accord with DA3.C.2.
- 8.6 It should be noted that during the examination hearings of the Submission City Plan in October 2013, the council prepared a Statement of Common Ground with SECAmb and proposed main modifications to the Woollards Field South allocation (MM8 and MM77) to clarify the allocation of the site for B1 business space and in the supporting text to the policy reference to the site’s identification in the Infrastructure Delivery Plan. It is considered that significant weight can be attached to the policy.
- 8.7 A further material consideration is the need for MRC facility and lack of alternative suitable sites within the city. The Planning Statement indicates the need for the MRC facility to replace the current inadequate depot facility at Brighton General

Hospital and serve the Brighton Seven Dials, Brighton General Hospital, Brighton Hollingbury, Peacehaven, Lewes, Shoreham, Hove, Burgess Hill and Haywards Heath Ambulance Community Response Posts (ACRPs) as well as reduce response time potential to the A23 and A27 Trunk Roads. The need to deliver and protect a sub-regional integrated network of health facilities (including ambulance facilities) is recognised by the Submission City Plan Part 1 Policy CP18 Healthy City and in the Infrastructure Delivery Plan (Annexe 2 to the City Plan Part 1). The Council has been working with the South East Coast Ambulance NHS Foundation Trust over a number of years to help identify a suitable Depot location to replace the Brighton General Hospital site and site searches within a defined area have been undertaken and no other suitable sites were available.

- 8.8 The level of employment to be retained in the city and also generated by this proposal is also a material consideration to justify a departure to the EM2 policy. There will be a total of 246 operations staff based at the MRC including 234 ambulance staff and 12 patient transfer staff (PTS). There will also be a further 48 on-site staff including 16 make ready operatives, 5 mechanics, 18 administration and 9 other support staff. Although it is not clear how many of these are new jobs or those transferred from existing stations. SECamb are also in partnership with the University of Brighton who offer a degree programme leading to paramedic qualification and the site would be used for training, clinical teaching and live environment experience and this is to be welcomed and would accord with the wider aspirations for the Lewes Road area.
- 8.9 In conclusion, for the reasons given above it is considered that in this case there are material consideration to justify a departure from Local Plan policy.

**Design and appearance and impact to the character and appearance of the locality:**

- 8.10 Policies QD1, QD2, QD3, QD4 and QD5, require development to be of a high standard and to respect the character and appearance of their surroundings. Policies HE6, HE11, NC7 and NC8 specifically seek to protect designated heritage and landscape assets such as conservation areas, historic parks and gardens and national parks.
- 8.11 The proposed building would sit centrally towards the western end of the site with a rectangular footprint. The highest point of the building will be the top of the roof ridge, which is to have a height of approximately 10.4m. In comparison the neighbouring Archive building stands at a height of 13.9m and is located at a higher point on the site. The Keep would therefore be visibly taller than the Brighton Make Ready Centre which can be seen on the submitted contextual drawings. The design of this rectangular shaped pitched roof building is simple and functional and reflects the needs of the ambulance service. The building would be clad mainly in zinc, with some tile cladding at ground floor, broken up with areas of glazing.
- 8.12 A planting scheme is proposed for the car park which would include trees, low level shrub and ground cover planting. A proposed retaining wall to the northern boundary would be planted with trailing shrub planting which would soften and

'green' the appearance of the retaining structure. The western and eastern boundaries are to be planted with flowering shrub planting, with specimen trees to the eastern boundary also. The proposed landscaping scheme originally did not include the southern boundary which runs along the new pedestrian and cycle route. However, following negotiations this boundary is now included and shrubs and trees are proposed to soften the public view into the site from the pathway. A revised drawing is currently awaited.

- 8.13 The site would have a fenced perimeter in the form of 1.8m high steel mesh fencing which is needed to safeguard the security of the development. A condition is recommended requiring further details and it is considered that the fencing should match that the colour and type that has been used by the football stadium on the pathway alongside BACA leading to the stadium.
- 8.14 In terms of visual impact on the wider surrounding area, the building would be mostly concealed from view by the surrounding topography, vegetation and the neighbouring Keep building. A Visual Impact Assessment was submitted with the application and this demonstrates that, primarily due to the location of the site on the valley floor, the building will not have a significant impact on any designated heritage or landscape asset, including the Stanmer Park Conservation Area or the Stanmer Park registered historic park or garden, and the South Downs National Park. The South Downs National Park Authority has raised no concerns other than there should be appropriate controls placed on external lighting and landscaping to ensure that any potential detrimental impacts are appropriately mitigated.
- 8.15 The materials proposed are considered suitable in principle and a condition is recommended to ensure their details are agreed prior to commencement of development.
- 8.16 It is considered that, on balance, the scheme will satisfactorily comply with the design policies of the Local Plan, provided conditions are imposed to carefully control areas such as materials and landscaping.

**Public Art:**

- 8.17 Policy QD6 of the Brighton & Hove Local Plan requires that the proposed development makes a contribution towards the provision of public art. This provision for public art can be made through a S106 financial contribution, or through the incorporation of public art into the design of the building. In this case, public art to the value of £4,500 is appropriate.

**Amenity including external lighting and noise:**

- 8.18 Policies QD27, SU9, SU10 and SU11 seek to ensure development does not adversely affect amenity of adjacent occupiers or the locality in general
- 8.19 The site is located some distance from residential properties. The nearest properties being to the south over the railway line in Lucraft Road, approximately 60 metres away, and to the south-west in Ringmer Drive/Ashurst Road which are approximately 80 metres away. In addition the site is set down

and is surrounded by mature vegetation. Therefore the proposal would have very limited immediate impact.

- 8.20 In terms of noise impact a noise assessment was undertaken by the applicant at an existing MRC located in Hastings. Activities measured were those similar to those that would take place at the Brighton MRC, jet wash, vehicle lifts, bench grinders, etc. The conclusions of the study show that overall the noise levels due to daytime and night-time activities at the MRC, would be significantly lower than background noise levels. Therefore such activities will be unlikely to result in complaints. The Environmental Health team have commented that the plans show that the jet washing and other associated activities are going to occur inside the building and that the modelling to ascertain noise levels at the nearest affected receptors, assumed that the roller doors to the MRC were open. Therefore, if it was required that noise from workshop activities needed to be further reduced, actions such as closing the doors or not undertaking noisy activities at night, could be taken.
- 8.21 Regarding traffic increases, any traffic arriving and leaving the MRC will pass beside the embankment, separating the facility from properties on Lucroft Rd. The noise assessment states that this embankment would attenuate this traffic noise so that it should be inaudible at residential properties along Lucraft Road. This is accepted and the Environmental Health team have not raised any concerns regarding traffic noise.
- 8.22 It is also noted that there are not any plans for 'major' externally mounted plant and the consultants do not consider plant noise will be an issue. If the Council did ever receive complaints about noise from plant, this could be investigated under Statutory Noise Nuisance legislation and action taken if necessary to resolve any significant identified problems.
- 8.23 The main area of concern is possible noise from an emergency generator. The acoustic report suggests that if the generator is used, then complaints may be likely from the nearest residents and in particular, if it is used at night. However mitigation measures are suggested which would involve the generator being enclosed with acoustic screening capable of attenuating the noise. Environmental Health have commented that the specification of the generator has not been stated in the calculations so it is likely that the assessment was undertaken using 'typical' generator type noise levels which may not be applicable to the generator that will actually be installed. Therefore a condition has been included in the recommendation requiring further details of the emergency generator when the exact specifications are known. Additionally, there is the possibility that the generator will be tested once a month to confirm that it will function during emergencies. A condition has been recommended, restricting such tests to normal working hours.

#### Lighting

- 8.24 In regard to the lighting information submitted Environmental Health are generally satisfied that in principle the lighting proposals are reasonable, however it is considered that more information is required regarding the actual

specifications of the lights; locations of the lights and heights of the lights. As such, a suitable condition has been included in the recommendation.

**Demand for travel created by the development:**

- 8.25 Policies TR1, TR2, TR4, TR5, TR7, TR8, TR12, TR14, TR15, TR18 and TR19 and SPG4 seek to ensure that the demand for travel created by the development is met and that sustainable modes of transport are promoted.
- 8.26 A total of 136 on-site parking spaces would be provided, comprised of 91 visitor / staff parking bays (to include 4 disabled and 5 electric car bays), 34 ambulance bays, 6 single first line responder bays and 5 spaces for 4x4 vehicles. In addition, parking would be designated for 4 motorcycles and 20 bicycles.
- 8.27 The high number of parking spaces reflects the nature of the development and the 24 hour service that it provides. A total of 95 operational staff would be based from the MRC site, parking there at the start of their shift and collecting their emergency or non-emergency ambulance before leaving the site for a more local stationing point from which to respond to local emergencies. These operational staff would be employed on 12 or 8 hour shifts which would vary from day to day, serving a total of 59 vehicles, of which approximately 41 would be active at any one time. The majority of emergency vehicles would operate 24 hours per day, 7 days per week.
- 8.28 The main peak periods of traffic movements would be between 06:00 and 08:00 hours during the morning and between 18:00 and 20:00 hours in the evening when the shift change over generally occurs.. It is considered therefore that the main impact of the proposals would be unlikely to coincide with the traditional peak hours. Although the MRC is a 24 hour operation, throughout the night-time period there would be a minimal amount of movement outside of the shift change periods.
- 8.29 There would also be additional 26 non-clinical staff including 4 mechanics and 10 'make ready' operatives with the responsibility for maintaining / cleaning vehicles and replenishing supplies employed on the site. The remainder of the non-clinical staff will fulfil administrative roles. It is envisaged that most non-clinical / administrative staff would be required to work standard hours (i.e. 0900-1730), although there may be some demand for 'make ready' staff to be employed on-site throughout the early morning evenings and weekend periods.
- 8.30 The Sustainable Transport Team has raised no objections to the development in regard to traffic flows.
- 8.31 In terms of the level of proposed parking on the site, the Traffic Team has commented that the proposed use is unique so that the adopted Parking Standards do not provide guidelines for vehicle parking for this development. However it is recognised that the 24 hour nature of the service is not conducive to the use of public transport and the level of parking proposed reflect this fact.
- 8.32 Similarly adopted Parking Standards do not provide guidelines for cycle parking at this type of development, the 20 covered, secure, illuminated spaces outside

the main entrance to the building are considered acceptable. In addition, the applicant has stated in the TA that if there is an increased demand in future it would convert car parking spaces to provide additional cycle storage and the travel plan framework should alert the applicant to any increase in demand .

- 8.33 The provision of 4 disabled parking spaces and 5 electric vehicle parking spaces that could also be used to recharge mobility scooters is also considered acceptable.
- 8.34 Overall the traffic impact of the development is considered acceptable subject to appropriate conditions and a contribution of £39,816 towards sustainable transport improvements in the vicinity of the site, in particular footway improvements.

**Ecology:**

- 8.35 Policies QD15, QD16, QD17, QD18, QD19 and SPD06 and SPD11 seek to protect landscape features and important trees and seek to promote biodiversity.
- 8.36 There are one Site of Nature Conservation Importance (SNCI) and four Local Nature Reserves (LNRs) within 1 km of the proposed development. There is also an area of ancient woodland c. 50 m from the proposed development, although separated by the A270. The County Ecologist has assessed the information provided and considers that the proposed development is unlikely to have a significant impact on any sites designated for their nature conservation interest.
- 8.37 The site currently consists of semi-improved grassland and vegetation. There is a good degree of floristic variety within the site, however the overall ecological value is considered to be relatively low. The County Ecologist has commented that the proposed development will lead to the loss of the majority of semi-improved grassland within the site, and this loss should be mitigated and recommends that the use of green roofs and/or wall should be explored and incorporated into the design.
- 8.38 The development site was subject to a reptile translocation exercise in September/October 2012 and since then the site has been surrounded by reptile exclusion fencing. Although the fencing is not intact in places, the Ecologist considers that the risk of reptiles having recolonised the site in the interim is considered to be relatively low, and further surveys for reptiles are not deemed necessary. However, it is recommended that the exclusion fencing be repaired and maintained and that a destructive search of the development site be undertaken prior to any construction works, in line with an approved method statement. There is a south facing slope along the northern boundary of the site which was used as a reptile receptor site for The Keep development; this area of habitat must be retained and protected as such. Conditions are included in the recommendation to cover the issues raised by the Ecologist.
- 8.39 A further issues raised by the Ecologist is that boundary habitats and/or adjacent habitats have the potential to provide foraging/commuting habitat for bats. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the

chances of bats being preyed upon. To minimise the potential impacts on bats, lighting design should take account of national best practice guidance. The applicant has stated in the stated in the submitted ecology report that external lighting within the car park area would be designed to be downward facing, and positioned in order to illuminate away from habitat corridors to the site boundaries. The light fixtures would be selected and designed to have a low light spill and located away from any valuable foraging habitats. It should be noted that further details of the lighting strategy has been recommend by Environmental Health and a condition requiring further details forms part of the recommendation,

- 8.40 In addition to any mitigation measures required for protected species and habitat loss, it is considered that the site offers opportunities for additional enhancement. These include the provision of bird and/or bat boxes within the development, the provision of green roofs and/or walls, the use of native species of benefit to wildlife within the planting scheme. A condition requiring further details for increasing biodiversity is included in the recommendation.

#### Trees

- 8.41 The Arboricultural team have commented that the aboricultural report submitted with this application is comprehensive and they are in full agreement with its contents, particular as no trees will be lost to facilitate the development.
- 8.42 Although there is a Tree Preservation Order covering this site (TPO No 20 1974), it is an Area Order from 1974. This means that only trees that were present in 1974 will be covered by the TPO. All trees that are covered by this order are on the boundaries of the site and they should be sufficiently protected during the course of the development to ensure their retention post-development.
- 8.43 Overall, the Arboricultural Section has no objection to the proposed development, subject to conditions being attached to any consent granted to protect the trees on the site during construction and thus ensure their retention post-development. The recommendation includes conditions for the protection of trees during construction.

#### **Sustainability**

- 8.44 Policy SU2, SPD08 and SPD03 seek to ensure developments incorporate sustainable measures. Under supplementary planning document SPD08 major new built development on Greenfield sites are expected to achieve BREEAM 'excellent' and 70% in energy and water sections.
- 8.45 The sustainability features of the development include the use of some natural ventilation, space heating via low emission boilers, water heating through instantaneous electric showers with no storage, and proposed photovoltaic panels. Passive design measures include use of orientation; triple glazing to prevent overheating on south east and west facades; use of overhangs, shading, thermal mass, insulation and orientation of windows 30° of due south.
- 8.46 The applicant was initially reluctant to use the BREEAM assessment methodology and in pre application meetings sought to use alternative means to demonstrate that sustainability was being addressed. However following further



negotiations and consideration since submission of the application, the applicant has now made a commitment to undertake a BREEAM assessment. The submitted BREEAM pre-assessment and Sustainability Statement indicate that the building would achieve a BREEAM 'very good'.

- 8.47 In cases where expected standards cannot be met, applicants are expected to provide justification. In this case a detailed justification has been provided which sets out the reasons as to why the building cannot meet the expected standard of 'excellent'. Reasons include financial constraints, and technical and site related barriers to achieving certain BREEAM credits that would enable an 'excellent' score. For example the operational requirements of a 24 hour emergency service support building have a number of detrimental (direct and non direct) impacts on meeting BREEAM 'Excellent' standards. BREEAM, also discourages greenfield development, and encourages the use of public transport. The car parking requirement at the site for staff shift requirements means some BREEAM transport credits cannot be achieved. For the MRC to operate effectively it requires staff to be able to get to their workplace on a twenty-four hour basis facilitated by parking provision on site. SPD08 also recommends that any constraints should be considered alongside any benefits offered by a development. In this case, the benefits of the location of a MRC on the outskirts of Brighton are considered to be significant and benefit the region as well as Brighton & Hove. The Sustainability Officer has assessed the detailed justification that has been submitted to support the lower BREEAM standard and in this case is satisfied that sufficient justification has been provided. It is therefore recommended that BREEAM 'very good' is acceptable for this development.

**Flood risk, drainage and contamination:**

- 8.48 Policies SU3, SU4, SU5 and SU11 seek to ensure development does not increase flood risk, does not cause pollution and provides adequate drainage.
- 8.49 A Flood Risk Assessment and Land Contamination Risk Assessment Report have been submitted with the application. These were considered necessary in particular as the site is sensitively located, being within a Source Protection Zone 1 where there is strict control over discharge of water.
- 8.50 The EA and SW consider the submitted reports to be sound and raise no objection to the development provided appropriate conditions are imposed to ensure control over details of drainage etc.
- 8.51 The site is located in Flood Zone 1, which is defined as having little or no risk of flooding

Land contamination

- 8.52 Environmental Health has stated that a history check of the site has shown that the site was once a nursery (without green houses) and then a playing field. Otherwise, it has simply been a field. Therefore the site would not be classified as potentially contaminated land. However, there is a concern that as a railway line runs along the south-eastern edge of the site, there is always the potential that localised contamination may have occurred due to unknown uses or actions such

as fly-tipping and therefore a contaminated land discovery condition is recommended.

**Archaeology:**

- 8.53 Policy HE12 seeks to ensure assets of archaeological importance are satisfactorily protected.
- 8.54 While the site is not identified in the Local Plan as an Archaeological Site, there are several areas surrounding the proposed development site which have been designated in the Brighton & Hove Local Plan as Scheduled Ancient Monuments and other Important Archaeological Sites. The nearest Scheduled Ancient Monument / Important Archaeological Site to the proposed development site is approximately 250.0m to the south east; south of *'The Westlain Belt'* at Falmer Hill. Hollingbury Hillfort, is approximately 2.0 kilometres and to the west of the development area is a Scheduled Ancient Monument; designated for the remains of a Romano-Celtic Temple. There are other Sites of Archaeological Importance within the vicinity of Falmer and Stanmer.
- 8.55 An archaeological assessment was submitted with the application and the site has been subject both to desk based assessment and evaluation excavation. No archaeological features were found and the report concludes it is unlikely that archaeological remains would be discovered during construction. While the report is considered to be sound it is considered precautionary to include a condition to secure a programme of archaeological works, so that if any features are found they can be adequately recorded. On this basis it is considered that policy HE12 would be met.

**9 CONCLUSION**

- 9.1 The proposed development would replace existing inadequate ambulance depot facilities and reduce response times which would have considerable public health benefits for Brighton & Hove and the wider region. The wider public benefits and lack of alternative sites in the City are considered reasons to justify a departure from the adopted policy EM2. The design is satisfactory and would have an acceptable landscape impact including upon designated heritage and landscape assets. The scheme would be sustainable and would meet BREEAM 'Very Good'. The demand for travel would be satisfactorily met. The proposal would conserve and enhance biodiversity. Flood risk would not be increased and adequate drainage would be provided. Archaeology assets would not be compromised by the proposal. The proposal would not cause light or noise pollution. The development is subject to conditions and Section 106 obligations that would ensure the proposal meets Local Plan policy and ensure any potential adverse effects are satisfactorily mitigated against.

**10 EQUALITIES**

- 10.1 The building would be fully accessible for those with disabilities. Disabled persons toilets are provided at ground and first floor with lift access between the two floors. The Design and Access Statement confirms that circulation routes,

WC.s and showers have been designed in accordance with the accessible guidance standards.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 S106 Heads of Terms

- **Sustainable transport enhancements** £39,816 for sustainable transport improvements in the vicinity of the site in particular footway improvements.
- **Construction environmental management plan (CEMP).**
- **Local training and employment strategy** to include a commitment to employing 20% of construction workforce from the local area.
- **Public art** provision to an equivalent cost of £4.500.

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	1009- _101/P3		31/01/2014
Context sections	1009- _124/P4		31/01/2014
Proposed sections	1009_130/P 9		10/02/2014
Proposed roof plan	1009_112/P 10		10/02/2014
Proposed first floor plan	1009_111P 11		31/01/2014
Proposed elevations	1009_120/P 14		31/01/2014
Proposed ground floor plan	1009_110/P 15		31/01/2014
Proposed site plan	1009_108/P 16		10/02/2014
Proposed overground fuel tank location and details	SK102	PL1	20/11/2014

- 3) The section of the south facing slope along the northern boundary of the site used as a reptile receptor site for The Keep development and referenced in Lizard Landscape Ecological Appraisal Report dated 28/01/2014 Section 4 must be retained and protected as such. **Reason:** To ensure reptiles are adequately protected in the interests of biodiversity and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

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- 4) 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 to and obtained written approval from the Local Planning Authority for a method statement to identify risk, assess and address the unidentified contaminants.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 5) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

### 11.3 Pre-Commencement Conditions:

- 6) 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.
- 7) No development shall take place until full details of the proposed 1.8m high fencing to be constructed around the site boundary have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 8) Prior to the commencement of the development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - i). A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
  - ii). A site investigation scheme, based on i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - iii). The results of the site investigation and detailed risk assessment referred to in ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iv). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

9) Prior to the commencement of development, a scheme shall be submitted to and approved by the Local Planning Authority for the sound attenuation of the emergency generator. Noise associated with the generator shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing  $L_{A90}$  background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present. Any testing undertaken on the generator shall only occur between the hours of 9am to 5pm, Monday to Friday. **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.

10) Prior to the commencement of the development:

a) 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.

b) Prior to occupation, tests by a competent person shall be undertaken to ensure that the illuminance levels agreed in part a) have been achieved. Written confirmation that such levels have been met shall be submitted to and approved by the Local Planning Authority. Where the levels have not been met, a report shall be submitted, demonstrating the measures that have been taken to reduce the levels to those agreed in Part a).

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 in the interests of biodiversity and to comply with policies SU10, QD27, QD17 and QD18 of the Brighton & Hove Local Plan.

11) 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.

- No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning,

demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

Protective fencing shall be retained intact for the full duration of the development hereby approved. **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.

12) No development shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

i. purpose and objectives for the proposed works;

ii. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

iii. extent and location of proposed works shown on appropriate scale maps and plans;

iv. timetable to implementation, demonstrating that works are aligned with the proposed phasing of construction;

v. persons responsible for implementing the works;

vi. initial aftercare and long-term maintenance (where relevant);

vii. disposal of any waste arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter. **Reason:** To ensure reptiles are adequately protected in the interests of biodiversity and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

13) 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.

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

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cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 15) Unless otherwise agreed in writing by the Local Planning Authority, 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 the development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 16) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 17) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan
- 18) No development shall commence until full details of the retaining boundary wall structure, including cross section, depth of footings, retained height, thickness of wall and construction materials, have been submitted to and agreed in writing by the Local Planning Authority. **Reason:** To ensure the stability of the adjacent Public Highway and to comply with Policy TR7 of the Brighton & Hove Local Plan.
- 19) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation

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

11.4 Pre-Occupation Conditions:

20) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) A commitment to reduce carbon emissions associated with business and commuter travel:
- (iii) Increase awareness of and improve road safety and personal security:
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (v) Identify targets focussed on reductions in the level of business and commuter car use:
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (viii) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan. **Reason:** To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.



11.5 Informatives:

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

The proposed development would replace existing inadequate ambulance depot facilities and reduce response times which would have considerable public health benefits for Brighton & Hove and the wider region. The wider public benefits and lack of alternative sites in the City are considered reasons to justify a departure from the adopted policy EM2. The design is satisfactory and would have an acceptable landscape impact including upon designated heritage and landscape assets. The scheme would be sustainable and would meet BREEAM 'Very Good'. The demand for travel would be satisfactorily met. The proposal would conserve and enhance biodiversity. Flood risk would not be increased and adequate drainage would be provided. Archaeology assets would not be compromised by the proposal. The proposal would not cause light or noise pollution. The development is subject to conditions and Section 106 obligations that would ensure the proposal meets Local Plan policy and ensure any potential adverse effects are satisfactorily mitigated against.
3. The applicant/developer is advised to have due regard to the Network Rail's list of permitted and not permitted trees and shrubs close to the railway line.

Permitted:  
Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina"

Not Permitted:  
Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*). A comprehensive list of permitted tree species is available upon request.
4. The applicant/developer is advised to have due regard to the advice contained within the enclosed letter and plan from Southern Gas Networks

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dated 24 February 2014 to ensure the development does not cause undue damage to gas plant.

5. The applicant/developer is required to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development.
6. The applicant is advised that this planning permission does not override the need to go through the Approval in Principle (AIP) process for the necessary works adjacent to the highway, prior to the commencement of any construction works. The applicant must contact the Council's Highway Engineering & Projects Team for further information, email: [highwayprojects@brighton-hove.gov.uk](mailto:highwayprojects@brighton-hove.gov.uk).

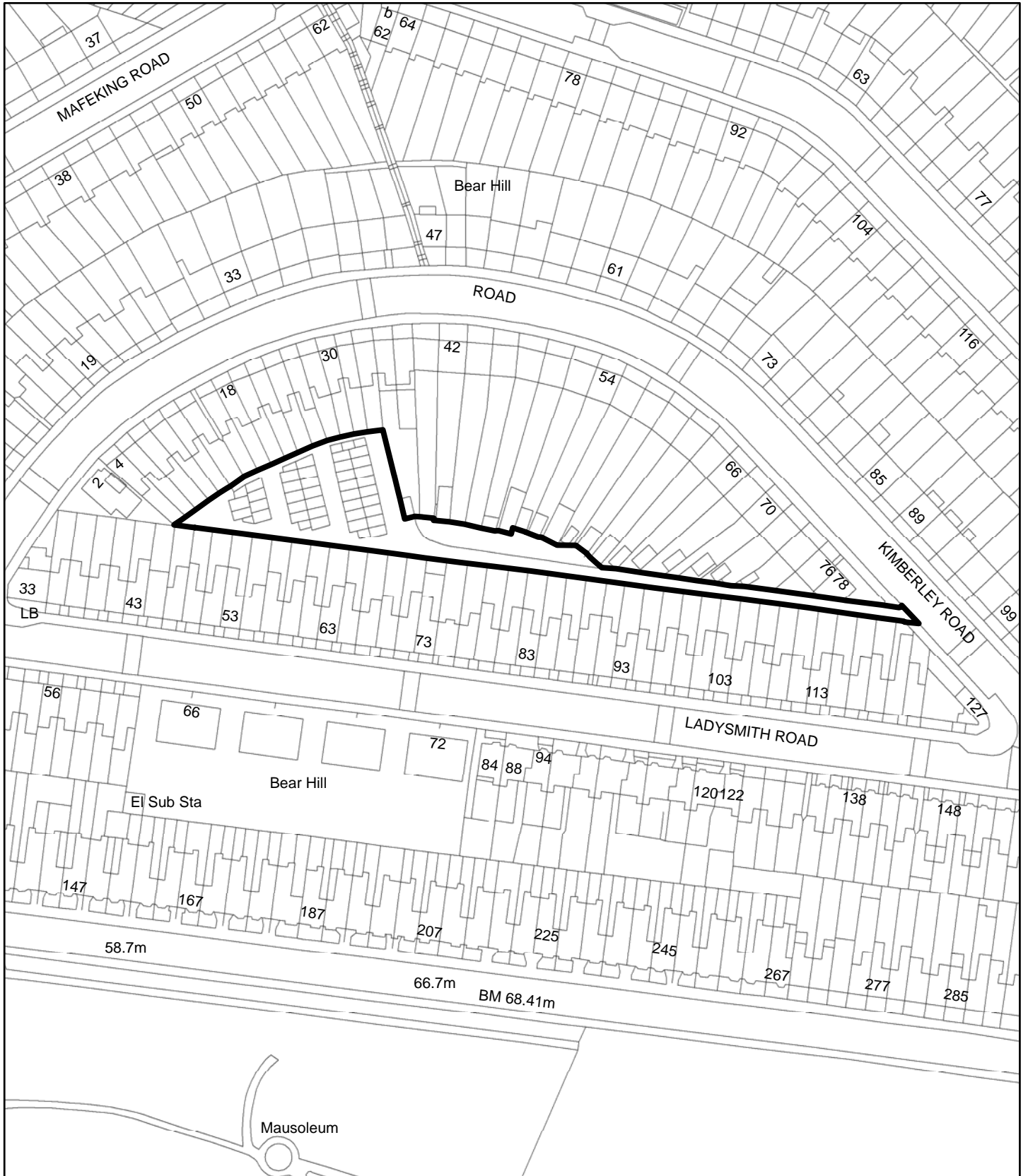
# **ITEM C**

**Land rear of 4-34 Kimberley Road, Brighton**

**BH2013/04082  
Full planning**

**14 MAY 2014**

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



Scale: 1:1,250

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

This application was deferred from Planning Committee on the 23<sup>rd</sup> April 2014 to allow the applicant to address the inaccuracies in the plans. Members conducted a site visit on the 22<sup>nd</sup> April 2014.

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **MINDED TO GRANT** planning permission subject to receipt of amended, accurate plans and 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 Kimberely 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

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 Highway 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.
- 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.

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- 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.



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**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 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.

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- 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.  
**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:

## PLANNING COMMITTEE LIST- 14 MAY 2014

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:- The proposed development 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](http://www.brighton-hove.gov.uk)).
- 4 The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 5 The applicant is advised that details of the 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](http://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

PLANNING COMMITTEE LIST- 14 MAY 2014

do not show compliance with B1 standard of the Building Regulations. Fire hydrants' provisions should also be shown on the plans.

# **ITEM D**

**8 Richardson Road, Hove**

**BH2014/00178**  
**Full planning**

**14 MAY 2014**

# BH2014/00178 8 Richardson Road, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/00178</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>8 Richardson Road</b>		
<b><u>Proposal:</u></b>	<b>Change of use from retail (A1) to public house (A4)</b>		
<b><u>Officer:</u></b>	Andrew Huntley Tel 292321	<b><u>Valid Date:</u></b>	07 February 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	04 April 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Mr David White, 30 Titian Road, Hove BN3 5QS		

## 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 relates to a retail unit on the western side of Richardson Road, which is located in a Local Centre as designated by policy SR6 of the Brighton & Hove Local Plan. The centre comprises of predominantly A1 uses. The premise is currently an A1 retail unit (wine shop) with a storage rooms to the rear, which can be accessed separately from Lion Mews. The upper floors of the property are in use as self-contained residential accommodation.

## 3 RELEVANT HISTORY

- 3.1 None.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from retail (A1) to public house (A4). A supporting statement submitted with the application states the pub will be a micro-pub and describes the micro-pub concept as far removed from the modern concept of a pub. The model for a micro-pub is small in size with no music or gaming machines, no food is served (other than possibly bar snacks such as crisps, peanuts); there is no bar. Drawing number 8RR – P2 shows seating for approximately 34 people. Customers are served at the table so there is no 'vertical drinking' on the premises. The intention is to serve locally sourced beers and ales (no keg beers or lagers).
- 4.2 The hours of opening would be 12.00 to 21.00 on Mondays to Thursday and 12.00 and 23.00 on Friday and Saturdays and 12.00 and 14.00 on Sundays.

- 4.3 The only external alteration is for an air-conditioning outlet on the external wall of the property.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Thirty Eight (38)** letters of representation have been received from **35 Derek Avenue, 287 Hangleton Way, 54, 55, 58, 76 and 76a Lawrance Road, 1, 2, 4, 6, 7, 8 (x2), 9, 10, 11, 12 and units 2-7 Lion Mews, 76 Newmarket Road, 6, 7 Richardson Court, 1, 3, 4, 9a, 9 (upper flat), 12-16 and 15 Richardson Road, 12 Spencer Avenue, 1 St Philips Mews, and 43 Westbourne Villas** objecting to the application for the following reasons:

- Lack of parking and additional traffic.
- Additional noise and disturbance from customers.
- Smoking outside on the road and in the mews and the problem of second hand smoke.
- There are enough pubs and cafes in the area.
- Additional noise from the air conditioning.
- Increase in anti-social behaviour and crime rates.
- Loss of privacy and overshadowing.
- The mews would be used as a dog toilet.
- Additional litter.
- Unpleasant smells.
- Lack of information on sound proofing.
- Will become a full public house.
- Proposal does not comply with local plan policy.
- Letters of support are from people not near the proposal and should be ignored.
- Lack of consultation with all the properties in the area.

- 5.2 **Twenty (20)** letters of representation have been received from **24 Aymer Road, 111 Becket Road, 32 Berriedale Avenue (x2), 25 Bishopstone Road, 13 (x2) Braemore Road, 46 Brittany Road (x2), 151 Elm Drive, 11 Gail Close, 129 Hangleton Road, 44 Hogarth Road, 59 Langdale Road, 52 Lawrence Road, 58b and 218 New Church Road, 5 Scott Road, 59 St Aubyns Road, 7 Tennis Road and 2 (x2), 13, and 31 Titian Road** supporting the application for the following reasons:

- Would add to the mix of amenities within the area.
- Would retain the vitality and strengthen the viability of Richardson Road.
- Enhance the community spirit within the area.
- Small business should be supported and encouraged.

### Internal:

- 5.3 **Environmental Health: Support**

To date no approach regarding this proposal has been made to the council's Licensing section.



- 5.4 A presumption within the licensing regime is that there shall be inaudibility between licensed premises and adjacent residential accommodation not in the control of the licensed premises. This represents a very high standard of acoustic separation and should be the guide for compliance with the recommended soundproofing condition.
- 5.5 Licence Requirement: The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing))
- 5.6 Approve with the conditions restricting the opening hours; soundproofing the building; scheme for odour control system; soundproofing of equipment and restricting deliveries.
- 5.7 **Sustainable Transport:** Support  
Recommended approval as the Highway Authority has no objections to this application.
- 5.8 The proposal is for a change of use from an A1 retail store to an A4 public house. The overall floor area is remaining the same at 78m<sup>2</sup>. The overall trip generation is not considered to significantly increase above existing levels. In light of this, together with the fact that the scale of the application is below the temporary recession measures threshold the Highway Authority would not ask for a S106 contribution in this instance.
- 5.9 It appears that the applicant is intending deliveries to take place from Lion Mews. The Highway Authority has no objections to this.

## 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
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD14	Extensions and alterations
QD27	Protection of Amenity
SR6	Local centres

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

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

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

SS1	Presumption in Favour of Sustainable Development
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the change of use upon the vitality and viability of the Richardson Road local shopping centre; the impact on neighbouring amenity and the transport impact of the change of use. The development does not propose any external physical alterations to the premises apart from a flue extract onto Lion Mews.

**Policy:**

- 8.2 The property is located within a 'Local Centre' as designated by Policy SR6 of the Brighton & Hove Local Plan. The term local centre describes a small grouping of small shops of a local nature. As such any change of use from A1 to another use designated as acceptable (A2, A3, A4, A5 or D1) within the policy must meet the criteria of Policy SR6.
- 8.3 The change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses will be permitted, provided that all of the criteria, a) to e), are met:
- a. it would not result in either the number of non-retail units or the proportion of frontages exceeding 35% of the centre;
  - b. it has been adequately demonstrated that a Class A1 retail use is no longer economically viable in that particular unit or the centre as a whole;
  - c. the proposed use would attract pedestrian activity (particularly in the daytime) which would make a positive contribution to the vitality and viability of the centre;
  - d. the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area; and;
  - e. the location and prominence of the proposed use would not lead to a significant break of more than 10 metres in the frontage.
- 8.4 Having identified the uses within the local centre, the proposed change of use would not result in either the number of non-retail units or the proportion of frontages exceeding 35% of the centre. Of the fifteen units that make up the Richardson Road Local Centre, only two units are in non-retail (A1) uses, which include an estate agents and a vacant unit, which is unclassified on the Councils retail survey. This proposal would result in 20% of the commercial units being in non A1 retail uses and an even lower proportion of the frontage being non A1. Therefore, the proposal is in accordance with policy SR6 (a) of the Brighton & Hove Local Plan.
- 8.5 The application states that the retail unit has been marketed since the end of March 2010. While the marketing appears to have been concentrated in 2010 and 2011, there has also been a mailing campaign. The report from Parsons Son & Basley LLP states that they received the following enquiries:
- 8.6 2010: Seven enquiries and only one showed further interest but no offer was made.  
2011: Three enquiries and all three showed no further interest.  
2012: Nine enquiries and two arranged inspections but showed no further interest.  
2013: Four enquiries and two showed positive interest (one being the applicant).
- 8.7 The report states that only one acceptable offer has been received and that was subject to a change of use to an A4 use being secured. The report states that the property will be difficult to let as an A1 retail unit, as it is located in a parade of shops where almost every type of local retail outlet is already represented, the current owner is struggling to sustain a profitable business, ongoing

reduction in the sustainability of small local parades in the area and that the long marketing and advertising campaign has produced little serious interest.

- 8.8 Overall, it is considered that the applicant has demonstrated that the retail unit has been adequately marketed and that the unit is not economically viable as a A1 retail unit. Therefore, the proposal is in accordance with policy SR6 (b) of the Brighton & Hove Local Plan.
- 8.9 The proposed micro-pub would attract pedestrian activity which would make a positive contribution to the vitality and viability of the centre. Therefore, the proposal is in accordance with policy SR6 (c) of the Brighton & Hove Local Plan.
- 8.10 The proposals impact on neighbouring amenity is considered later in the report. The proposed change of use would not result in a significant break of more than 10 metres in the frontage. Therefore, the proposal is in accordance with policy SR6 (d) of the Brighton & Hove Local Plan.
- 8.11 Overall, there is no policy objection to the proposed micro-pub use, which would serve a niche market, in keeping with the character of other small-scale, retail uses on Richardson Road.

**Visual Amenity:**

- 8.12 The existing traditional shopfront is timber framed, sub-divided by mullions, above a tiled stall-riser and tiled recessed entrance, which serves the ground-floor shop unit. No alterations to the existing shopfront are proposed and it is not considered that there would be any harm to the character or appearance of the street scene. The only external changes would be the introduction of an air conditioning vent on the external wall onto Lion Mews and that 3 existing windows on the southern elevation windows would be sealed shut with obscure glazing or would be blocked up. While no details have been provided of the extract vent and the sealing up of the windows, these are considered to be minor external alterations to the retail unit and could be satisfactorily addressed via suitably worded conditions in the event planning permission was granted.

**Impact on Amenity:**

- 8.13 There is a recognised potential conflict between residential uses and drinking establishments (Class A4) which can give rise to noise and disturbance through late night activity as well as anti-social behaviour. In this case there is a residential flat on the upper floors of the application property and residential use of the upper floors of neighbouring properties. At ground-floor the proposed micro-pub adjoins an A1 shop to the north (No.10) and the entrance to Lion Mews to the south. However, the proposed micro-pub concept is aimed at a specialist market and the nature of the use clearly differs from the large-scale public houses found in the commercial heart of the town centre or “vertical drinking” establishments generally.
- 8.14 The proposed use would give rise to some noise through increased activity, but this is to be expected in a local centre location due to the differing opening hours of an A4 use compared to an A1 use. The potentially disturbing aspects

of the use can be controlled by imposing conditions limiting the hours of opening to prevent late evening/night use, stipulating that no music should be played on the premises and no food should be prepared or sold to customers on the premises (other than pre-packed bar snacks such as crisp, peanuts etc.). This is entirely consistent with the micro pub concept as presented. The furniture layout drawing shows seating for approximately 34 people in the distinct areas. In this instance due to the small size of the premises it is not considered necessary to impose a condition on the maximum number of people allowed in the premises at any one time, but to condition the areas to be used by customers as the maximum number that could be seated in the premises would not be significantly higher than shown.

8.15 Environmental Health has not objected to the proposal subject to the imposition of conditions that are recommended. The requested conditions relate to delivery times, opening hours as well as sound proofing to be agreed and installed within the unit. In addition, Environmental Health has requested details of any odour control equipment and treatments for the transmission of sound and vibration from any plant and machinery. However, as recommended by condition, no hot food should be prepared or sold so such conditions would not be necessary.

8.16 The representations received in regard to this proposal have raised additional issues in regard to amenity:

- Smoking outside on the road and in the mews and the problem of second hand smoke.
- Increase in anti-social behaviour and crime rates.
- Loss of privacy and overshadowing.
- The mews would be used as a dog toilet.
- Additional litter.

8.17 The Local Planning Authority can not control where members of the public choose to smoke and there is no evidence that a micro pub would result in any significant numbers of people smoking outside. Nor is there any evidence that a micro-pub use would result in anti-social behaviour, additional litter, increased crime rates or result in Lion Mews becoming a dog toilet. Furthermore, it is considered that the proposed use of the existing unit would not result in a loss of privacy. As only very minor external alterations are proposed, there would be not detrimental impact in regard to overshadowing.

8.18 Subject to the controls outlined above, it is considered the proposed use could take place without giving rise to unacceptable detriment to the amenities of neighbouring residential occupiers. Therefore the proposal is in accordance with criteria 'd' of policy SR6 and policy QD27 of the Brighton & Hove Local Plan. In addition, if the proposed use were to result in increased noise and disturbance, Environmental Health have separate legislation which could control this.

**Sustainable Transport:**

8.19 The Highway Authority has no objections to this application as the overall floor area is remaining the same at 78m<sup>2</sup> and the overall trip generation is not

considered to significantly increase above existing levels. In light of this and that the scale of the application is below the temporary recession measures threshold the Highway Authority would not ask for a s.106 contribution in this instance. In addition, it appears that the applicant is intending deliveries to take place from Lion Mews and the Highway Authority has no objections to this.

8.20 Therefore, the proposal is considered acceptable in regard to sustainable transport considerations and in accordance with local plan policy.

**Other Considerations:**

8.21 The representations received have also raised issues in regard to the need for another café/pub in the area, that the site will become a full public house, that the letters of support are from people not near the site and should be ignored and that there has been a lack of consultation. The need for this type of use is not a material planning consideration and therefore, can not be a reason for refusal. A condition is recommended that will ensure that the site can only be used as a micro-pub and for no other use. Therefore, planning permission would be required to turn the unit into a full A4 public house. In any event, the small nature of the unit makes it unsuitable for use as a full public house. Any persons are entitled to comment on planning applications, whether they live near the application site or not. The consultation of this application has been in accordance with Council procedure.

**9 CONCLUSION**

9.1 The proposed use as a micro-pub is appropriate to the role and function of this part of the town, would contribute towards its vitality of the local centre and help support the local economy. The proposal would not have a detrimental impact in the highway network and subject to conditions, would not have a detrimental impact on the amenity of neighbours.

**10 EQUALITIES**

10.1 None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

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

Plan Type	Reference	Version	Date Received
Location Plan			20.01.2014
Location Plan, Existing & Proposed Floor Plans	8RR – P1		03.02.2014

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Furniture Layout Plan	8RR – P2		25.04.2014
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- 3) The use hereby permitted shall not be open to customers except between the hours of 12.00 and 21.00 on Mondays to Thursday and 12.00 and 23.00 on Friday and Saturdays and 12.00 and 14.00 on Sundays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
- 4) No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) No development shall take place until full details of the air-conditioning outlet on the external wall of the property 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 vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08.00 and 18.00 on Monday to Friday and 09.00 and 18.00 on 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.
- 7) There shall be no live or amplified music played on the premises at any time.  
**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.
- 8) The areas of the premises to be used by customers, shall be limited to the areas marked blue and shown as WC and WC lobby as shown on drawing 8RR-P2 hereby approved. Customers shall not be permitted in the other parts of the premises.  
**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.
- 9) There shall be no preparation/cooking/heating-up of hot or cold food on the premises. No hot or cold food shall be served to customers on the premises (other than bar snacks).

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**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.

### 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 use as a micro-pub is appropriate to the role and function of this part of the town, would contribute towards its vitality of the local centre and help support the local economy. The proposal would not have a detrimental impact in the highway network and subject to conditions, would not have a detrimental impact on the amenity of neighbours.



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 203</b>  Brighton & Hove City Council
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**Information on Pre-application Presentations and Requests**

**Upcoming presentations – Dates TBC**

Anston House, Preston Road, Brighton – site redevelopment

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
1 <sup>st</sup> April 2014	<b>Land at Meadow Vale, Ovingdean</b>	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 <sup>th</sup> March 14	<b>Hove Park Depot, The Droeway, Hove</b>	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 <sup>th</sup> February 14	<b>City College, Wilson Avenue, Brighton</b>	East Brighton	Additional accommodation
29 <sup>th</sup> October 13	<b>Hippodrome, Middle Street, Brighton</b>	Regency	Refurbishment and Extension
17 <sup>th</sup> Sept 13	<b>One Digital, Hollingdean Road, Brighton</b>	Hollingdean and Stanmer	Student accommodation development
27 <sup>th</sup> Aug 13	<b>The BOAT, Dyke Road Park, Brighton</b>	Hove Park	Outdoor theatre
16 <sup>th</sup> July 13	<b>Circus Street, Brighton</b>	Queen's Park	Pre-application proposed re-development

**NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.**



**PLANS LIST 14 May 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****BH2013/04299****22 & 24 Carden Avenue Brighton**

Demolition of existing day care centre and chalet bungalow and erection of 4no semi-detached and 1no detached four bedroom houses (C3).

**Applicant:** Mr Alan Young & CMG Ltd (Blocklin House Ltd)

**Officer:** Andrew Huntley 292321

**Approved on 10/04/14 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**

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.*

**3) 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.*

**4) UNI**

The first floor windows in the side elevations of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

**5) UNI**

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

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

**6) UNI**

The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

*Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.*

**7) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers on Carden Avenue 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.*

**8) UNI**

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

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

**9) UNI**

No development shall take place until 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.*

**10) 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.*

**11) 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.*

**12) UNI**

No development shall take place until full details and sample elevations and sections at 1:20 scale of the windows (including cills and reveals), external doors, parapets and roofing detail 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 QD1 of the Brighton & Hove Local Plan.*

**13) UNI**

No development shall take place until full details of the rainwater goods, soil and other waste pipes 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 QD1 of the Brighton & Hove Local Plan.*

**14) UNI**

The proposed screen walls and glazed screens to the front terraces of the semi-detached dwellings hereby approved, shall be erected prior to first occupation and shall be retained as such thereafter.

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

**15) 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.*

**16) 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.*

**17) UNI**

No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. Such method statement shall include full details of the implementation, supervision and monitoring of the approved Tree Protection Scheme.

*Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the*

*Brighton & Hove Local Plan.*

**18) 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.*

**19) 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.*

**20) 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.*

**21) UNI**

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.*

**22) 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.*

**23) UNI**

No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and

thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

**24) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	01 - 2		17.12.2013
Existing Site Plan	02 - 2		17.12.2013
Existing Street Scene	03 - 2		17.12.2013
Proposed Site Plan	04 - 2		17.12.2013
Proposed Semi-Detached House	05 - 2	A	04.03.2013
Proposed Detached House	06 - 2		17.12.2013
Proposed Street scene	07 - 2		17.12.2013
Street scene Elevations	08 - 2		17.12.2013

**BH2014/00183**

**24 Overhill Way Brighton**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Mr & Mrs Patrick Wallace

**Officer:** Robin Hodgetts 292366

**Approved on 07/04/14 DELEGATED**

**BH2014/00426**

**Land Adjoining Hollingbury Methodist Church Lyminster Avenue Brighton**

Erection of 3no three bed terraced houses.

**Applicant:** First Call Property Limited

**Officer:** Adrian Smith 290478

**Refused on 22/04/14 DELEGATED**

**1) UNI**

Insufficient information has been submitted to demonstrate that the loss of the open space would not be harmful to the needs of the wider community or to the continued viability of the Church Hall as a community facility. This harm is considered to outweigh the benefit provided by the additional dwellings and the proposal is therefore contrary to policies QD20, HO20 & SR20 of the Brighton & Hove Local Plan

**2) UNI2**

The proposed development, by virtue of the scale, bulk and design of its roof form, represents an overly-scaled and incongruous addition that fails to reflect the positive characteristics of the street scene, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

**BH2014/00447**

**150 Ladies Mile Road Brighton**

Application for Approval of Details Reserved by Conditions 9, 10 and 12 of application BH2011/02845 (Appeal reference APP/Q1445/A/12/21808664).

**Applicant:** R Holness

**Officer:** Emily Stanbridge 292359

**Split Decision on 22/04/14 DELEGATED**

Report from: 03/04/2014 to: 23/04/2014

**1) UNI**

The details pursuant to conditions 9 and 12 and subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to condition 10 are NOT APPROVED for the reason set out below.

1. There is insufficient information provided within the application in relation to the proposed boundary treatments. The information submitted does not fully demonstrate the appearance of the boundary treatments proposed and as such further drawings are required in order to assess their impact. This is therefore contrary to Policy QD1 within the Brighton & Hove Local Plan.

**BH2014/00461**

**51 Greenfield Crescent Brighton**

Erection of part one part two storey rear extension with pitched roof.

**Applicant:** Mr Gerard Robson & Ms Rasanthi Pathirana

**Officer:** Adrian Smith 290478

**Refused on 15/04/14 DELEGATED**

**1) UNI**

The proposed extension, by virtue of its design and material finish, represents a visually discordant addition that fails to complement the appearance of the existing building, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

**BH2014/00498**

**147 Surrenden Road Brighton**

Erection of first floor front extension and revised ground floor entrance.

**Applicant:** Peter Lynton

**Officer:** Oguzhan Denizer 290419

**Approved on 17/04/14 DELEGATED**

**1) UNI**

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

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

**2) UNI**

The window to be inserted to the side facing elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

**3) UNI**

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.*

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received



Site Location Plan			12/02/2014
Block Plan			12/02/2014
Site Location Plan showing line of property frontages			12/02/2014
Existing East Elevation			21/02/2014
Existing & Proposed Floor Plans & Elevations			03/04/2014

**BH2014/00523**

**1 Crowhurst Road Brighton**

Installation of 7no refrigeration plant units to roof.

**Applicant:** Asda Stores Ltd

**Officer:** Andrew Huntley 292321

**Approved on 22/04/14 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
Site Location Plan	PL-10	A	18.02.2014
Existing Site layout Plan	PL-11	A	25.02.2014
Existing Roof Layout	PL-13	A	25.02.2014
Proposed Roof Layout	PL-17	A	25.02.2014

**BH2014/00606**

**46 Greenfield Crescent Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.2m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.8m.

**Applicant:** Phil Harbour

**Officer:** Emily Stanbridge 292359

**Prior Approval is required and is refused on 04/04/14 DELEGATED**

**BH2014/00655**

**22 Glenfalls Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.7m.

**Applicant:** Mr Laundon

**Officer:** Oguzhan Denizer 290419

**Prior approval not required on 10/04/14 DELEGATED**

**BH2014/00728**

**32A Warmdene Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.96m, for which the maximum height would be 3.715m, and for which the height of the eaves would be 2.385m.

**Applicant:** Mr & Mrs Topping

**Officer:** Christine Dadswell 292205

**Prior approval not required on 16/04/14 DELEGATED**

**PRESTON PARK**

**BH2014/00189**

**18 Florence Road Brighton**

Replacement of existing roof covering to front roof slope with man-made slate and replacement ridge tiles.

**Applicant:** Geoffrey Hart

**Officer:** Christine Dadswell 292205

**Refused on 03/04/14 DELEGATED**

**1) UNI**

The proposed replacement tile, by reason of the inappropriate detailing would significantly harm the character and appearance of the existing property and the setting of the Preston Park Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD 9 Architectural Features and SPD12 Design Guide for Extensions and Alterations.

**BH2014/00402**

**5 Waldegrave Road Brighton**

Replacement of existing aluminium double glazed bay windows with timber sliding sash windows at ground and first floor levels.

**Applicant:** Jean & Ouali Harbane

**Officer:** Chris Swain 292178

**Approved on 15/04/14 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**

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			7 February 2014
Living Room Window WL1 1			7 February 2014
Living Room Window WL2 2			7 February 2014
Bedroom Window WB1 3			7 February 2014

Bedroom Window WB2	4		7 February 2014
Annotated image of existing facade	5		7 February 2014

**BH2014/00442**

**165 Waldegrave Road Brighton**

Insertion of conservation style rooflight to front roofslope (retrospective).

**Applicant:** Rob Bourn

**Officer:** Robin Hodgetts 292366

**Approved on 08/04/14 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	L-001		11/02/14
Block plan	L002	A	11/02/14
Existing and proposed plans and elevations	L-003	B	11/02/14

**BH2014/00454**

**106 Stanford Avenue Brighton**

Erection of first floor rear extension.

**Applicant:** Mr & Mrs Luikenga

**Officer:** Joanne Doyle 292198

**Refused on 08/04/14 DELEGATED**

**1) UNI**

The proposed first floor rear extension, by reason of scale, design, roof form, bulk and height would result in an over dominant addition competing with the original bay detail and detracting significantly from the appearance and character of the building, adjoining terrace and wider surrounding Preston Park conservation area. The proposal is therefore contrary to HE6 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning document: Design guide for Extensions and Alterations (SPD12).

**2) UNI2**

The proposed extension, by reason of its height, depth and elevated position, would result in an overbearing impact, loss of outlook and loss of light towards no. 104 Stanford Avenue to the detriment of the residential amenity of the occupiers of this dwelling. Furthermore the proposed window to the side elevation of the proposal at first floor level, by reason of its size and elevated position, would result in significant overlooking and loss of privacy towards the rear elevation and garden of no. 108 Stanford Avenue to the detriment of the residential amenity of the occupiers of this dwelling. As such, the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the Supplementary Planning document: Design guide for Extensions and Alterations (SPD12).

**BH2014/00456**

**90 Chester Terrace Brighton**

Erection of a single storey rear extension.

**Applicant:** A Pierce

**Officer:** Chris Swain 292178

Report from: 03/04/2014 to: 23/04/2014

**Approved on 15/04/14 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 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 rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**4) UNI**

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	14.01.28.001		11 February 2014
Block plan	14.01.28.002		11 February 2014
Existing plan	14.01.28.003		11 February 2014
Existing elevations	14.01.28.006		11 February 2014
Proposed plans	14.01.28.009	B	14 April 2014
Proposed elevations	14.01.28.010	B	14 April 2014
Proposed section	14.01.28.011		14 April 2014

**BH2014/00505**

**24 Hythe Road Brighton**

Erection of 8 no. one, two and four bedroom houses and enlargement of garden to existing dwelling.

**Applicant:** Mr H Newman-Starley

**Officer:** Adrian Smith 290478

**Refused on 17/04/14 DELEGATED**

**1) UNI**

Whilst the principle of the loss of the garage/workshop use and associated structures has been adequately demonstrated, insufficient information has been submitted to demonstrate that the site is unsuitable for redevelopment including suitable alternative employment uses, contrary to policy EM3 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed development, by virtue of its design and footprint consuming the majority of the site, and its relationship with the existing buildings adjacent in scale, form and design, represents an incongruous addition to the street scene and an overdevelopment of the site that fails to respect or take the opportunity to improve the general townscape quality of the area and the setting of the Preston Park Conservation Area, contrary to policies QD1, QD2, QD3, QD15 & HE6 of the Brighton & Hove Local Plan.

**3) UNI3**

The proposed development, by virtue of its design and footprint consuming the

Report from: 03/04/2014 to: 23/04/2014

majority of the site, fails to provide suitable outlook and amenity space for future occupants of the development, contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

**4) UNI4**

The proposed development, by virtue of its scale, massing and design, would intensify the use of the site to the detriment of adjacent occupiers introducing significant additional noise from domestic activity in an otherwise quiet garden environment, oppressing outlook to adjacent properties, and resulting in increased overlooking, contrary to policy QD27 of the Brighton & Hove Local Plan.

**5) UNI5**

The proposed development, by virtue of the significant levels of street parking already experienced in the area and the likely introduction of nearby parking controls in the near future, will increase parking levels in the area further to an unacceptable degree, contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan.

**BH2014/00519**

**51 Beaconsfield Villas Brighton**

Erection of single storey rear extension with raised decking.

**Applicant:** Mr & Mrs M Gale

**Officer:** Joanne Doyle 292198

**Approved on 22/04/14 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
Site Location Plan & Block Plan	TA 764/15	D	25 Mar 2014
Existing Lower Ground Floor Plan	TA 764/02	B	25 Mar 2014
Proposed Lower Ground Floor Plan	TA 764/11	C	25 Mar 2014
Existing Ground & First Floor Plan	TA 764/03		18 Feb 2014
Proposed Ground & First Floor Plan	TA 764/12	D	08 Apr 2014
Elevations as Existing	TA 764/05	B	08 Apr 2014
Elevations as Proposed	TA 764/14	C	25 Mar 2014
Sections as Existing	TA 764/04		18 Feb 2014
Sections as Proposed	TA 764/13	B	25 Mar 2014

**BH2014/00731**

Report from: 03/04/2014 to: 23/04/2014

### **130 Hythe Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.3m, for which the maximum height would be 3.4m, for which the height of the eaves would be 2.6m.

**Applicant:** Mr & Mrs Cowlin

**Officer:** Julia Martin-Woodbridge 294495

**Prior approval not required on 14/04/14 DELEGATED**

### **BH2014/00775**

#### **47 Coventry Street Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.55m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.35m.

**Applicant:** Laura Seymour

**Officer:** Christine Dadswell 292205

**Prior approval not required on 16/04/14 DELEGATED**

### **BH2014/00834**

#### **37 Coventry Street Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.3m.

**Applicant:** Christine Dunn

**Officer:** Oguzhan Denizer 290419

**Prior approval not required on 17/04/14 DELEGATED**

### **REGENCY**

### **BH2013/02798**

#### **13A-14 Stone Street & 19A Castle Street Brighton**

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.

**Applicant:** Just Developments Ltd

**Officer:** Jason Hawkes 292153

**Refused on 07/04/14 COMMITTEE**

#### **1) UNI**

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 & Hove Local Plan 2005.

### **BH2013/02799**

#### **13A-14 Stone Street & 19A Castle Street Brighton**

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.

**Applicant:** Just Developments Ltd

**Officer:** Jason Hawkes 292153

**Refused on 07/04/14 COMMITTEE**

## **1) UNI**

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 & Hove Local Plan 2005.

### **BH2013/04006**

#### **70 North Street Brighton**

Display of internally illuminated fascia signs and projecting signs.

**Applicant:** Foot Locker Europe BV

**Officer:** Liz Arnold 291709

**Approved on 14/04/14 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 public safety.*

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

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

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

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

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

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

#### **6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**BH2013/04301**

**Brighton Town Hall Bartholomew Square Brighton**

Internal alterations to layout of basement level toilets and showers.

**Applicant:** Brighton & Hove City Council

**Officer:** Helen Hobbs 293335

**Approved on 07/04/14 OTHER**

**1) BH01.05**

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

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

**BH2014/00028**

**51 Ship Street Brighton**

Alterations to facilitate installation of integral electrical sub-station, including removal of external brick wall and security shutter and installation of new door openings and vent.

**Applicant:** Veerose Ltd

**Officer:** Christopher Wright 292097

**Refused on 14/04/14 DELEGATED**

**1) UNI**

The proposed development, by reason of the siting and proportions of the proposed louvred doors and ventilation grille, would harm the historic character and appearance of the Listed Building and would fail to preserve (or enhance) the character or appearance of the wider Old Town Conservation Area. As such the proposal is contrary to policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed development, in the absence of appropriate noise attenuation measures, has potential to cause noise disturbance which could be harmful to amenity for occupants of adjoining properties. As such the proposal is contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

**BH2014/00029**

**51 Ship Street Brighton**

Alterations to facilitate installation of integral electrical sub-station, including removal of external brick wall and security shutter and installation of new door openings and vent.

**Applicant:** Veerose Ltd

**Officer:** Christopher Wright 292097

**Refused on 14/04/14 DELEGATED**

**1) UNI**

The proposed siting and proportions of the external louvred doors and ventilation grille would harm the historic character and appearance of the Listed Building. As such the proposal is contrary to policy HE1 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed removal of the ground floor chimney breast would result in the loss of original building fabric and would be detrimental to the historic character and



appearance of the Listed Building. As such the proposal is contrary to policy HE1 of the Brighton & Hove Local Plan.

**BH2014/00115**

**51 Ship Street Brighton**

Display of non-illuminated fascia, projecting and timber plaque signs.

**Applicant:** Fat Face Ltd

**Officer:** Christopher Wright 292097

**Approved on 16/04/14 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 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.*

**BH2014/00118**

**51 Ship Street Brighton**

Installation of external signage, internal alterations to layout and refurbishment works.

**Applicant:** Fat Face Ltd

**Officer:** Christopher Wright 292097

**Approved on 14/04/14 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.*

**2) UNI**

No works shall take place until full details of the proposed internal partitions to include 1:20 scale elevations have been submitted to and approved in writing by the Local Planning Authority. The partitions shall not be full height. 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.*

**BH2014/00163**

**60 Middle Street Brighton**

Internal alterations to layout of dwelling.

**Applicant:** Mr James Watts

**Officer:** Joanne Doyle 292198

**Refused on 22/04/14 DELEGATED**

**1) UNI**

The proposed internal subdivision, due to the division of the first floor lounge into two rooms and additional bathroom and en-suite, would have a significant adverse impact on the historic proportions, plan form and character of the Listed Building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Note 11 on Listed Building Interiors.

**2) UNI2**

It has not been demonstrated that the new opening at ground floor level or drainage and ventilation to the proposed kitchen and bathrooms could be provided without resulting in a significant adverse impact on the historic proportions, plan form and character of the Listed Building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Note 11 on Listed Building Interiors.

**BH2014/00428**

**95 Western Road Brighton**

Display of internally illuminated lettering signs to existing fascia to north and east elevations.

**Applicant:** Loungers Limited

**Officer:** Christine Dadswell 292205

**Approved on 14/04/14 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 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.*

**BH2014/00487**

**55 East Street Brighton**

Display of internally illuminated fascia sign, non-illuminated hanging sign and 2no window vinyls.

**Applicant:** Jack Wills

**Officer:** Christine Dadswell 292205

**Approved on 15/04/14 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 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.*

**BH2014/00488**

**55 East Street Brighton**

Report from: 03/04/2014 to: 23/04/2014

Installation of new shopfront.

**Applicant:** Jack Wills

**Officer:** Christine Dadswell 292205

**Refused on 15/04/14 DELEGATED**

**1) UNI**

The proposed stall riser by reason of its depth is contrary to policy QD10 of Brighton & Hove Local Plan and SPD02 (Shop Fronts).

**BH2014/00499**

**The Old Ship Hotel 31 - 38 Kings Road Brighton**

Replacement of timber framed windows with single and double glazed timber framed windows to West elevation.

**Applicant:** The Old Ship Hotel (Brighton) Ltd

**Officer:** Joanne Doyle 292198

**Approved on 10/04/14 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**

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with 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 Ship Street Elevation	1069- 100		13 Feb 2014
Proposed Replacement Windows Ship Street Elevation	1069 - 102		13 Feb 2014
Proposed Replacement Windows Manufacturer's details	1069- 104		13 Feb 2014
Proposed Replacement Windows Ship Street Elevation	1069- 101		13 Feb 2014
Ship Street Elevation Site Plan And Existing Condition	1069- 103		13 Feb 2014

**BH2014/00608**

**Maisonette 72-73 East Street Brighton**

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

**Applicant:** Richard & Associates Limited

**Officer:** Emily Stanbridge 292359

**Approved on 17/04/14 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
Site and block plan	A.01		20.02.2014
Window key	A.03		20.02.2014
Existing and proposed east and west elevation	A.04		20.02.2014
Window type 1 as Existing	A.05		20.02.2014
Window type 2 as Existing	A.06		20.02.2014
Window type 3- Casement as existing	A.07		20.02.2014
Window type 1 as Proposed	A.08		20.02.2014
Window type 2 as Proposed	A.09		20.02.2014
Window type 3-Casement as Proposed	A.10		20.02.2014

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

**BH2013/01600**

**City College Brighton & Hove Pelham Street Brighton**

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

**Applicant:** City College Brighton & Hove

**Officer:** Kathryn Boggiano 292138

**Approved after Section 106 signed on 11/04/14 COMMITTEE**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan	P1001	D	20 September 2013
Site Plan - As existing	P1001	C	20 September 2013

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

## **2) UNI**

The Phase 1 College Building hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

## **3) UNI**

The Phase 1 College Building hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

## **4) UNI**

No development shall commence of the Phase 1 College Building shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments (for Phase 1 only) shall be provided in accordance with the approved details before the Phase 1 College Building is occupied and retained as such thereafter.

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

## **5) UNI**

No development shall commence of the Phase 1 College Building until full details of the existing and proposed land levels of the proposed development in relation to Ordnance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority (for Phase 1 only). The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

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

## **6) UNI**

No development shall commence of the Phase 1 College Building until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority (for Phase 1 only). Development shall be carried out in accordance with the approved details.

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

## **7) UNI**

No development of Phase 1 College Building shall take place until samples of materials for all external windows and doors of the Phase 1 building have been submitted to and approved in writing by the Local Planning Authority (for Phase 1 only). Development shall be carried out in accordance with the approved details.

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

## **8) UNI**

If, during development of the Phase 1 College Building and public square, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. The



development shall be carried out in accordance with the approved details.

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

**9) UNI**

No development of Phase 1 College Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 1 development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.

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

**10) UNI**

Piling or any other foundation designs using penetrative methods associated with the Phase 1 College Building shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

**11) UNI**

No development of Phase 1 College Building shall commence until a scheme for nature conservation enhancement for Phase 1 has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

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

**12) UNI**

No development of the Phase 1 College Building or public square or other operations in connection with the Phase 1 College Building or public square, shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for the Phase 1 College Building and public square development has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.

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

**13) UNI**

No development of the Phase 1 College Building or public square shall take place

until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 1 Public Square, which shall include hard surfacing, wind mitigation screens, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

#### **14) 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.*

#### **15) UNI**

No development of the Phase 1 College Building shall take place until details of a minimum of 56 secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities or such alternative facilities as may be agreed in writing with the Local Planning Authority shall be fully implemented and made available for use prior to the occupation of the Phase 1 College Building hereby permitted and shall thereafter be retained for use at all times.

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

#### **16) UNI**

No development of the Phase 1 College Building at first floor level or above shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 1 College Building has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

#### **17) UNI**

Within 6 months of first occupation of the Phase 1 College Building hereby approved a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Stage 1 College Building built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

*Reason: To ensure that the development is sustainable and makes efficient use*

*of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**18) UNI**

Noise associated with plant and machinery incorporated within the Phase 1 College Building shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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

**19) UNI**

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

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

**20) UNI**

No servicing of the Phase 1 College Building (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 09.00 to 17.00 on Saturdays and Sundays.

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

**21) UNI**

No development of the Phase 1 College Building shall take place until an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the College Building at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and to comply with the "good" levels in British Standard 8233 and the levels stated in BB93 or suitable equivalent. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

**22) UNI**

Post completion of the Phase 1 College, but prior to occupation of the Phase 1 College Building, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the noise levels internally at the Phase 1 College Building comply with the "good" levels in British Standard 8233 and the levels stated in Building Bulletin 93 or suitable equivalent. If the additional noise survey and report shows that the "good" levels in the British Standard 8233 and the levels stated in Building Bulletin 93 or suitable equivalent are not met then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the "good" levels in the British Standard 8233 and the levels stated in BB93 or suitable equivalent shall be submitted to and approved in writing prior to first occupation of the Phase 1 College Building.

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

**23) UNI**

No development of the Phase 1 College Building shall take place until a scheme for the fitting of odour control equipment to the Phase 1 College Building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**24) UNI**

No development of the Phase 1 College Building shall take place until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**25) UNI**

The Phase 1 College Building hereby permitted shall not be operational except between the hours of 06:00 and 21:00 on Mondays to Fridays and 06:00 to 17:00 on Saturdays with no opening on Sundays or Bank or Public Holidays.

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

**26) UNI**

(i) No development of the Phase 1 College Building shall take place until details of the external lighting of the Phase 1 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 Phase 1 site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

(ii) Prior to occupation of the Stage 1 College Building, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).

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

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

**27) UNI**

The Phase 1 building shall only be used for D1 education provision only with ancillary retail (A1) and restaurant (A3) as shown on the approved plans and for no other purpose including the use of any part of the building as a theatre (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and the education aspirations for the City and to comply with policies HO20 and QD27 of the Brighton & Hove Local Plan.*

### **28) UNI**

All windows at the first and second floor levels of the south elevation of the three storey section of the Phase 1 College Building, which is located to the south west of the main building, shall not be glazed otherwise than with obscured glass, in accordance with details to be submitted to and approved in writing prior to work starting on the Phase 1 Building. The scheme shall be implemented fully in accordance with the approved details prior to first occupation of the Stage 1 College Building and retained as such thereafter.

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

### **29) UNI**

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

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

### **30) UNI**

No development of the Phase 1 College Building Residential Building shall take place until detailed elevations at scale 1:20 of all proposed gates to be installed at the Phase 1 site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

### **31) UNI**

No development of the Phase 1 College Building shall take place until details of the photovoltaics to be installed at rooftop level of the Phase 1 College Building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved details and shall be retained as such thereafter.

*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, and to ensure a satisfactory appearance to the development.*

Student Residential Development - Phase 2a

### **32) UNI**

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

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

### **33) UNI**

No development of the Phase 2a Student Residential Building hereby approved shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be

retained for use at all times.

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

**34) UNI**

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

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

**35) UNI**

No development shall commence of the Phase 2a Student Residential Building until full details of the existing and proposed land levels of the proposed Phase 2a development in relation to Ordnance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

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

**36) UNI**

No development of the Phase 2a Student Residential Building shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the Phase 2a Student Residential Building 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.*

**37) UNI**

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

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

**38) UNI**

No development of the Phase 2a Student Residential Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 2a development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.

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

*Brighton & Hove Local Plan.*

**39) UNI**

Piling or any other foundation designs using penetrative methods associated with the Phase 2a Student Residential Building shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

**40) UNI**

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

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

**41) UNI**

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

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

**42) UNI**

No development of the Phase 2a Student Residential Building shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 2a site, 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.*

**43) 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.*

**44) UNI**

No development of the Phase 2a Student Residential Building shall take place until details of a minimum of 160 secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the Phase 2a Student Residential Building hereby permitted and shall thereafter be retained for use at all times.

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

**45) UNI**

No development of the Phase 2a Student Residential Building at first floor level or above shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 2a Student Residential Building has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for the Phase 2a Student Residential Building 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.*

**46) UNI**

Within 6 months of first occupation of the Phase 2a Student Residential Building hereby approved a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Phase 2a Student Residential Building as built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

**47) UNI**

Noise associated with plant and machinery incorporated within the Phase 2a Student Residential Development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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

**48) UNI**

The testing of life safety plant incorporated within the Phase 2a Student Residential Development, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the assessment criteria is relaxed to correspond to an increase in the minimum background noise



levels by no more than 10 dB(A).

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

**49) UNI**

No servicing of the Phase 2a Student Residential Building (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 09.00 to 17.00 on Saturdays and Sundays.

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

**50) UNI**

The Party Walls/Floors between the ground floor of the Phase 2a Student Residential Building and the first floor residential units should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats.

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

**51) UNI**

No development of the Phase 2a Student Residential Building shall take place until a an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the Phase 2a Student Residential Building submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the "good" levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

**52) UNI**

Post completion of the Phase 2a Student Residential Building, but prior to occupation of the Phase 2a Student Residential Building, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the noise levels internally at the Phase 2a Student Accommodation Building comply with the "good" levels in British Standard 8233. If the additional noise survey and report shows that the "good" levels in the British Standard 8233 are not met then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the "good" levels in the British Standard 8233 shall be submitted to and approved in writing prior to first occupation of the Phase 2a Student Accommodation Building.

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

**53) UNI**

No development of the Phase 2a Student Residential Building shall take place until a scheme for the fitting of odour control equipment to the Phase 2a Student Residential Building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**54) UNI**

No development of the Phase 2a Student Residential Building shall take place until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by

the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**55) UNI**

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

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

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

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

**56) UNI**

(i) No development of the Phase 2a Student Residential Building shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) A desk top study documenting all the previous and existing land uses of the Phase 2a Student Development site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the local planning authority,

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

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

*(ii) The Phase 2a Student Residential Building hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition 56 (i)c that any remediation scheme required and approved under the provisions of condition 56 (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:*

*a) as built drawings of the implemented scheme;*

*b) photographs of the remediation works in progress;*

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

contamination.

*Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 56 (i) c."*

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

**57) UNI**

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

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

**58) UNI**

No development of the Phase 2a Student Residential Building shall take place until the details of the height, materials and technical specification for the flue serving the Combined Heat and Power system has been submitted to an approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such thereafter.

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

**59) UNI**

No development of the Phase 2a Student Residential Building shall take place until detailed elevations at scale 1:20 of all proposed gates to be installed at the Phase 2a site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

**60) UNI**

No development of the Phase 2a Student Residential Building shall take place until details of the photovoltaics to be installed at rooftop level of the Phase 2a Student Residential Building have been submitted to and approved in writing by the Local Planning Authority. The development shall be on carried out fully in accordance with the approved details and shall be retained as such thereafter.

*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, and to ensure a satisfactory appearance to the development.*

Phase 2b: Residential Development & Pelham Street Improvements

**61) UNI**

The Phase 2b Residential Development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in Condition 62 below, whichever is the later.

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

**62) UNI**

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

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

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

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

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

**63) UNI**

The Phase 2b Residential Development shall not commence until a scheme for the details of the provision of Affordable Housing for at least 20% of the residential units hereby approved as part of the development, has been submitted to and approved in writing by the Local Planning Authority. Save where Condition 64 below applies, the affordable housing shall be provided in accordance with the approved scheme which shall include:

i. the numbers, type, tenure mix and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units. 55% of the affordable housing units shall be provided as Affordable Rented Housing and 45% shall be provided as Intermediate Affordable Housing.

i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;

iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and

*iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team and for the purposes of this condition and Condition 64 below 'Affordable Housing', 'Affordable Rented Housing' and 'Intermediate Affordable Housing' have the meaning ascribed to it by the National Planning Policy Framework.*

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

**64) UNI**

Should all the Phase 2b Residential Buildings hereby approved not have been constructed to at least first floor level by the fourth anniversary of the date of this permission; or if the gross internal floor area (combined) of the residential units hereby approved (excluding any communal areas such as entrance halls, staircases and lifts) exceed 7,265 square metres; a viability assessment which assesses, at that date, the number of affordable housing units that the proposed development could provide whilst remaining viable, together with a scheme ('the reassessed scheme') of affordable housing provision based on that viability assessment (including numbers, type, tenure mix and location on the site of the affordable housing provision to be made), shall be submitted to, and for approval in writing by, the Local Planning Authority. The affordable housing shall be provided in accordance with the approved reassessed scheme which reassessed scheme shall also include:

v. the timing of the construction of the affordable housing and its phasing in

relation to the occupancy of the market housing;

*vi. the arrangements for the transfer of the affordable housing to an affordable housing provider;*

*vii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing.*

*viii. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team*

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

**65) UNI**

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

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

**66) UNI**

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

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

**67) UNI**

No development of the Phase 2b Residential Development shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 2b development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.

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

**68) UNI**

Piling or any other foundation designs using penetrative methods associated with the Phase 2b Residential Development shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

**69) UNI**

(i) Prior to the commencement of the Phase 2b Residential Development details of the external lighting of the Phase 2b site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the

recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

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

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

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

#### **70) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no works shall start in relation to the Phase 2b Residential Development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

#### **71) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved as part of the Phase 2b Residential Development shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

*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.*

#### **72) UNI**

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

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

#### **73) UNI**

Noise associated with plant and machinery incorporated within the Phase 2b Residential Development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

*Reason: To safeguard the amenities of the occupiers of adjoining properties and*

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

**74) UNI**

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

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

**75) UNI**

The reserved matters application required by Condition 62 shall include details of an acoustic report which contains details of how the Residential Buildings submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the "good" levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

**76) UNI**

The reserved matters application required by Condition 62 shall include details of a daylight and sunlight report which shall contain details of the levels of daylighting and sunlighting to all habitable windows in the Residential Buildings in accordance with the BRE Site Layout Planning for Daylight and Sunlight A Guide to Good Practice and BS8206-2:2008 Lighting for Buildings Part 2: Code of Practice for daylighting.

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

**77) UNI**

The reserved matters application required by Condition 62 shall include details of how the windows on the east facing elevation at first floor of the eastern building of Block C shall be designed to limit overlooking to properties on York Place.

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

**78) UNI**

The east facing elevation of the northern wing of Block A which is adjacent to Cheapside shall not contain balconies and any windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 62.

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

**79) UNI**

The east facing elevation of the southern wing of Block A which is adjacent to the new pedestrian route to 15 York Place shall not contain balconies and any windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 62.

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

**80) UNI**

(i) No development of the Phase 2b Residential Buildings shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted.

Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) A desk top study documenting all the previous and existing land uses of the Phase 2b Residential Development site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the local planning authority,

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

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

*(ii) The Phase 2b Residential Building hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition 80 (i)c that any remediation scheme required and approved under the provisions of condition 80 (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:*

*a) as built drawings of the implemented scheme;*

*b) photographs of the remediation works in progress;*

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

*Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 80 (i) c."*

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

#### **81) UNI**

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

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

#### **82) UNI**

No works shall commence on the Phase 2b Residential Buildings until a scheme has been submitted to and approved in writing by the Local Planning Authority which shows that a minimum of 10% of the affordable housing units and 5% of market housing residential units are fully wheelchair accessible. The scheme shall be fully implemented in accordance with the approved details.

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

#### **83) UNI**

The heights of the residential buildings shall not exceed the following Ordnance Datum levels (AOD); Block A 34.5 metres, Block B 30.95 metres Block C ridge height 23.42 metres and eaves height 20.349 metres as shown on plans referenced P1286 C and P1288 C received on 13 November 2013.

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

#### **84) UNI**

The Phase 2b Residential Development hereby permitted shall not be



commenced until details of a minimum cycle parking standards in accordance with the details contained within Supplementary Planning Guidance Note 4 Parking Standards or any subsequent Supplementary Planning Document which replaces SPG4, has been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the Phase 2b Residential Development hereby permitted and shall thereafter be retained for use at all times.

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

**85) UNI**

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

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

**86) UNI**

No development of the Phase 2b Residential Buildings shall take place until a scheme for the storage of refuse and recycling for Phase 2b 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.*

**87) UNI**

The roofs of Block A and Block B shall contain a green or sedum roof, and the roofs of Block A, Block B and Block C shall contain renewable solar technologies, the details of which shall be submitted as part of the reserved matters application required by Condition 62.

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

**88) UNI**

The reserved matters application required by Condition 62 shall include details of an ventilation strategy which contains details of how the units at the ground and first floor levels of the Cheapside elevation of Block A shall be ventilated so that they are protected from the outside ambient air quality. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

**89) UNI**

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

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

*Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**90) UNI**

No demolition of York or Trafalgar buildings and their associated extensions, shall take place unless a programme of building survey and recording of York or Trafalgar buildings and their associated extensions, has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority prior to commencement of the Phase 2 development.

*Reason: To ensure the satisfactory recording of these buildings and to comply with policy QD1 and QD2 of the Brighton & Hove Local Plan.*

**91) UNI**

Apart from the 13 disabled vehicle parking bays to the rear of Block A as shown on drawings referenced P1105 Rev D received on 31 October 2013, no other area within the Phase 2b site, including the landscaped areas, amenity areas and new route from Pelham Street to York Place, shall be used for the parking of vehicular cars.

*Reason: To ensure that apart from the disabled vehicular parking the development is 'car free' and to preserve the visual amenities of the area and to comply with policies QD1, QD2 and HO7 of the Brighton & Hove Local Plan.*

**BH2013/03173**

**Unit 1 Brighton Station Queens Road Brighton**

Internal alterations to layout to facilitate hot food and drink outlet with associated signage.

**Applicant:** Bagelman

**Officer:** Liz Arnold 291709

**Approved on 17/04/14 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.*

**2) UNI**

Notwithstanding the submitted details the reinstated timber wainscot boarding and skirting shall match exactly that in the East Wing Waiting Room.

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

**3) UNI**

The signage hereby approved shall not include any exposed wiring or trunking.

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

**BH2014/00021**

**Basement Flat 54 Dyke Road Brighton**

Re-instatement of cast iron railings to front elevation.

**Applicant:** Deborah Warren

**Officer:** Joanne Doyle 292198

**Approved on 23/04/14 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 railings hereby approved shall match exactly the design, profile, method of fixture and materials of the remaining existing railings and shall be painted black within 3 months of installation and retained as such thereafter.

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

## 3) UNI

The development hereby permitted shall be carried out in accordance with 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			06 Jan 2014
Block Plan			06 Jan 2014
Proposed Elevation Drawing			25 Feb 2014
Proposed Elevation Drawing			26 Feb 2014
Proposed Floor Plan			25 Feb 2014

## **BH2014/00164**

### **38 Buckingham Road Brighton**

Replacement of existing sliding sash timber single glazed windows with double glazed timber windows to first and second floor front elevation.

**Applicant:** Mr Stephen Anderson

**Officer:** Joanne Doyle 292198

**Approved on 16/04/14 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 windows hereby approved shall be double-glazed painted timber vertical sliding sashes with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match the original sash windows to the building, and the windows shall be retained as such thereafter.

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

### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			20 Feb 2014
Product survey & Specifications			19 Feb 2014
Product Survey and Specification			19 Feb 2014
Indicative Head / Meeting			19 Feb 2014

Report from: 03/04/2014 to: 23/04/2014

Sash / Sill details			
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**BH2014/00300**

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

Application for Approval of Details Reserved by Condition 48 of BH2010/03744 as amended by BH2013/01147.

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

**Officer:** Paul Vidler 292192

**Approved on 17/04/14 DELEGATED**

**BH2014/00382**

**15-16 London Road Brighton**

Display of internally illuminated ATM panel.

**Applicant:** Santander

**Officer:** Christine Dadswell 292205

**Approved on 09/04/14 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 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.*

**BH2014/00383**

**15-16 London Road Brighton**

Installation of 1no additional ATM machine and replacement receipt bins with surrounding vinyl.

**Applicant:** Santander

**Officer:** Christine Dadswell 292205

**Approved on 09/04/14 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
Existing and Proposed Elevations	Brighton LR-0273-EL-D R	A	12/02/2014

**BH2014/00401**

**100 - 101 Queens Road Brighton**

Display of internally illuminated logo sign and lettering within existing shopfront panelling.

**Applicant:** The Royal British Legion

**Officer:** Chris Swain 292178

**Approved on 09/04/14 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 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.*

## **BH2014/00416**

### **29-30 Surrey Street Brighton**

Display of internally illuminated lettering.

**Applicant:** Fuller Smith & Turner PLC

**Officer:** Chris Swain 292178

**Approved on 10/04/14 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 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.*

## **BH2014/00439**

### **7A Wakefield Road Brighton**

Replacement of existing single glazed timber framed windows and door to the rear and door to the front with double glazed UPVC.

**Applicant:** Dr Elisabeth Brama

**Officer:** Robin Hodgetts 292366

**Approved on 23/04/14 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
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Site location plan			10/02/04
Windows and doors details			10/02/14

**BH2014/00460**

**16 Queens Place Brighton**

Erection of single storey roof extension to existing warehouse and office to form 1no one bedroom flat and 1no two bedroom flat (C3) with alterations to ground floor entrance.

**Applicant:** Mr H Nicholson

**Officer:** Liz Arnold 291709

**Refused on 17/04/14 DELEGATED**

**1) UNI**

The proposed roof extension, by virtue of its false traditional roof form design, height, bulk and massing would result in a development which relates poorly to the simple, functional modernity appearance of the existing building and a development that would be unduly prominent with the Queens Place street scene and result in an oppressive environment to the Brunswick Row street scene. As such the proposal would be of detriment to the visual amenities of the parent property, the Queens Place and Brunswick Row street scene and the wider area and would fail to preserve or enhance the setting of the adjacent Conservation Area and the Listed Buildings located within the vicinity of the site. The proposal is contrary to policies QD1, QD2, QD3, QD14, HE3 and HE6 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

**2) UNI2**

The proposed external roof terrace, by virtue of its positioning in respect of the existing window within the east facing elevation of no. 136 to 137 London Road, would result in an unneighbourly form of development by virtue of resulting in loss of privacy and overlooking to this neighbouring window. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/00510**

**30 Kensington Street Brighton**

Display of internally illuminated lettering and projecting signs.

**Applicant:** Trague Holdings

**Officer:** Emily Stanbridge 292359

**Approved on 22/04/14 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 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.*

**BH2014/00532**

**1 Buckingham Place Brighton**

Application for Approval of Details Reserved by Conditions 4 and 5 of application BH2013/03604.

**Applicant:** Mr A Ribot

**Officer:** Wayne Nee 292132

**Refused on 17/04/14 DELEGATED**

**1) UNI**

The details in relation to Condition 4 have not been approved as the proposed cycle storage, due to their location, would not enable users to easily secure both wheels and the frame. The details are therefore contrary to policy TR14 of the Brighton & Hove Local Plan.

**2) UNI2**

The details in relation to Condition 5 have not been approved as the proposed disabled bay only provides a clear zone on one side of the parking bay. This would result in the potential for unsafe vehicle manoeuvres by users of the disabled bay. The details are therefore contrary to policies TR7 and TR18 of the Brighton & Hove Local Plan.

**BH2014/00569**

**12 Pavilion Buildings Brighton**

Report from: 03/04/2014 to: 23/04/2014

Display of non-illuminated fascia and projecting signs.

**Applicant:** The Jaeger Company's Shops Limited

**Officer:** Joanne Doyle 292198

**Approved on 17/04/14 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 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.*

**BH2014/00603**

**Diplocks Yard 73 North Road Brighton**

Erection of part single storey, part two storey building to provide 8no office units (B1) with new entrance gates to site entrance.

**Applicant:** Sussex Property Investments Ltd

**Officer:** Adrian Smith 290478

Report from: 03/04/2014 to: 23/04/2014

## **Refused on 23/04/14 DELEGATED**

### **1) UNI**

The proposed development, by virtue of the scale, materials, bulk and design of its roof form, fails to complement the general form and setting of the site and its surroundings, and would result in appreciable harm to the character and appearance of this backland site and the positive characteristics of the surrounding North Laine Conservation Area, contrary to policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan.

### **2) UNI2**

The proposed development, by virtue of the scale, bulk and design of its roof form, would result in a loss of amenity for occupants of Queens Gardens by way of adverse loss of light and harmful oppression of outlook, contrary to policy QD27 of the Brighton & Hove Local Plan

## **BH2014/00607**

### **The Open Market Marshalls Row Brighton**

Application for Approval of Details Reserved by Condition 52 of application BH2010/03744 as amended by BH2013/01147.

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

**Officer:** Paul Vidler 292192

**Approved on 16/04/14 DELEGATED**

## **BH2014/00624**

### **32-34 Queens Road Brighton**

Prior approval for change of use at first, second and third floor level from office (B1) to residential (C3) to form 7no flats.

**Applicant:** Mr Geoffrey Holden, Mr Keith Brinsmead, Mr Clive Botting & Mr Graham St John Richardson

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 17/04/14 DELEGATED**

## **WITHDEAN**

## **BH2013/03456**

### **39 & 41 Withdean Road Brighton**

Demolition of existing houses and erection of 3no detached houses with associated landscaping.

**Applicant:** Baobab Developments

**Officer:** Steven Lewis 290480

**Approved on 09/04/14 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 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.*

### **3) UNI**

No extension, enlargement or other alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country

Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

**4) UNI**

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

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

**5) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing larger scale details at 1:20 scale of the proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the building is occupied.

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

**6) UNI**

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

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

**7) UNI**

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

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

**8) UNI**

No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for tree protection 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 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 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, and hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.

*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**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

#### **11) UNI**

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.*

#### **12) UNI**

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

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

#### **13) UNI**

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

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

#### **14) UNI**

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.*

#### **15) UNI**

The extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.*

#### **16) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan & Location Plan	1310_001_P		10/10/2013
Unit 1 Plans	1310_003_P		16/10/2013
Unit 1 Elevations	1310_004_P		10/10/2013
Unit 2 Plans	1310_005_P		16/10/2013
Unit 2 Elevations	1310_006_P		17/03/2014
Unit 3 Plans	1310_007_P	A	17/03/2014
Unit 3 Elevations	1310_008_P	B	17/03/2014
Existing Site Plan	1310-009_13.0 9.09		10/10/2013
Existing Sections/Elevations	1310-016_13.0 9.09		16/10/2013
Existing Sections/Elevations	1310-017_13.0 9.09		16/10/2013
Previously approved and proposed schemes	1310-020_P		20/11/2013
Site elevations and sections	1310-030_P		17/03/2014
Tree Plan	J37.79/02		05/11/2013

### **BH2013/03555**

#### **11 South Road Brighton**

Conversion of first floor offices (B1) to 1no one bed flat and 1no studio flat (C3).

**Applicant:** Uniglobe Preferred Travel

**Officer:** Liz Arnold 291709

**Refused on 17/04/14 DELEGATED**

#### **1) UNI**

The proposed development would result in the loss of an existing office at first floor level. The applicant has failed to demonstrate that the existing office use is genuinely redundant and has failed to demonstrate that the preferred alternative uses as set out in policy EM5 of the Brighton & Hove Local Plan have been explored. As such the proposal is contrary to policies EM5 and EM6 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed termination of the extract fan through the small section of masonry between the first floor west facing window and principle building would have an adverse impact upon the architectural and historic character and appearance of the Grade II Listed Building. As such the proposal is contrary to policies QD14,

HE1 & HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Notes SPGBH13: Listed Buildings - General Advice.

**BH2013/03556**

**11 South Road Brighton**

Internal alterations to facilitate the conversion of first floor offices (B1) to 1no one bed flat and 1no studio flat (C3).

**Applicant:** Uniglobe Preferred Travel

**Officer:** Liz Arnold 291709

**Refused on 17/04/14 DELEGATED**

**1) UNI**

The proposed alterations at first floor level, and particularly the construction of partitions, subdivision of the open historic plan form, servicing installation and fire and sound upgrades, would have an adverse impact on the historic and architectural character and appearance of the Grade II Listed Building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Notes, SPGBH11: Listed Building Interiors and SPGBH13: Listed Buildings - General Advice.

**2) UNI2**

The applicant has failed to provide sufficient information in relation to the existing floor covering. As such the Local Planning Authority is unable to fully assess the impacts of the proposed fire and sound upgrade works on the historic and architectural character and appearance of the Grade II Listed Building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan, the Council's Supplementary Planning Guidance Notes, SPGBH11: Listed Building Interiors and SPGBH13: Listed Buildings - General Advice.

**BH2013/03993**

**Park Manor London Road Brighton**

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.

**Applicant:** Anstone Properties Ltd

**Officer:** Liz Arnold 291709

**Approved on 04/04/14 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 Plans	A3213/01	Rev. B	5th March 2014
Existing Sixth Floor Plan	A3213/02		22nd November 2013
Existing East Elevation	A3213/03		22nd November 2013
Existing West Elevation	A3213/04		22nd November 2013

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Existing S & N Elevations	A3213/05		22nd November 2013
Proposed Seventh Floor Plan	A3213/06		22nd November 2013
Proposed Seventh Floor Plan	A3213/07	Rev. B	18th December 2013
Proposed Seventh Floor Plan	A3213/08	Rev. B	18th December 2013
Proposed West Elevation	A3213/09	Rev. A	24th January 2014
Proposed West Elevation	A3213/10	Rev. A	24th January 2014
Proposed West Elevation	A3213/11	Rev. A	24th January 2014
Existing Roof Plan	A3213/12		22nd November 2013
Proposed Roof Plan	A3213/13		22nd November 2013
Proposed Seventh Floor Plan	A3213/14	Rev. A	18th December 2013
Existing Parking Plan	A3213/15		22nd November 2013
Secure Cycle Store	A3213/15		24th January 2014
Parking & Cycle Storage	A3213/16	Rev. A	6th March 2014

### 3) UNI

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

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

### 4) UNI

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

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

### 5) UNI

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

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

### 6) UNI

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

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

### 7) UNI



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

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

#### **8) UNI**

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

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

#### **9) UNI**

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

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

#### **10) UNI**

Notwithstanding the information provided, the development hereby permitted shall not commence until revised details of the disabled car parking provision for the occupants of and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The parking space shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be returned for use at all times.

*Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policies TR1 and TR18 of the Brighton & Hove Local Plan and SPG4 on Parking Standards.*

#### **11) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

#### **12) UNI**

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.*

**BH2013/03995****39 Westdene Drive Brighton**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Louie Rix-Martin**Officer:** Helen Hobbs 293335**Approved on 07/04/14 DELEGATED****BH2013/04029****158 Tivoli Crescent North Brighton**

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).

**Applicant:** Mr & Mrs Sadeghi**Officer:** Liz Arnold 291709**Approved on 04/04/14 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 Plan	13.11.21.001		9th December 2013
Block Plan	13.11.21.002		9th December 2013
Existing Floor Plans	13.11.21.003		21st January 2014
Existing Elevations	13.11.21.004		21st January 2014
Proposed Floor Plans	13.11.21.005		21st January 2014
Proposed Elevations	13.11.21.006		21st January 2014
Section Through Rear Extension	13.11.21.12		20th January 2014

**3) UNI**

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

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.***4) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the southern and northern elevation of the first floor extension hereby approved without planning permission obtained from the Local Planning Authority.

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

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### **5) UNI**

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

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

### **BH2013/04381**

#### **35 Surrenden Crescent Brighton**

Certificate of lawfulness for proposed demolition of existing garage and erection of new garage to rear, erection of single storey side extension and enlargement of existing dormer to east elevation.

**Applicant:** Mr R Ashton

**Officer:** Christopher Wright 292097

**Refused on 11/04/14 DELEGATED**

### **BH2014/00137**

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

Application for Approval of Details Reserved by Conditions 8 and 10 of application BH2013/01800.

**Applicant:** Anstone Properties Ltd

**Officer:** Jason Hawkes 292153

**Split Decision on 17/04/14 DELEGATED**

### **BH2014/00308**

#### **19 Withdean Road Brighton**

Demolition of existing dwelling and erection of six bedroom dwelling.

**Applicant:** Mr & Mrs Kevin Fitzpatrick

**Officer:** Christopher Wright 292097

**Refused on 16/04/14 DELEGATED**

### **1) UNI**

The proposed development, by reason of its scale, siting, height, bulk and form, would have an unduly dominant, discordant and cramped appearance in relation to the two neighbouring properties and would detract from the character of the area. The development would therefore fail to emphasise and enhance the positive qualities and characteristics of the area and is contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

### **2) UNI2**

The proposed development, by reason of its scale, siting, height, bulk and form, would have an overbearing impact on neighbouring properties and would give rise to overlooking and a loss of privacy. As such the proposal would be detrimental to neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.

### **BH2014/00395**

#### **48 Redhill Drive Brighton**

Erection of three storey rear extension, alterations to fenestration, creation of raised terrace with balustrade and roof alterations with 4no rooflights.

**Applicant:** Sinnis International (UK) Ltd

**Officer:** Emily Stanbridge 292359

**Refused on 04/04/14 DELEGATED**

### **1) UNI**

The proposed extension by virtue of its scale, bulk, height and design forms an

overly dominant addition to this property, which lacks subservience resulting in an over-extended appearance to the original property. The proposal results in a significant and harmful change to the properties original plan form, character and appearance. The proposed development is therefore contrary to Policies QD2 and QD14 within the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

**2) UNI2**

The extension forms a uneighbourly addition, creating an overbearing impact to the neighbouring property (No.46 Redhill Drive). As such the proposed development is contrary to QD27 within the Brighton & Hove Local Plan.

**BH2014/00422**

**66 Loder Road Brighton**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Mrs Christine Berry

**Officer:** Julia Martin-Woodbridge 294495

**Approved on 10/04/14 DELEGATED**

**BH2014/00445**

**25 Bramble Rise Brighton**

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

**Applicant:** Matthew Lindenfelser

**Officer:** Helen Hobbs 293335

**Approved on 09/04/14 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 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 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
Proposals	488(PL)1		12th February 2014
Site and block plan	488(PL)2		12th February 2014

**BH2014/00477**

**52 Surrenden Crescent Brighton**

Excavation at lower ground floor level to facilitate conversion of store into habitable space with associated creation of a patio area with balustrade and associated external alterations.

**Applicant:** Mr & Mrs Duncan

**Officer:** Oguzhan Denizer 290419

**Approved on 11/04/14 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 extended front elevation (at lower ground floor level) shall match in material, colour, style, bonding and texture those of the existing building.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan & Block Plan			14/02/2014
Existing Plans, Section & Elevations	01		14/02/2014
Proposed Plans, Section & Elevations	02		14/02/2014

**BH2014/00575**

**66 Valley Drive Brighton**

Certificate of Lawfulness for proposed loft conversion with front dormer and rooflights to side and rear.

**Applicant:** Mr Paul Edgerton

**Officer:** Emily Stanbridge 292359

**Approved on 08/04/14 DELEGATED**

**BH2014/00576**

**23 Tongdean Rise Brighton**

Erection of two storey front, side and rear extensions with associated roof alterations, decking and landscaping.

**Applicant:** Mr Garth Williams

**Officer:** Christopher Wright 292097

**Approved on 17/04/14 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

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Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed on the elevations of the extensions hereby approved without planning permission obtained from the Local Planning Authority.

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

### **3) UNI**

The first floor level windows on the northerly facing flank elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

### **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 & Block Plans	CH562/001	A	20 Feb 2014
Existing Ground Floor Plan, Street Elevation	CH562/002		20 Feb 2014
Existing First Floor and Roof Plan, Existing Section	CH562/003		20 Feb 2014
Existing Elevations	CH562/004		20 Feb 2014
Proposed Ground Floor Plan, Street Elevation	CH562/005	A	20 Feb 2014
Proposed First Floor and Roof Plan, Proposed Section	CH562/006	A	20 Feb 2014
Proposed Elevations	CH562/007	A	20 Feb 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 policies QD1 and QD14 of the Brighton & Hove Local Plan.*

#### **BH2014/00581**

##### **256 Dyke 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 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Mr Chakraborty

**Officer:** Christine Dadswell 292205

**Prior approval not required on 04/04/14 DELEGATED**

#### **BH2014/00680**

##### **61 Regency Court Withdean Rise Brighton**

Report from: 03/04/2014 to: 23/04/2014

Installation of replacement UPVC windows to front and rear. (Retrospective)

**Applicant:** Mrs Lorraine Michael

**Officer:** Julia Martin-Woodbridge 294495

**Approved on 17/04/14 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			03.03.2014
Ovolo Profile Suite			03.03.2014
Window elevations	1038-PL02		03.03.2014

**BH2014/00733**

**172 Tivoli Crescent North Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.4m.

**Applicant:** James Thompson

**Officer:** Joanne Doyle 292198

**Prior approval not required on 16/04/14 DELEGATED**

**BH2014/00767**

**284 Dyke Road Brighton**

Application for Approval of Details Reserved by Conditions 5 and 6 of application BH2013/03772.

**Applicant:** Roman Lelic

**Officer:** Steven Lewis 290480

**Approved on 17/04/14 DELEGATED**

**EAST BRIGHTON**

**BH2013/03914**

**61-107, 109-155, 206-252 Donald Hall Road & 13-59, 61-107 Bowring Way Brighton**

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 to 5no blocks of flats.

**Applicant:** Brighton & Hove City Council

**Officer:** Andrew Huntley 292321

**Approved on 04/04/14 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**

No development shall commence until a method statement to address how harm to reptiles will be avoided has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

*Reason: To mitigate any impact from the development hereby approved and to*

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comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

**3) UNI**

No development shall take place until full details of the proposed colour of the render and new paintwork 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.*

**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	1108/OS	B	12.03.2014
Block Plan	1108/OS		18.11.2013
Existing Elevations & Roof	1108/VI/01		18.11.2013
Proposed Elevations and Roof	1108/VI/02		18.11.2013
Existing Elevations & Roof	1108/CA/03		18.11.2013
Proposed Elevations and Roof	1108/CA/04		18.11.2013
Existing Elevations & Roof	1108/HO/05		18.11.2013
Proposed Elevations and Roof	1108/HO/06		18.11.2013
Existing Elevations & Roof	1108/CH/07		18.11.2013
Proposed Elevations and Roof	1108/CH/08		18.11.2013
Existing Elevations & Roof	1108/DA/09		18.11.2013
Proposed Elevations and Roof	1108/DA/10		18.11.2013

**BH2013/04213**

**20 Walpole Road Brighton**

Change of use from 6no flats (C3) to school boarding house (C2), incorporating self-contained tutor's flat and bicycle and refuse storage.

**Applicant:** Brighton College

**Officer:** Adrian Smith 290478

**Approved on 04/04/14 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**

6. The development hereby permitted shall not be occupied until the sustainability measures detailed within the supporting statement received on the 18 March 2014 have been fully implemented, and such measures shall thereafter be retained as such.

*Reason: To ensure that measures to make the development sustainable and*



*efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**3) UNI**

The development hereby permitted shall not be occupied until 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.*

**4) UNI**

An employee of Brighton College shall reside in the tutors flat detailed on drawing no.TA761/10 rev B received on 19 December 2013 at all times when pupils are also in residence there.

*Reason: To safeguard the amenities of adjacent occupiers and to comply with policy 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 and block plan	TA761/01		12/12/2013
Existing floor plans	TA761/02	B	18/03/2014
Existing and proposed north elevation	TA761/03		12/12/2013
Existing and proposed front elevation	TA761/04		12/12/2013
Proposed floor plans	TA761/10	B	19/12/2013
Proposed bicycle store	TA761/11		19/12/2013

**6) 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.*

**BH2013/04271**

**St Marys Hall Eastern Road Brighton**

Installation of external plant with underground pipes, timber enclosure and bollard.

**Applicant:** Brighton & Sussex University Hospitals NHS Trust

**Officer:** Mick Anson 292354

**Approved on 03/04/14 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 timber enclosure shall be erected prior to the air conditioning unit becoming operational.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE1 and HE3 of the Brighton & Hove Local Plan.*

### **3) UNI**

The timber enclosure shall be stained in a colour to match the brick wall as closely as possible and shall only be fixed to the mortar joints of the east boundary brick wall against which it will be located and not the bricks themselves.

*Reason: In the interests of the long term preservation of the wall and the setting of the Listed Building and to comply with policies HE1 and HE3 of the Brighton & Hove Local Plan.*

### **4) UNI**

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

Plan Type	Reference	Version	Date Received
Site Location Plan	4284 AL600	Rev M	17.12.13
Site Block Plan	4284 AL601	Rev L	17.12.13
Overlay plans and elevations existing	4284 AL698	Rev A	17.12.13
Overlay plans and elevations proposed	4284 AL699	Rev A	17.12.13
PKA-RP Zubadan Inverter Heat Pump			17.12.13
PKA-RP Power Inverter Heat Pump			17.12.13

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

### **5) UNI**

The external pipework attached to the Elliot Wing shall be painted in a colour to match the existing stucco colour.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy HE1 of the Brighton & Hove Local Plan.*

## **BH2014/00494**

### **23 Rock Grove Brighton**

Internal and external alterations including removal of internal metal staircase and construction of new timber staircase, installation of new external door to courtyard and installation of metal railings and tiles to existing flat roof.

**Applicant:** Ms Carolyn Griffith

**Officer:** Christine Dadswell 292205

**Approved on 22/04/14 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.*

#### **2) UNI**

No works shall take place until details, which shall include sections, of the new lining in the en-suite area have been submitted to and approved in writing by the

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Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

### **3) UNI**

No works shall take place until details of the external vent have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

*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.*

### **4) UNI**

No works shall take place until a sample of the tiles to the hereby permitted roof terrace have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

*Reason: 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.*

## **BH2014/00538**

### **St Marks Chapel Eastern Road/Church Place Brighton**

Application for Approval of Details Reserved by Conditions 2, 3 and 4 of application BH2013/01015.

**Applicant:** Reverend Andrew Manson-Brailsford

**Officer:** Andrew Huntley 292321

**Approved on 16/04/14 DELEGATED**

## **BH2014/00609**

### **22 St Marys Square Brighton**

Replacement of all white timber framed windows and doors with UPVC units including replacement of door with window to rear elevation.

**Applicant:** Sandra & Mark Goddard

**Officer:** Joanne Doyle 292198

**Approved on 17/04/14 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
Block Plan			21 Feb 2014
Site Location Plan			21 Feb 2014
Existing Details			21 Feb 2014
Proposed Details			21 Feb 2014
Window Detail			21 Feb 2014

**BH2014/00653**

**8 Chesham Road Brighton**

Alterations incorporating changes from rear pitched roof to mansard roof, dormer to front elevation and revised fenestration.

**Applicant:** James Eyre

**Officer:** Adrian Smith 290478

**Refused on 17/04/14 DELEGATED**

**1) UNI**

The proposed development, by virtue of the form of the mansard roof, conflicts with the original character of the building and would be detrimental to the visual appearance of the host building, the terrace, and the wider conservation area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan 2005 and SPD12 'Design guide for extensions and alterations'

**HANOVER & ELM GROVE**

**BH2014/00187**

**43 Totland Road Brighton**

Enlargement of existing basement.

**Applicant:** Mr C Lake

**Officer:** Adrian Smith 290478

**Approved on 17/04/14 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
Site plan			21/01/2014
Block plan			21/01/2014
Existing and proposed plans, elevations and sections	01		21/01/2014

**BH2014/00227**

**74 Pankhurst Avenue Brighton**

Change of use from single dwelling (C3) to small house in multiple occupation (C4).

**Applicant:** Mr Jacob Chadwick

**Officer:** Chris Swain 292178

**Approved on 15/04/14 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 take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be

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submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be implemented in accordance with the agreed details and made available for use prior to first occupation of the hereby approved use. The cycle parking facilities shall thereafter be retained for use at all times.

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

### **3) UNI**

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

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

### **4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plans, and existing/proposed floor plans			27 January 2014

### **5) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) 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.*

#### **BH2014/00335**

##### **14 Richmond Terrace Brighton**

Application for variation of condition 2 of application BH2012/02040 (External alterations including erection of rear basement single storey extension with terrace over, alterations to layout and alterations to fenestration) to permit construction of a flat roof single storey rear annex.

**Applicant:** Rabbi Pesach Efune

**Officer:** Helen Hobbs 293335

**Refused on 11/04/14 DELEGATED**

#### **BH2014/00336**

##### **14 Richmond Terrace Brighton**

Erection of single storey rear extension with flat roof and associated alterations.

**Applicant:** Rabbi Pesach Efune

**Officer:** Helen Hobbs 293335

**Refused on 08/04/14 DELEGATED**

**1) UNI**

The proposed rear extension, due to the roof design, size and materials, would poorly relate to the listed building, resulting in an incongruous and inappropriate addition. The proposal would as such significantly harm the historic character and appearance of the listed, contrary to policy HE1 of the Brighton & Hove Local Plan.

**HOLLINGDEAN & STANMER**

**BH2014/00047**

**1 Pevensey Building North South Road University of Sussex**

Demolition of entrance lobby and installation of crittall windows to West elevation. Replacement of existing courtyard entrance doors with new glazed doors. Internal refurbishment and alterations (Retrospective).

**Applicant:** University of Sussex

**Officer:** Adrian Smith 290478

**Approved on 10/04/14 DELEGATED**

**BH2014/00284**

**Flat 7 Ditchling Court 136A Ditchling Road Brighton**

Replacement of 2no timber windows on North elevation with white UPVC windows.

**Applicant:** Mrs Jenny Clay

**Officer:** Robin Hodgetts 292366

**Approved on 03/04/14 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
Site location plan			06/02/14
Freehand drawing of north elevation			29/01/14
Additional information and window specifications			25/02/14

**BH2014/00431**

**31 Isfield Road Brighton**

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.

**Applicant:** John Panteli

**Officer:** Adrian Smith 290478

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**Approved on 04/04/14 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 plan			10/02/2014
Block plan			10/02/2014
Existing floor plans and elevations	14468-01		10/02/2014
Proposed floor plans and elevations	14468-02		10/02/2014

**3) UNI**

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

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

**4) UNI**

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

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

**5) 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.*

**6) UNI**

The number of persons residing at the premises shall not exceed seven (7) at any one time.

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

**BH2014/00472**

**48 Hollingbury Road Brighton**

Certificate of Lawfulness for existing use of property as three self contained flats.

**Applicant:** William Mason

**Officer:** Emily Stanbridge 292359

**Approved on 07/04/14 DELEGATED**

**BH2014/00511**

**58 Stephens Road Brighton**

Certificate of lawfulness for proposed erection of fence.

**Applicant:** Zuzana Vostiarova

**Officer:** Oguzhan Denizer 290419

**Refused on 14/04/14 DELEGATED**

**MOULSECOOMB & BEVENDEAN**

**BH2013/04093**

**St Albans Church Coombe Road Brighton**

Application for variation of condition 2 of application BH2012/01589, (Demolition of existing church and erection of 9no new dwellings comprising 1no 4 bed house, 3no 3 bed houses, 1no 2 bed flat and 4no 1 bed flats), which states that the development shall be carried out in accordance with the approved drawings, to incorporate a lower ground floor level to 3no houses.

**Applicant:** Bailey Brothers Ltd

**Officer:** Adrian Smith 290478

**Approved on 17/04/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced before 08/02/2016.

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

**2) UNI**

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

**3) UNI**

The external finishes of the development hereby permitted shall be as set out in the Bailey Brothers Ltd Material Sample Schedule received on 21st January 2013.

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

**4) UNI**

The Elm tree located on the southern side of the development, within Coombe Road, shall be protected during the course of the development, in accordance with the Arboricultural Report by RW Green Limited, received on the 23rd May 2012. The tree protection measures 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.*



#### **5) UNI**

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

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

#### **6) UNI**

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

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

#### **7) UNI**

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

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

#### **8) UNI**

Not used.

#### **9) UNI**

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

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

#### **10) UNI**

The 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.*

#### **11) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**12) UNI**

No further development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

**13) UNI**

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

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

**14) UNI**

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.*

**15) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plan	1437/1596		03/12/2013
Existing Site Layout	1437/1597		23/05/2012
Existing Elevations	137/1598		23/05/2012
Existing Site Sections	1437/1599		23/05/2012
Proposed Floor Plans	1437/1585	D	03/12/2013
Proposed Elevations	1437/1586	F	20/01/2014
Contextual Elevations	1437/1595	A	03/12/2013
Proposed Details	1437/1664		21/01/2013
Proposed Section	1437/1763		20/01/2014

Change of use from small house in multiple occupation (C4) to 7-bed house in multiple occupation (Sui Generis) including erection of single storey rear extension.

**Applicant:** John Panteli  
**Officer:** Wayne Nee 292132  
**Approved on 09/04/14 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 not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with 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			08 January 2014
Site plan			25 March 2014
Block plan			25 March 2014

**BH2014/00406**

**190 Ladysmith Road Brighton**

Erection of single storey extension at ground floor level and first floor extension with Juliet balcony to rear elevation.

**Applicant:** Ms Marie Caliendo  
**Officer:** Chris Swain 292178  
**Refused on 04/04/14 DELEGATED**

**1) UNI**

The proposed development by virtue of the increase in height, depth and bulk, and its close proximity to the adjoining property, No.192 Ladysmith Road, would be an unneighbourly form of development resulting in adverse loss of light and outlook, having an unacceptably overbearing impact and a detrimental sense of enclosure to this property. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**2) UNI2**

The proposed extensions by reason of their design, scale, form and siting would relate poorly to the existing built form and would detract significantly from the character and appearance of the building and the surrounding area, giving the property an overextended appearance, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**BH2014/00527**

**2 Coombe Terrace Brighton**

Change of use from restaurant (A3) to two bedroom flat (C3) at ground floor level incorporating removal of existing shop front, installation of 2no windows and entrance door and associated alterations.

**Applicant:** A Mohammed

**Officer:** Emily Stanbridge 292359

**Refused on 15/04/14 DELEGATED**

**1) UNI**

The residential accommodation relies on inadequate levels of natural daylight/sunlight and ventilation which together with poor outlook, would lead to a harmful sense of enclosure. The proposal also fails to provide any external amenity space resulting in a conversion which provides a sub- standard level of accommodation which would be harmful to the amenity of any 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.

**BH2014/00597**

**3 Hillside Brighton**

Demolition of existing side annexe and erection of 2 no. two storey three bedroom semi detached houses.

**Applicant:** Mr & Mrs Graham Smith

**Officer:** Sonia Gillam 292265

**Approved on 17/04/14 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 plans, 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.*

**3) UNI**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

**4) UNI**

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

*Reason: The Local Planning Authority considers that further development could*

*cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

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

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

**6) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover at no. 3 Hillside 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.*

**7) UNI**

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

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

**8) UNI**

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

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

**9) UNI**

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

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

**10) UNI**

No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Method Statement regarding tree protection 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 Method Statement.

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

**11) UNI**

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.*

**12) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	01	A	07/04/2014
Existing ZARA site survey	02		21/02/2014
Existing site sections	03		21/02/2014
Existing front/ west elevation	04		21/02/2014
Existing side/ north elevation	05		21/02/2014
Existing rear/ east elevation	06		21/02/2014
Proposed site plan	10	A	07/04/2014
Proposed floor plans	11	A	07/04/2014
Proposed front/ west elevation	12		21/02/2014
Proposed side/ south elevation	13	A	07/04/2014
Proposed rear/ east elevation	14		21/02/2014
Proposed side/ north elevation	15	A	07/04/2014
Proposed section AA	16	A	07/04/2014
Existing and proposed street elevations	17	A	07/04/2014

**13) 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.

## **QUEEN'S PARK**

### **BH2013/02729**

#### **6-7 Old Steine Brighton**

Change of use from vacant offices (B1) to language school (D1) together with internal alterations and external signage and lighting.

**Applicant:** Brighton Language College

**Officer:** Andrew Huntley 292321

**Approved after Section 106 signed on 09/04/14 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**

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 development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, residents & suppliers).

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

#### **3) UNI**

The premises shall only be used for a language school and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

#### **4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Site Plan	(10)000	A	29.08.2013
Proposed Site Plan	(11)000	A	29.08.2013
Existing Lower Ground Floor Plan	(20)B01	A	29.08.2013
Existing Ground Floor Plan	(20)000	A	29.08.2013
Existing First Floor Plan	(20)001	A	29.08.2013
Existing Second Floor Plan	(20)002	A	29.08.2013
Existing Third Floor Plan	(20)003	A	29.08.2013
Existing Fourth Floor Plan	(20)004	A	29.08.2013
Existing Roof Plan	(20)005	A	29.08.2013
Proposed Lower Ground Floor Plan	(21)B01	E	12.11.2013

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Proposed Ground Floor Plan	(21)000	E	12.11.2013
Proposed First Floor Plan	(21)001	E	12.12.2013
Proposed Second Floor Plan	(21)002	C	29.08.2013
Proposed Third Floor Plan	(21)003	C	29.08.2013
Proposed Fourth Floor Plan	(21)004	C	29.08.2013
Proposed Roof Plan	(21)005	A	29.08.2013
Existing East Elevation	(30)001		29.08.2013
Existing North Elevation	(30)002		29.08.2013
Existing West Elevation	(30)003		29.08.2013
Proposed East Elevation	(31)001		29.08.2013
Proposed North Elevation	(31)002		29.08.2013
Proposed West Elevation	(31)003	A	09.12.2013
Proposed Internal Elevations	(33)001	C	09.12.2013
Proposed Internal Elevations	(33)002	B	29.08.2013
Proposed Internal Elevations	(33)003	C	09.12.2013
Proposed Internal Elevations	(33)004	B	29.08.2013
Proposed Internal Elevations	(33)005	B	09.12.2013
Proposed Section AA	(40)001		29.08.2013
Proposed Section BB	(40)002		29.08.2013

### **BH2013/03777**

#### **9a Bristol Road Brighton**

Conversion of first floor offices (B1) into 1no studio flat (C3) and 1no two bedroom flat (C3) with associated creation of second and third floors and a front roof terrace at second floor level.

**Applicant:** Stewart Gray

**Officer:** Wayne Nee 292132

**Refused on 17/04/14 DELEGATED**

#### **1) UNI**

The proposal would result in the loss of existing first floor office accommodation (Class B1). There is no evidence to demonstrate that the office accommodation is genuinely redundant for business purposes and the proposal is therefore contrary to policies EM5 and EM6 of the Brighton & Hove Local Plan. This conflict is not outweighed by prior approval application BH2013/02197 as it has not been demonstrated that the change of use would be permitted development.

### **BH2013/04156**

#### **9 Wyndham Street Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2013/01475

**Applicant:** D Tisi

**Officer:** Wayne Nee 292132

**Approved on 22/04/14 DELEGATED**

### **BH2013/04210**

#### **Flat 2 10 College Road Brighton**

Replacement of timber framed bay windows to front ground floor level.

**Applicant:** Heidi Adlam

**Officer:** Robin Hodgetts 292366

**Approved on 17/04/14 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 hereby approved windows shall be double glazed painted timber vertical sliding sashes with no trickle vents and shall match exactly the bay windows at first floor level to the front elevation of the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building. The windows shall be retained as such thereafter.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan and window details	2013-10CR-001	A	09/01/14
Existing and proposed plans and elevations	2013-10CR-002		27/01/14

**BH2014/00172**

**Second Floor Flat 17 Walpole Terrace Brighton**

Installation of 2no rooflights to front roof slope.

**Applicant:** Mrs Sally Traube

**Officer:** Julia Martin-Woodbridge 294495

**Refused on 09/04/14 DELEGATED**

**1) UNI**

The proposed rooflights by virtue of their size and appearance would represent unsympathetic additions to the property, appearing overly dominant and giving the roofslope a cluttered appearance. The proposal would therefore harm the character and appearance of the building and the surrounding College Conservation Area contrary to policies HE6, QD1, QD2 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions'.

**BH2014/00415**

**16 Bedford Street Brighton**

Change of use from a five bedroom dwelling house (C3) to a six bedroom small House in Multiple Occupation (C4) with associated relocation and replacement of existing UPVC window and door with a timber door to rear elevation.

**Applicant:** Mr Huang

**Officer:** Chris Swain 292178

**Approved on 23/04/14 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 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 to comply with policy QD27 of the Brighton & Hove Local Plan.*

### **3) UNI**

Prior to first occupation of the hereby approved use details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be implemented in accordance with the agreed details and made available for use prior to first occupation of the hereby approved use. The cycle parking facilities shall thereafter be retained for use at all times.

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

### **4) UNI**

Prior to first occupation of the hereby approved use a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

### **5) UNI**

The development hereby permitted shall be carried out in accordance with 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	ADC633/LP		7 February 2014
	ADC633/BP		7 February 2014
Existing floor plans and elevation	ADC633/01		7 February 2014
Proposed floor plans and elevation	ADC633/02	A	7 February 2014

### **6) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Class A 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) 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.*

**BH2014/00415**

**16 Bedford Street Brighton**

Report from: 03/04/2014 to: 23/04/2014

Change of use from a five bedroom dwelling house (C3) to a six bedroom small House in Multiple Occupation (C4) with associated relocation and replacement of existing UPVC window and door with a timber door to rear elevation.

**Applicant:** Mr Huang

**Officer:** Chris Swain 292178

**Approved on 23/04/14 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 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 to comply with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

Prior to first occupation of the hereby approved use details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be implemented in accordance with the agreed details and made available for use prior to first occupation of the hereby approved use. The cycle parking facilities shall thereafter be retained for use at all times.

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

**4) UNI**

Prior to first occupation of the hereby approved use a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

**5) UNI**

The development hereby permitted shall be carried out in accordance with 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	ADC633/LP		7 February 2014
	ADC633/BP		7 February 2014
Existing floor plans and elevation	ADC633/01		7 February 2014
Proposed floor plans and elevation	ADC633/02	A	7 February 2014

**6) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as

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amended (or any order revoking and re-enacting that Order with or without modification) 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.*

**BH2014/00437**

**10 Freshfield Place Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer, rear roof extension and a rooflight to front elevation.

**Applicant:** Mrs Emma Curtayne

**Officer:** Oguzhan Denizer 290419

**Refused on 07/04/14 DELEGATED**

**1) UNI**

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 volume of the roof additions exceeds 40 cubic metres and the proposed roof extension would not retain a 20cm separation from the eaves where practicable.

**BH2014/00486**

**53 St James Street Brighton**

Application for approval of details reserved by condition 4 of application BH2013/03779.

**Applicant:** Mr W Wells

**Officer:** Adrian Smith 290478

**Refused on 14/04/14 DELEGATED**

**BH2014/00544**

**47 Devonshire Place Brighton**

Installation of 1 no. dormer and 1 no. rooflight to front and 2 no. dormers to rear.

**Applicant:** Mr & Mrs Thomas

**Officer:** Oguzhan Denizer 290419

**Approved on 17/04/14 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(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

**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 & Block Plan	14-102/02		19/02/2014
Existing Plans	14-102/01	A	19/02/2014
Proposed Plans	14-102/03		19/02/2014

**BH2014/00552**

**43 Freshfield Road Brighton**

Change of use from basement store (B8) to lower ground floor studio flat (C3).  
(Part Retrospective).

**Applicant:** Dr M Cole

**Officer:** Adrian Smith 290478

**Refused on 16/04/14 DELEGATED**

**1) UNI**

The basement studio flat, by virtue of its small internal floor area, limited outlook, natural light and ventilation, represents a cramped, enclosed, gloomy and oppressive living environment creating a poor standard of accommodation. The proposal is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/00559**

**Brighton College Eastern Road Brighton**

Application for Approval of Details Reserved by Condition 9 of application BH2012/02378.

**Applicant:** Brighton College

**Officer:** Andrew Huntley 292321

**Approved on 16/04/14 DELEGATED**

**BH2014/00560**

**Brighton College Eastern Road Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2012/02379.

**Applicant:** Brighton College

**Officer:** Andrew Huntley 292321

**Approved on 16/04/14 DELEGATED**

**BH2014/00568**

**Brighton College Eastern Road Brighton**

Application for Approval of Details Reserved by Condition 12 of application BH2012/01992.

**Applicant:** Brighton College

**Officer:** Andrew Huntley 292321

**Approved on 16/04/14 DELEGATED**

**BH2014/00815**

**25-28 St James's Street Brighton**

Non Material Amendment to BH2010/02012 to reduce size of windows to North elevation and finish those areas in render to match approved.

**Applicant:** Architects Plus

**Officer:** Adrian Smith 290478

**Approved on 10/04/14 DELEGATED**

## **ROTTINGDEAN COASTAL**

### **BH2014/00228**

#### **1 Meadow Close Brighton**

Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores. (Part retrospective).

**Applicant:** South Eastern Construction

**Officer:** Adrian Smith 290478

**Approved on 04/04/14 COMMITTEE**

#### **1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Pre-existing block plan, floor plans and elevations	04		03/02/2014
Site plan, floor plans and elevations as approved under BH2009/00948	01		27/01/2014
Proposed floor plans and elevations	03		27/01/2014

#### **2) UNI**

Within three months of the date of permission, the refuse, recycling and cycle parking facilities shown on the approved plans shall be fully implemented and made available for use, and retained as such thereafter.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and the parking of cycles to comply with policies TR14 & QD27 of the Brighton & Hove Local Plan.*

#### **3) UNI**

All planting, seeding or turfing comprised in the approved scheme in BH2013/01533 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.*

#### **4) 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*

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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.

**5) UNI**

Within three months of the date of permission, the works to the garden, boundary fence, hardstanding and garage to house A as detailed on drawing no.03 received on 27 January 2014 shall be fully implemented and made available for use, and retained as such thereafter.

*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 QD2 of the Brighton & Hove Local Plan.*

**BH2014/00262**

**43 Lenham Avenue Saltdean Brighton**

Erection of two storey rear extension and front and rear extensions at first floor level with associated roof extension and external alterations. Erection of raised terrace to front of property with associated landscaping.

**Applicant:** Mr D Freeman

**Officer:** Wayne Nee 292132

**Refused on 04/04/14 DELEGATED**

**1) UNI**

The proposed roof form, by virtue of its proportions, bulk, massing and inappropriate design, would result in an incongruous and unsympathetic appearance that would appear overly dominant in the street scene and would fail to reflect the prevailing character of the street scene which is largely comprised of houses of traditional pitched roofs. Furthermore the proposed sun deck, which would be set forward of the building line, would represent an overly dominant and discordant addition to the property forming a harm and obtrusive addition to the street scene. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD 12 Design Guide for Extensions and Alterations.

**BH2014/00396**

**33 Chailey Avenue Brighton**

Alterations including formation of pitched roof with increased ridge height, rear balcony, side rooflights and alterations and additions to fenestration.

**Applicant:** Mr & Mrs J & S Lawrence

**Officer:** Adrian Smith 290478

**Approved on 03/04/14 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
Site plan			06/02/2014
Existing floor plan	01		06/02/2014

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Existing elevations and section	02	A	21/03/2014
Proposed floor plan	03		06/02/2014
Proposed elevations	04	A	21/03/2014
Proposed sections	07	B	21/03/2014
Roof plan and context elevation	08	B	21/03/2014
Existing and proposed roof comparison	09		21/03/2014

**BH2014/00502**

**91 Dean Court Road Rottingdean Brighton**

Alterations to existing garage to facilitate the erection of a two storey side extension incorporating side rooflights and roof alterations.

**Applicant:** Mr Tony Jutton

**Officer:** Chris Swain 292178

**Approved on 11/04/14 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**

4. No extension, enlargement or alteration to the hereby approved extension, provided for within Schedule 2, Part 1, Classes A, B & C of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) shall be carried out without planning permission obtained from the Local Planning Authority.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing ground floor plan	BH-104B-01		14 February 2014
Existing first floor plan and site plan	BH-104B-02		14 February 2014
Existing elevations	BH-104B-03		14 February 2014
Proposed ground floor plan	BH-104B-04		11 April 2014
Proposed first floor plan	BH-104B-05		9 April 2014



Proposed side elevation	BH-104B-06		9 April 2014
Proposed section	BH-104B-07		11 April 2014

**BH2014/00610**

**126-128 Lustrells Vale Saltdean Brighton**

Part conversion of ground floor from retail (A1) to 1no two bedroom flat (C3) with associated works including alterations to fenestration and creation of external bike and bin store.

**Applicant:** Mr Adil Elyas

**Officer:** Chris Swain 292178

**Refused on 17/04/14 DELEGATED**

**1) UNI**

The proposed ground floor flat, by virtue of its poor layout, overly cramped internal space, single aspect design and inadequate external amenity space would suffer from poor levels of natural light and severely restricted outlook to the rear. The proposal would therefore result in gloomy and oppressive living environment for future residents and a poor standard of residential accommodation, contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

**WOODINGDEAN**

**BH2013/03387**

**Southern Aurora Drum And Bugle Corp & Woodingdean Library Warren Road Brighton**

Application for Approval of Details Reserved by Conditions 11 and 14 of application BH2012/01503.

**Applicant:** Medcentres

**Officer:** Adrian Smith 290478

**Approved on 16/04/14 DELEGATED**

**BH2013/03696**

**44 Farm Hill Brighton**

Demolition of existing garage and erection of single storey side extension to create a self contained annexe.

**Applicant:** Mr J Saunders

**Officer:** Wayne Nee 292132

**Refused on 10/04/14 DELEGATED**

**1) UNI**

The proposed extension, by reason of its design and its excessive width, would not be appropriately subservient and would result in an unsympathetic addition. As a result the property would have an overextended appearance. The proposed development would represent significant harm to the character and appearance of the existing property. For the reasons outlined the proposal would be contrary to policy QD14 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document 12.

**BH2014/00150**

**14 Briarcroft Road Brighton**

Erection of a single storey side extension with pitched roof.

**Applicant:** Mr Cranfield

**Officer:** Robin Hodgetts 292366

**Approved on 11/04/14 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
Existing and proposed plans and elevations		A	26/03/14

**BH2014/00283**

**12 Vernon Avenue Brighton**

Application for Approval of Details Reserved by Condition 9 of application BH2010/01250.

**Applicant:** Mr Patrick Church

**Officer:** Sonia Gillam 292265

**Approved on 09/04/14 DELEGATED**

**BH2014/00360**

**Unit 13 The Science Park Sea View Way Brighton**

Insertion of 2no windows to first floor south elevation.

**Applicant:** Reflex Nutrition Ltd

**Officer:** Andrew Huntley 292321

**Approved on 14/04/14 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
Existing Ground Floor Plan	12		05.02.2014
Existing Elevations	15		05.02.2014
Proposed First Floor Window Plan	27		05.02.2014
Proposed Elevation and Section	28		05.02.2014
Location & Block Plan			05.02.2014

**BH2014/00409**

**Phase 6 Woodingdean Business Park Sea View Way Brighton**

Application for Approval of Details Reserved by Condition 17 of application BH2012/03050.

**Applicant:** St Modwen Developments

**Officer:** Andrew Huntley 292321

**Approved on 11/04/14 DELEGATED**

**BH2014/00492**

**The Toby Inn 104 Cowley Drive Brighton**

Extension and alterations to existing building including additional floor to facilitate change of use from Public House (A4) to Public House and Hostel (A4/Sui generis).

**Applicant:** Land Logic Limited

**Officer:** Adrian Smith 290478

**Refused on 17/04/14 DELEGATED**

**1) UNI**

The proposed development, by reason of its scale and design, represents an incongruous form of development that fails to improve the appearance of the site or the visual amenities of the area, contrary to policies QD1, QD2 & QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed development, by reason of its scale and design, would result in a significant loss of amenity to adjacent properties at 31, 33 & 35 Stanstead Crescent by way of loss of privacy and oppression of outlook, contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/00643**

**7 Kevin Gardens Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.9m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.6m.

**Applicant:** Ashley Jones

**Officer:** Emily Stanbridge 292359

**Prior Approval is required and is approved on 09/04/14 DELEGATED**

**BRUNSWICK AND ADELAIDE**

**BH2013/04186**

**20 Holland Mews Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2010/03596

**Applicant:** Dr J Greaves

**Officer:** Jason Hawkes 292153

**Refused on 10/04/14 DELEGATED**

**BH2013/04329**

**3 - 4 Western Road Hove**

Certificate of lawfulness for proposed change of use from offices (B1) to residential (C3) to form 6no one bedroom flats.

**Applicant:** Legal Link Ltd

**Officer:** Christopher Wright 292097

**Approved on 09/04/14 DELEGATED**

**BH2014/00325**

**64 Brunswick Street West Hove**

Application for variation of condition 3 of application BH2008/02787 (Change of use from Snooker Hall (D2) to Music School (D1) and associated rear external alterations) to extend the premises opening hours to 08.30 to 21.00 Monday to Friday, 08.30 to 18.30 on Saturdays and 10.00 to 18.00 on Sundays.

**Applicant:** No 7 Limited

**Officer:** Steven Lewis 290480

**Refused on 11/04/14 DELEGATED**

**BH2014/00326**

**38 - 42 Brunswick Street West Hove**

Application for variation of condition 3 of application BH2004/01745/FP (Change of use of light industrial units to music college (DI), with renewed windows, roof coverings and entrance) to extend the premises opening hours to 08.30 to 21.00 Monday to Friday and 08.30 to 18.30 on Saturdays.

**Applicant:** No 7 Limited

**Officer:** Steven Lewis 290480

**Refused on 11/04/14 DELEGATED**

**BH2014/00361**

**Flat 3 1-2 Adelaide Mansions Hove**

Application for Approval of Details Reserved by Condition 2 of application BH2013/03351.

**Applicant:** House of Wolf

**Officer:** Sonia Gillam 292265

**Approved on 10/04/14 DELEGATED**

**BH2014/00373**

**Flat 3 1-2 Adelaide Mansions Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2013/03363.

**Applicant:** House of Wolf

**Officer:** Sonia Gillam 292265

**Approved on 10/04/14 DELEGATED**

**BH2014/00377**

**7 Waterloo Street Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2013/00256 (Appeal Reference APP/Q1445/A/13/2198757)

**Applicant:** Messrs De Witt & Hoekzema

**Officer:** Jason Hawkes 292153

**Approved on 07/04/14 DELEGATED**

**BH2014/00403**

**7 Waterloo Street Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2013/00511 (Appeal Reference APP/Q1445/E/13/2198762)

**Applicant:** Mr De Witt

**Officer:** Jason Hawkes 292153

**Approved on 07/04/14 DELEGATED**

**BH2014/00425**

**12 Rochester Mansions 7-9 Church Road Hove**

Internal alterations to layout. (Retrospective)

**Applicant:** Ms Constantin  
**Officer:** Joanne Doyle 292198  
**Approved on 16/04/14 DELEGATED**

**BH2014/00446**

**2 Upper Market Street Hove**

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2013/03846.

**Applicant:** Caroline Scott  
**Officer:** Liz Arnold 291709  
**Approved on 09/04/14 DELEGATED**

**BH2014/00463**

**2 Upper Market Street Hove**

Application for Approval of Details Reserved by Conditions 2, 3, 4 and 5 of application BH2013/03845.

**Applicant:** Caroline Scott  
**Officer:** Liz Arnold 291709  
**Approved on 09/04/14 DELEGATED**

**CENTRAL HOVE**

**BH2014/00405**

**13 Blatchington Road Hove**

Application for Approval of Details Reserved by Conditions 5, 6, 7 and 8 of application BH2013/01054.

**Applicant:** Lan Estates  
**Officer:** Jason Hawkes 292153  
**Split Decision on 03/04/14 DELEGATED**

**1) UNI**

APPROVE the details pursuant to conditions 5, 6 & 7 of application BH2013/01054 and subject to full compliance with the submitted details.

The details pursuant to conditions 8 are NOT APPROVED for the reason set out in section 6.

1. BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificates confirming that each residential unit built has achieved a rating of 'pass' as a minimum have not been submitted. The requirements of condition 8 have therefore not been satisfied.

**BH2014/00471**

**83 Church Road Hove**

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

**Applicant:** F Asghari  
**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 15/04/14 DELEGATED**

**1) UNI**

Reasons for Approval

1. Subject to compliance with the above conditions, the proposed change of use would not result in a likely significant increase or significant change in the character of traffic in the vicinity of the site. The application site poses no contaminated land risk or risks of flooding.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Existing Plan	300/01	BR1	12 Feb 2014
Alterations to layout	300/06	P1	12 Feb 2014
Site location plan	302/07	P1	12 Feb 2014

## 2) UNI

Condition:

1. The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

### **BH2014/00507**

#### **Flat 2 6 Grand Avenue Hove**

Application for Approval of Details Reserved by Condition 2 and 3 of application BH2013/03274.

**Applicant:** Miss Portia Pond

**Officer:** Helen Hobbs 293335

**Approved on 10/04/14 DELEGATED**

### **BH2014/00524**

#### **92 Blatchington Road Hove**

Display of internally-illuminated ATM surround sign.

**Applicant:** Bank of Ireland

**Officer:** Christine Dadswell 292205

**Approved on 17/04/14 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 public safety.*

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

Report from: 03/04/2014 to: 23/04/2014

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.*

**BH2014/00525**

**92 Blatchington Road Hove**

Installation of ATM cash machine to front elevation.

**Applicant:** Bank of Ireland

**Officer:** Christine Dadswell 292205

**Approved on 17/04/14 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 Plan	BLA/04		18/02/2014
Block Plan	BLA/05		18/02/2014
Existing and Proposed Elevation	BLA/01		18/02/2014
Existing Plan	BLA/02		18/02/2014
Proposed Plan	BLA/03		18/02/2014
ATM Example Type C	EXA/03		18/02/2014
ATM Section Drawing	EX-TYP-C/01		18/02/2014

**BH2014/00682**

**24-26 Blatchington Road Hove**

Report from: 03/04/2014 to: 23/04/2014

Prior approval for change of use of first floor offices (B1) to residential (C3) to form 2no two bedroom flats.

**Applicant:** Home & Coastal Developments Ltd

**Officer:** Andrew Huntley 292321

**Prior approval not required on 16/04/14 DELEGATED**

**BH2014/01080**

**13 Blatchington Road Hove**

Application for Approval of Details Reserved by Condition 8 of application BH2013/01054.

**Applicant:** LAN Estates Ltd

**Officer:** Jason Hawkes 292153

**Approved on 15/04/14 DELEGATED**

**GOLDSMID**

**BH2014/00152**

**43 Palmeira Avenue Hove**

Application for variation of condition 2 of application BH2012/03903, (Demolition of existing detached dwelling and erection of 9no apartments), to permit amendments to the approved drawings including raising the height of the building, revised bin stores and alterations to fenestration and to front boundary wall.

**Applicant:** Cedarmill Developments

**Officer:** Adrian Smith 290478

**Approved on 07/04/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced before 30/04/2016.

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

**2) UNI**

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

**3) UNI**

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

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

**4) UNI**

The south facing windows to the south side elevation 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, to avoid prejudicing the future development of the adjacent site, and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

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

*Reason: To ensure satisfactory provision of homes for people with disabilities*



*and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.*

**6) UNI**

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

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

**7) 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.*

**8) UNI**

The development hereby permitted shall be carried out in accordance with the Code for Sustainable Homes Interim Certificates received on 25 February 2014 under application reference BH2014/00625.

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

**9) UNI**

The development hereby permitted shall be carried out in accordance with the material samples and schedule received on 10 January 2014 under application reference BH2014/00103.

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

**10) UNI**

The development hereby permitted shall not be occupied until the external landscaping works have been implemented in accordance with drawing no. 13863/PA/011 received on 16 January 2014 under this application and drawing no. 13863/PA/141 received on 10 January 2014 under application BH2014/00103.

*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**

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 and retained as such thereafter.

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

**12) UNI**

The development hereby permitted shall not be occupied until the car lift has been installed in accordance with the details received on 10 January 2014 under application reference BH2014/00103. The car lift shall be retained as such thereafter.

*Reason: To ensure the safe access arrangements to the basement car park and to comply with policy TR7 of the Brighton & Hove Local Plan.*

### **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 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) UNI**

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

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

### **15) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	13863/PA/001		22/01/2014
Existing site survey, street scene and sections	TA692/02 TA692/03 TA692/04 TA692/05 TA692/06		07/12/2012 07/12/2012 07/12/2012 07/12/2012 07/12/2012
Proposed floor plans	13863/PA/010 13863/PA/011 13863/PA/012 13863/PA/013 13863/PA/014 13863/PA/015 13863/PA/016	A	17/03/2014 16/01/2014 16/01/2014 16/01/2014 16/01/2014 16/01/2014 16/01/2014
Proposed elevations	13863/PA/031 13863/PA/032 13863/PA/030 13863/PA/033 13863/PA/142 13863/PA/143		16/01/2014 16/01/2014 16/01/2014 16/01/2014 16/01/2014 16/01/2014

**BH2014/00239**

**18A Hove Park Villas Hove**

Report from: 03/04/2014 to: 23/04/2014

Formation of roof terrace with railings and screen with associated dormer and access door. Installation of access door to front balcony.

**Applicant:** Paul Seligson

**Officer:** Helen Hobbs 293335

**Refused on 09/04/14 DELEGATED**

**1) UNI**

The proposed rear balcony, including the railings and screen would form inappropriate and incongruous alterations, which would cause harm to the appearance of the host property and the surrounding street scenes. The proposal is therefore considered to be contrary to QD14 of the Local Plan and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

**2) UNI2**

The proposed rear dormer, due to its design and positioning, would form an unsympathetic feature that would poorly relate to the main dwelling, and would therefore detract from the character and appearance of the existing property, street scenes and surrounding area. The proposal is therefore considered to be contrary to the QD14 of the Local Plan and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

**3) UNI3**

Notwithstanding the inaccuracies on the proposed plans, the proposed uPVC access door to the front balcony, due to its positioning, design and materials, form an inappropriate and incongruous alteration, which would cause harm to the appearance of the host property and the surrounding street scenes. The proposal is therefore considered to be contrary to QD14 of the Local Plan and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

**BH2014/00332**

**Land to South of 32 Cambridge Grove Hove**

Erection of 1no 3 bedroom dwelling (C3).

**Applicant:** Mr John Cramer

**Officer:** Helen Hobbs 293335

**Approved on 07/04/14 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 extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A and E and Part 40 Class A 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, QD27 and HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

The decorative brickwork elements and the profile for the coping of the boundary

wall shall match the existing walls identified in the application at the east side of Cambridge Grove.

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

#### **4) UNI**

The 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.*

#### **5) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **6) UNI**

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. At least one or two replacement trees should be marked on these plans to replace the juvenile Elm that will be removed to facilitate the development. Limited space means these trees may only be fruit trees on dwarf rooting stock.

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

#### **7) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

#### **8) UNI**

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. The submission shall also include details of an appropriate means of access to the store. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all

times.

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

**9) UNI**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

**10) UNI**

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

**11) UNI**

The development hereby permitted shall be carried out in accordance with 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	CG.01		4th February 2014
Block plan and aerial views	CG.02		4th February 2014
Site plan	CG.03		4th February 2014
Existing plans	CG.04		10th February 2014
Existing street/rear elevations	CG.05		4th February 2014
Existing north elevation	CG.06		4th February 2014
Proposed lower ground floor plans	CG.07		4th February 2014
Proposed ground floor plans	CG.08		4th February 2014
Proposed roof plans	CG.09		4th February 2014
Proposed sections	CG.10		4th February 2014
Proposed street/rear elevations	CG.11		4th February 2014
Proposed north and south elevations	CG.12		4th February 2014
Proposed wall	CG.13		12th February 2014
Sun path chart	CG.14		12th February 2014

**12) 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 including a brick sample for the boundary

wall 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 HE6 of the Brighton & Hove Local Plan.*

**BH2014/00423**

**52 Wilbury Road Hove**

Replacement of existing ground floor timber framed windows and doors to side and rear with UPVC windows and doors.

**Applicant:** Abbyfield South Downs Ltd

**Officer:** Julia Martin-Woodbridge 294495

**Approved on 14/04/14 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
Replacement of Timber Framed Window to UPVC (existing and proposed windows)	SK1		10.02.2014
Replacement of Timber Framed Windows to UPVC (Location plan and Block plan)	SY1		10.02.2014

**BH2014/00566**

**2 Wilbury Avenue Hove**

Erection of single storey rear extension.

**Applicant:** Mr Mike Kempell

**Officer:** Sonia Gillam 292265

**Refused on 22/04/14 DELEGATED**

**1) UNI**

The proposed development, by virtue of its design, size and form would create a discordant and unsympathetic feature which would result in an awkward appearance to the property and fail to make a positive contribution to the visual quality of the environment. As such, the proposal would be detrimental to the character and appearance of the property and the visual amenities enjoyed by neighbouring properties and is contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document SPD12.

**2) UNI2**

The proposed development, by virtue of its design, size, level of projection and siting directly adjacent to the boundary with the neighbouring property, no. 4 Wilbury Avenue, would result in an unneighbourly form of development, which would appear overbearing and result in a material loss of outlook, heightened sense of enclosure and, in the absence of evidence to the contrary, loss of light to

this dwelling. As such, the proposal would adversely impact on the residential amenity of the occupiers of this property contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the Supplementary Planning Document SPD12.

**BH2014/00585**

**23 Cromwell Road Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2013/03936.

**Applicant:** D Fernandes

**Officer:** Emily Stanbridge 292359

**Approved on 17/04/14 DELEGATED**

**HANGLETON & KNOLL**

**BH2014/00215**

**60B West Way Hove**

Excavation to rear at basement level to form habitable accommodation with stairs to garden and associated alterations (Retrospective).

**Applicant:** Mr Darren Dorrington

**Officer:** Emily Stanbridge 292359

**Approved on 14/04/14 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
Pre-existing floor plans, elevations, block plan and location plan	PL04	A	29.01.2014
Existing floor plans, elevations, block plan and location plan	PL05	A	29.01.2014

**BH2014/00271**

**14 High Park Avenue Hove**

Erection of single storey rear extension and installation of front rooflight.

**Applicant:** Stephen Pierce

**Officer:** Emily Stanbridge 292359

**Approved on 11/04/14 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 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 site plan, plan, section and elevation	L-01a		29.01.2014
Proposed plans, section and elevations	L-02b	Rev2	04.04.2014

**BH2014/00303**

**261 Hangleton Road Hove**

Erection of a part one part two storey rear extension.

**Applicant:** Mr Adrian Loska

**Officer:** Emily Stanbridge 292359

**Refused on 04/04/14 DELEGATED**

**1) UNI**

The proposed roof form of the rear extension is poorly detailed in relation to the host building, partially obscuring the windows above which creates an uncharacteristic appearance to the property resulting in a contrived design to this rear elevation. As such the proposed development is contrary to QD14 within the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

**BH2014/00413**

**11 St Helens Drive Hove**

Erection of single storey side extension and other associated alterations.

**Applicant:** M McKernan

**Officer:** Steven Lewis 290480

**Refused on 04/04/14 DELEGATED**

**1) UNI**

The proposed side extension by reason of its siting, width and roof detail is considered to be poorly designed and fails to emphasise or enhance the identified character and appearance of the property or the surrounding street scene, causing harm to the visual amenity of the area contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 - Design Guide for Extensions and Alterations.

**BH2014/00508**

**44 Sunninghill 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 3.8m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.9m.

**Applicant:** Mr & Mrs Baker

**Officer:** Julia Martin-Woodbridge 294495

**Prior approval not required on 08/04/14 DELEGATED**

**BH2014/00512**

**44 Sunninghill Avenue Hove**

Report from: 03/04/2014 to: 23/04/2014



Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, front rooflights, side window and rear dormer with Juliet balcony and alterations to fenestration on side elevation and single storey rear extension.

**Applicant:** Mr & Mrs Baker

**Officer:** Julia Martin-Woodbridge 294495

**Approved on 14/04/14 DELEGATED**

### **BH2014/00605**

#### **11 Northease Gardens Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.8m, for which the maximum height would be 3.8m, and for which the height of the eaves would be 3.0m.

**Applicant:** Chris Lightburn-Jones

**Officer:** Helen Hobbs 293335

**Prior Approval is required and is refused on 07/04/14 DELEGATED**

## **NORTH PORTSLADE**

### **BH2013/03641**

#### **85 Mile Oak Road Portslade**

Application for Approval of Details Reserved by Conditions 10, 11, 12, 13 and 14 of application BH2013/00380.

**Applicant:** Downsview Developments Ltd

**Officer:** Steven Lewis 290480

**Split Decision on 17/04/14 DELEGATED**

### **BH2014/00412**

#### **15 Broomfield Drive Portslade**

Erection of two storey rear extension.

**Applicant:** Mr P Bacon

**Officer:** Joanne Doyle 292198

**Refused on 09/04/14 DELEGATED**

#### **1) UNI**

The proposed two storey rear extension, by reason of its scale, design, roof form, bulk and height would result in an overly dominant addition that relates poorly to the existing building giving it an over-extended appearance and detracting from the appearance and character of the property and the wider surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

#### **2) UNI2**

The proposed extension, by reason of its scale, bulk and height would result in overshadowing, loss of outlook and loss of sunlight/overshadowing towards the neighbouring property no 17 Broomfield Drive. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

## **SOUTH PORTSLADE**

## **BH2013/03142**

### **The Mill House 131 Mill Lane Portslade**

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.

**Applicant:** TFRE2

**Officer:** Christopher Wright 292097

### **Refused on 04/04/14 COMMITTEE**

#### **1) UNI**

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 & Hove Local Plan 2005.

#### **2) UNI2**

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.

## **BH2013/04185**

### **Land Rear of 87 Abinger Road Portslade**

Conversion of existing detached garage to form three bedroom dwelling.

**Applicant:** Pearl Developments

**Officer:** Steven Lewis 290480

### **Approved on 14/04/14 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 extension, enlargement or other alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

#### **3) UNI**

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

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

#### **4) UNI**

All planting, seeding or turfing comprised in the approved scheme of landscaping

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

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

#### **5) UNI**

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.*

#### **6) UNI**

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 means of enclosure, hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.

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

#### **7) UNI**

No development shall 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 the residential unit has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

#### **8) UNI**

The residential unit hereby approved shall not be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that the 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.*

#### **9) 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.*

**10) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block & Site Plan	TA754H/01	A	17/02/2014
Existing Site Survey Plan	TA754/02		10/12/2013
Existing Sections	TA754/05		10/12/2013
Existing Garage	TA754/09		10/12/2013
Proposed Site Plan	TA754/20		10/12/2013
Proposed Floor Plans	TA754/21		10/12/2013
Proposed Sections	TA754/22		10/12/2013
Proposed Elevations	TA754/23	A	09/04/2014
Proposed Elevations	TA754/24	A	09/04/2014

**11) 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.*

**BH2013/04187**

**87 Abinger Road Portslade**

Conversion of detached dwelling to form 3no one bedroom flats and 2no two bedroom flats with associated alterations.

**Applicant:** Pearl Developments

**Officer:** Steven Lewis 290480

**Approved on 14/04/14 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 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**

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 &*

Report from: 03/04/2014 to: 23/04/2014

*Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**4) UNI**

Notwithstanding the approved plans no development shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

**5) UNI**

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

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

**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 & Site Plan	TA754F/01	A	17/02/2014
Existing Site Survey Plan	TA754/02		10/12/2013
Existing Plans	TA754/03		10/12/2013
Existing Plans	TA754/04		10/12/2013
Existing Sections	TA754/05		10/12/2013
Existing Sections	TA754/06		10/12/2013
Existing Elevations	TA754/07		10/12/2013
Existing Elevations	TA754/08		10/12/2013
Existing Garage	TA754/09		10/12/2013
Proposed Site Plan (Flats)	TA754/10		10/12/2013
Proposed Floor Plans	TA754/11	A	13/02/2014
Proposed Plans	TA754/12		10/12/2013
Proposed Site Section	TA754/13		10/12/2013
Proposed Section	TA754/14	A	13/02/2014
Proposed Elevation	TA754/15	A	13/02/2014
Proposed Elevation	TA754/16	A	13/02/2014
Proposed Elevation/Sections	TA754/17	A	13/02/2014
Proposed Street elevations	TA754/18		10/12/2013

**7) UNI**

Notwithstanding 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.*

**BH2013/04317**

**Victoria House Vale Road Portslade**

External alterations incorporating rear/side extension, rooflights, rear dormer and associated alterations.

**Applicant:** Mrs Susan Cope  
**Officer:** Christopher Wright 292097

**Refused on 16/04/14 DELEGATED**

**1) UNI**

The proposed rear extension would, by reason of the scale, bulk, form and design, have an unduly dominant and excessive scale and would integrate with the pitched roof of the original building in a discordant and poorly designed fashion. The proposal would detract from the character and appearance of the recipient building and would have a significant harmful impact on the street scene. As such the proposed is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12: Design guidance for extensions and alterations.

**BH2013/04347**

**21D Station Road Portslade**

Change of use from dry cleaning (A1) to laundry services (sui generis).

**Applicant:** Mr Gayed Salib  
**Officer:** Andrew Huntley 292321

**Approved on 09/04/14 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
Site Location Plan			28.01.2014
Existing Plan			28.01.2014
Proposed Plan			28.01.2014

**BH2014/00214**

**84 Victoria Road Portslade**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer with juliette balcony and 2no rooflights to front.

**Applicant:** Mr Kristen Clarke  
**Officer:** Helen Hobbs 293335

**Approved on 14/04/14 DELEGATED**

**BH2014/00387**

**Electricity Sub Station Rear of 59 Lincoln Road Portslade**

Report from: 03/04/2014 to: 23/04/2014

Change of use from electricity substation (Sui Generis) to storage unit (B8).

**Applicant:** Urban East Anglia Properties Ltd

**Officer:** Helen Hobbs 293335

**Refused on 09/04/14 DELEGATED**

**1) UNI**

The proposed storage building, having regard for its design, size and siting forward of the established building line would appear overly prominent within the street scene causing harm to the character and appearance of the area contrary to policies QD1, QD2 and QD14 of Brighton & Hove Local Plan.

**BH2014/00478**

**106 Foredown Drive Portslade**

Certificate of lawfulness for proposed erection of single storey rear extension to replace existing lean-to extension and single storey rear annexe to replace existing garage.

**Applicant:** Manraj Ghale

**Officer:** Emily Stanbridge 292359

**Approved on 08/04/14 DELEGATED**

**BH2014/00509**

**22 Crown 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 4m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.7m.

**Applicant:** Mr D G Brown

**Officer:** Christine Dadswell 292205

**Prior approval not required on 08/04/14 DELEGATED**

**HOVE PARK**

**BH2013/04090**

**60 Shirley Drive Hove**

Erection of a single storey rear extension, rear dormer and rooflights with associated external alterations.

**Applicant:** Mr & Mrs Daniel Thomas

**Officer:** Liz Arnold 291709

**Approved on 14/04/14 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 development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**3) UNI**

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

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

Local Plan.

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan 1:1250			3rd December 2013
Location Plan 1:500			3rd December 2013
Site Plan as Existing	S1		3rd December 2013
Ground Floor Plan as Existing	S2		3rd December 2013
First Floor Plan as Existing	S3		3rd December 2013
Roof Plan as Existing	S5		
Front (North East) Elevation as Existing	S6		3rd December 2013
Side (North West) Elevation as Existing	S7		3rd December 2013
Rear (South West) Elevation as Existing	S8		3rd December 2013
Side (South East) Elevation as Existing	S9		3rd December 2013
Section A-A as Existing	S10		3rd December 2013
Section B-B as Existing	S11		3rd December 2013
Site Plan as Proposed	P1	Rev. B	4th March 2014
Ground Floor Plan as Proposed	P2	Rev. B	4th March 2014
First Floor as Proposed	P3	Rev. B	4th March 2014
Second Floor as Proposed	P4	Rev. B	4th March 2014
Roof Plan as Proposed	P5	Rev. B	4th March 2014
Front (North East) Elevation as Proposed	P6		4th March 2014
Side (North West) Elevation as Proposed	P7	Rev. B	4th March 2014
Rear (South West) Elevation as Proposed	P8	Rev. B	4th March 2014
Side (South East) Elevation as Proposed	P9	Rev. B	4th March 2014
Section AA as Proposed	P10	Rev. B	4th March 2014
Section B-B as Proposed	P11	Rev. B	4th March 2014
Section C-C as Proposed	P12	Rev. B	4th March 2014

**BH2013/04375**

**71 Old Shoreham Road Hove**

Report from: 03/04/2014 to: 23/04/2014



Erection of single storey rear extension and replacement shopfront.

**Applicant:** Anwar Hussain  
**Officer:** Jason Hawkes 292153  
**Approved on 22/04/14 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 rear extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**3) UNI**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			20th December 2013
Block Plan			20th December 2013
Existing Elevations			13th January 2014
Proposed Floor Plans & Rear Elevations			22nd April 2014
Replacement Shopfront: Existing & Proposed			22nd January 2014

**BH2014/00063**

**45 Bennett Drive Hove**

Remodelling of existing dwelling incorporating alterations and extensions to roof including removal of chimneys and dormers and raising of ridge height to form hip end roof. Removal of existing rear conservatory and erection of two storey rear extension. Enlargement of existing garage to rear to create utility room, removal of front porch and insertion of front door, revised fenestration and associated works.

**Applicant:** C-Architecture  
**Officer:** Steven Lewis 290480  
**Approved on 08/04/14 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*

Report from: 03/04/2014 to: 23/04/2014

*unimplemented permissions.*

**2) 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.*

**3) UNI**

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

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with 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	155-E001		09/01/2014
Existing Elevations	155-E002		09/01/2014
Proposed Plans and Perspectives	115-SK001	A	26/02/2014
Proposed Elevations	155-SK004	A	26/02/2014

**BH2014/00322**

**154 Old Shoreham Road Hove**

Erection of extension to South elevation at ground and mezzanine floor level with alterations including relocated fire escape, additional air conditioning units, removal of service route and creation of additional parking spaces and the insertion of additional glazing to the east elevation.

**Applicant:** Furniture Village Ltd

**Officer:** Liz Arnold 291709

**Approved on 07/04/14 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 development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**3) UNI**

No development or other operations shall commence on site until a scheme which provides for the retention and protection of all trees growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete

Report from: 03/04/2014 to: 23/04/2014

accordance with the approved protection scheme.

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

**4) UNI**

Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover located on Sackville Road back to a footway by raising the existing kerb and footway.

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

**5) UNI**

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

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

**6) UNI**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

**7) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan	01		10th February 2014
Site Plan as Existing	02		3rd February 2014
Ground Floor Plan as Existing	03		10th February 2014
Mezzanine Level Plan as Existing	04		3rd February 2014
Site Plan as Proposed	05		10th February 2014
Site Plan as Proposed	05		10th February 2014
Ground Floor Plan as Proposed	06		10th February 2014
Mezzanine Level Plan as Proposed	07		3rd February 2014
Elevations as Existing	08		3rd February 2014
Elevations as Proposed	09		3rd February 2014
Block Plan	10		3rd February 2014

Report from: 03/04/2014 to: 23/04/2014

## 8) UNI

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

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

### **BH2014/00362**

#### **Cottesmore St Marys RC Primary School 23 The Upper Drive Hove**

Alterations to boundary wall fronting The Upper Drive including reduction in height and erection of timber fence above.

**Applicant:** Miss Rachel Holland

**Officer:** Mark Thomas 292336

**Approved on 14/04/14 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
Existing and proposed plans, elevations and photographs	1307-P-10 P2		17th February 2014

### **BH2014/00404**

#### **43 Dyke Road Avenue Hove**

Application for Approval of Details Reserved by Conditions 4, 5 and 6 of application BH2013/03581

**Applicant:** Mr & Mrs Harris

**Officer:** Christopher Wright 292097

**Split Decision on 10/04/14 DELEGATED**

### **BH2014/00418**

#### **6 The Mews Cottage Woodland Drive Hove**

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

**Applicant:** Mark Allsop

**Officer:** Christine Dadswell 292205

**Refused on 07/04/14 DELEGATED**

#### 1) UNI

The development is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended due to proposed roof materials not matching the appearance of the roof materials used on the existing building, as required by the standard condition.

### **BH2014/00419**

#### **48 Amherst Crescent Hove**

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

**Applicant:** Mr Francis Bond

**Officer:** Julia Martin-Woodbridge 294495

**Approved on 08/04/14 DELEGATED**

**BH2014/00455**

**117 Shirley Drive Hove**

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2013/03062.

**Applicant:** Edward Hamilton

**Officer:** Helen Hobbs 293335

**Refused on 07/04/14 DELEGATED**

**BH2014/00479**

**4 Barrowfield Close Hove**

Erection of 3 bedroom detached dwelling house.

**Applicant:** Mr & Mrs J T Platt

**Officer:** Liz Arnold 291709

**Refused on 16/04/14 DELEGATED**

**1) UNI**

The proposed development, by reason of its form, design and bulk, would result in a development which lacks cohesion and would fail to emphasise and enhance the positive qualities and characteristics of the area. As such the development would be detrimental to the character and appearance of Barrowfield Close and wider surrounding area, and is thereby contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed dwelling would be constructed on existing undeveloped land and therefore should be constructed to meet Level 5 of the Code for Sustainable Homes. The applicant has failed to justify that Level 3 as proposed within the application should be accepted. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08, Sustainable Building Design.

**BH2014/00503**

**4 Tongdean Road Hove**

Application for approval of details reserved by conditions 6, 8 and 9 of application BH2010/00908 (Appeal Ref APP/Q1445/A/10/2138898).

**Applicant:** Christopher Liu

**Officer:** Jason Hawkes 292153

**Split Decision on 09/04/14 DELEGATED**

**1) UNI**

The details pursuant to conditions 8 & 9 of application BH2010/00908 (appeal ref: APP/Q1445/A/10/2138898) and subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to condition 6 of application BH2010/00908 (appeal ref: APP/Q1445/A/10/2138898) are NOT APPROVED for the reason below.

1. Insufficient information has been given regarding the planting of the proposed landscaping scheme. The scheme is therefore contrary to policy QD15 of the Brighton & Hove Local Plan.

**BH2014/00504**

**Brighton & Hove High School Radinden Manor Road Hove**

Certificate of lawfulness for proposed replacement of existing boundary walls at south east and south west elevations with new boundary wall incorporating piers, railings and other external alterations.

**Applicant:** GDST

**Officer:** Paul Earp 292454

**Refused on 14/04/14 DELEGATED**

**BH2014/00531**

**20 King George VI Drive Hove**

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

**Applicant:** Mr & Mrs Weber

**Officer:** Christine Dadswell 292205

**Approved on 07/04/14 DELEGATED**

**WESTBOURNE**

**BH2014/00420**

**17 Aymer Road Hove**

Replacement of existing timber windows with double glazed UPVC windows.

**Applicant:** Abbyfield South Downs Ltd

**Officer:** Helen Hobbs 293335

**Approved on 14/04/14 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
Site and block plan	SY1		17th February 2014
Existing and proposed elevations	SK1		10th February 2014

**BH2014/00483**

**14 Princes Crescent Hove**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs Bailey

**Officer:** Liz Arnold 291709

**Approved on 17/04/14 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 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

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

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

## 4) UNI

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

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

Plan Type	Reference	Version	Date Received	
Location Plan	ADC600/LP		14th February 2014	
Block Plan	ADC600/BP	Rev. A	14th February 2014	
Existing Plans	ADC600/08	Rev. A	20th February 2014	
Existing Elevations	ADC600/09		14th February 2014	
Proposed Floor Plans	ADC600/10		14th February 2014	
Proposed Elevations	ADC600/11		14th February 2014	

## **BH2014/00490**

### **12 Aymer Road Hove**

Installation of railings above front and side boundary wall, new side gate, repairs to brick pier and associated landscaping.

**Applicant:** Mr & Mrs Malcom Wolf

**Officer:** Christine Dadswell 292205

### **Refused on 17/04/14 DELEGATED**

#### 1) UNI

The proposed replacement capping, by reason of its inappropriate material, would significantly harm the character and appearance of the existing property and the wider Pembroke and Princes Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Documents 09, Architectural Features, and 12, Design Guide for Extensions and Alterations.

#### 2) UNI2

The proposed railings to the front boundary wall, by reason of their material and design, would not be in keeping with the character or appearance of the property and would appear as a visually incongruous and harmful alteration to the property. The proposal would therefore fail to preserve or enhance the character and appearance of the Pembroke and Princes Conservation Area and is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Documents 09, Architectural Features, and 12, Design Guide for

Report from: 03/04/2014 to: 23/04/2014

Extensions and Alterations.

**BH2014/00692**

**34 Reynolds 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 3.5m, for which the maximum height would be 3.0m, and for which the height of the eaves would be 3.0m.

**Applicant:** Mr & Mrs Donald

**Officer:** Helen Hobbs 293335

**Prior approval not required on 14/04/14 DELEGATED**

**BH2014/00718**

**24 Carlisle Road Hove**

Certificate of lawfulness for existing use of the property as 2no residential units.

**Applicant:** Julien Rutler

**Officer:** Mark Thomas 292336

**Approved on 14/04/14 DELEGATED**

**WISH**

**BH2013/01844**

**1 Boundary Road Hove**

Erection of three storey building to form 3no studio flats.

**Applicant:** Mrs V Sayers

**Officer:** Guy Everest 293334

**Approved on 10/04/14 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 development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**3) UNI**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

**4) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover to the Wellington Road frontage of the site shall be reinstated back to a footway by raising the existing kerb and footway.

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

Report from: 03/04/2014 to: 23/04/2014



**5) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**6) UNI**

Notwithstanding the submitted plans no development shall take place until details of Lifetime Homes standards to be incorporated in the common ways and WCs have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until construction has been completed in accordance with the agreed details. The development shall be retained as such thereafter.

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

**7) UNI**

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

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

**8) UNI**

Notwithstanding the submitted plans the residential units hereby approved shall not be occupied until details of 4 secure cycle parking spaces for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be fully implemented in accordance with the agreed details and made available for use prior to occupation of the hereby approved development.

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

**9) UNI**

The development hereby permitted shall be carried out in accordance with 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 and Sections	(08)01		06/06/2013
Proposed Plans, Elevations and Sections	(08)02	A	06/06/2013

### **10) UNI**

No development shall commence until a scheme for a secondary or alternative means of ventilation for the hereby approved residential units has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until construction has been completed in accordance with the agreed details. The development shall be retained as such thereafter.

*Reason: To safeguard the amenities of the occupiers of future occupants of the development and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.*

### **BH2014/00157**

#### **20A Braemore Road Hove**

Conversion of loft space incorporating front and side rooflights and rear dormer to create 1no one bedroom flat (C3).

**Applicant:** Ms Katerina Barrett

**Officer:** Christopher Wright 292097

**Refused on 22/04/14 DELEGATED**

### **1) UNI**

The proposed rear dormer roof extension would, by reason of the design, appearance, siting, scale and bulk, significantly alter the form of the original roof and dominate the rear roof slope and would detract from the design and character of the recipient building to the detriment of visual amenity. As such the proposal is contrary to the requirements of policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12: Design Guidance for Extensions and Alterations.

### **Withdrawn Applications**

**PLANS LIST 14 May 2014****WITHDEAN**

**Application No:    BH2014/00988**  
**2 Varndean Holt**

1no Sycamore (T1) remove lowest branch due to excessive shading and restriction of view from upper windows in house. Tips of branches now getting very close to the property, approx 1m.

Applicant:            Mr Matt Long  
**Approved on 10 Apr 2014**

**Application No:    BH2014/00989**  
**44 Dyke Road Avenue**

1no Lime (T1) - This used to be a twin-stemmed tree, the stem nearest the boundary had extensive decay and failed in high winds 3 months ago falling into neighbours garden. Application is to make safe the remainder of the failed stem and reduce the height of remaining stem by approx 2.5 metres to reduce effect of increased wind loading.

Applicant:            Mr Geoffrey Theobald  
**Approved on 10 Apr 2014**

**Application No:    BH2014/01242**  
**16 Varndean Holt**

1no Elm (T75) reduce crown back to previous pruning points, prune away from building to give minimum clearance of 1m, thin remaining crown by 20%.

Applicant:            Mr Ronald Parry  
**Approved on 17 Apr 2014**

**QUEEN'S PARK**

**Application No:    BH2014/00974**  
**9 West Drive**

2no Silver Birch (T1,T2) reduce by 1m. 1no Whitebeam (T3) reduce by 1m.

Applicant: Mrs Mair  
**Approved on 03 Apr 2014**

### **ROTTINGDEAN COASTAL**

**Application No:** **BH2014/00962**  
**Court House, The Green, Rottingdean**

Two medium sized walnut trees (T1, T2) in our back garden whose location is shown on the map submitted with this application. At the request of our neighbour in an adjoining property (The Croft, Challoners Mews), we are applying to make a substantial crown reduction of both trees to improve her view of Beacon Hill, which has been obscured by their growth. Their height would need to be reduced by about two metres. We understand that such work on walnut trees should be undertaken in midsummer.

Applicant: Mr Adrian Wood  
**Approved on 03 Apr 2014**

**Application No:** **BH2014/01074**  
**16 Wanderdown Way**

T1 Sycamore (Left side) - Reduce back to previous reduction points. T2 Sycamore (right corner) reduce back to previous reduction points. T3 Japanese cherry (front) - Reduce back to previous reduction points. REASON: To allow more light into garden.

Applicant: Mr English  
**Approved on 17 Apr 2014**

### **WOODINGDEAN**

**Application No:** **BH2014/00889**  
**85d Crescent Drive North, Brighton BN2 6SL**

G1 Sycamore x 10 (front) - Reduce total height of taller trees by approx. one third (approx.5m) and shape remainder all around to balance by approx. 1.5m. Reduce smaller trees by approx. 3.5-4m and shape to balance. Remove major dead wood and trunk growth. T2 1no Sycamore (Front nearest to house) - Reduce in height by approx. 2m and shape remainder all around to balance by approx. 1m. Remove dead wood. T3 1no Sycamore (rear right side nearest house) - Reduce in height by approx. 3m and shape all around to balance by approx. 1-1.5m. Remove major dead wood T4 1no Sycamore (rear boundary) - Crown reduce by approx. 3m all around. Remove major dead wood. REASON: The house owner told me that the last time these trees were reduced was in 1990 and he feels that they are too tall for their

location and is concerned over safety. He also would like more light in his and his neighbours houses and gardens.

Applicant: Mr Potter  
**Approved on 17 Apr 2014**

### **BRUNSWICK AND ADELAIDE**

**Application No:** **BH2014/00971**  
**23 Salisbury Road**

1no Sycamore (T1) reduce and reshape crown by 25% (2.5m-3m) and crown thin by 15%.

Applicant: Mrs Ewart  
**Approved on 03 Apr 2014**

**Application No:** **BH2014/00977**  
**8 Wilbury Road**

1no Sycamore (T1) lift lower branches to give clearance up to 18ft.

Applicant: Mrs Rush  
**Approved on 03 Apr 2014**

**Application No:** **BH2014/01057**  
**42 Brunswick Road**

Fell Group of 2no Sycamores (G1) in rear garden completely in sections making final cut as close to ground level as possible. The trees are situated in a confined rear garden and are located by a boundary wall, causing excessive overhang to the adjacent gardens. The trees are of poor quality. The trees are not visible from any public area, thus have no public amenity value.

Applicant: Ms Thorton  
**Approved on 10 Apr 2014**

### **CENTRAL HOVE**

**Application No:** **BH2014/01055**  
**24 Norton Road**

1no Elm (T6) reduce canopy by 2.5m and thin canopy by 30%, remove epicormic growth up to crown break.

Applicant: Mrs Samantha Sutcliffe

**Approved on 10 Apr 2014**

**Application No: BH2014/01063**  
**Harewood Court, Wilbury Road**

Row of small trees 4no Cherry, 3no Crab apple, 1no Hawthorn - lift crown of all trees over car spaces to cut back/reduce overhang over the boundary wall (where encroaching on neighbouring flats). Reduce by 2-3 ft and shape remainder.

Applicant: Mr Nick Drury  
**Approved on 17 Apr 2014**

## **WESTBOURNE**

**Application No: BH2014/00934**  
**26, 28 and 30 Sackville Road**

At no. 28: 1no Goat willow (T1) and 1no Hornbeam (T2) reduce back to previous points. Rear of no. 30: 1no Weeping Willow (T3) reduce and re-shape by approx. 4m all around and remove deadwood. 1no Sycamore (T4) reduce in height by approx. 2m and prune back laterals all around by approx. 1m. at no 26: 1no Silver Birch (T6) reduce in height by approx 2m and shape remainder to balance.

Applicant: Measom  
**Approved on 03 Apr 2014**

**Application No: BH2014/00978**  
**26, 28 and 30 Sackville Road**

At no. 26: 1no Horse Chestnut (T5) reduce in height by approx 3m and reduce sides by approx 1.5-2m to shape and balance.

Applicant: Measom  
**Approved on 03 Apr 2014**

**NEW APPEALS RECEIVED****WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****GOLDSMID**

BH2013/04164

1 Addison Road Hove

Installation of additional rooflight to front elevation. (Part retrospective)

APPEAL LODGED

07/04/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2013/04286

13 Camelford Street Brighton

Installation of replacement rooflight to rear elevation. (Retrospective).

APPEAL LODGED

07/04/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****EAST BRIGHTON**

BH2013/03818

Flat 4 191 Eastern Road Brighton

Erection of single storey rear extension to second floor level. Creation of dormer and rooflight to the rear and 2no rooflights to the front.

APPEAL LODGED

10/04/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/04297

Pizza Hut Unit 49 Brighton Marina Village Brighton Brighton

Display of internally illuminated free standing pole mounted box sign.

APPEAL LODGED

10/04/2014

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2013/03586

1-3 Richmond Place Brighton

Erection of single storey two bedroom dwelling in rear courtyard.

APPEAL LODGED

10/04/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2013/03445

67 Preston Street Brighton

Conversion of offices (B1) to form 2no one bedroom flats on lower ground and third floors and small House in Multiple Occupation (C4) on ground, first and second floors incorporating window restoration, new front door, ventilation pipes on roof and associated works.

APPEAL LODGED

11/04/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2013/03446

67 Preston Street Brighton

Internal alterations associated with conversion of building to form 2no one bedroom flats on lower ground and third floors and small house in multiple occupation on ground, first and second floors.

APPEAL LODGED

11/04/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****GOLDSMID**

BH2013/04326

42 Shirley Street Hove

Formation of rear dormer and insertion of front rooflights.

APPEAL LODGED

15/04/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2013/03099

35 Providence Place Brighton

Extension to rear elevation flat roof to accommodate new first floor (Retrospective).

APPEAL LODGED

16/04/2014

Delegated



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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2014/00027

61 Millcroft Brighton

Installation of 2no dormer windows to front of dwelling.

APPEAL LODGED

17/04/2014

Delegated

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2013/04079

49 Compton Road Brighton

Erection of a part one part two storey rear extension.

APPEAL LODGED

23/04/2014

Delegated



**Brighton & Hove  
City Council****INFORMATION ON HEARINGS / PUBLIC INQUIRIES  
14<sup>th</sup> April 2014**

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**This is a note of the current position regarding Planning Inquiries and Hearings**  
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**Richmond House, Richmond Road, Brighton BN2 3RL**

Planning application no: BH2013/02838

Description: Demolition of existing 2no storey building and construction of part three storey part five storey building providing 138 rooms of student accommodation, with associated ancillary space, 76 cycle spaces, removal of existing trees, landscaping and other associated works.

Decision: Planning Committee

Type of appeal: Informal Hearing

Date: 20<sup>th</sup> May 2014

Location: TBC

**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: Brighton 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: Brighton Town Hall

**21 Rowan Avenue, Hove BN3 7JF**

Description: Change of use to Dog Kennels.

Decision: Enforcement

Type of appeal: Informal Hearing

Date: 1<sup>st</sup> 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**

	<b>Page</b>
<b>A – 81 DUDLEY ROAD, BRIGHTON – HOLLINGDEAN &amp; STANMER</b>	<b>235</b>
Application BH2013/03866 – Appeal against refusal for single storey rear extension. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>B – FLAT 10, 18 BRUNSWICK PLACE, HOVE – BRUNSWICK &amp; ADELAIDE</b>	<b>239</b>
Enforcement Reference 2010/0303 – Appeal against enforcement contravention of listed building control alleged in the notice is the removal of a number of internal walls and the construction of new internal walls creating a new layout to the flat. <b>BUILDING ENFORCEMENT VARIED</b> (enforcement notice)	
<b>C – 14 SILLWOOD ROAD, BRIGHTON – REGENCY</b>	<b>243</b>
Application BH2013/00029 – Appeal against refusal for alterations to the internal layout, reinstatement of front light well and basement window, removal of rear steps and reinstatement of original stone steps, re-roofing works and the installation of sustainable solar slates technology. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>D – 51 OLD SHOREHAM ROAD, HOVE PARK</b>	<b>247</b>
Application BH2013/02413 – Appeal against refusal for loft conversion. <b>APPEAL ALLOWED</b> (delegated decision)	
<b>E – BASEMENT FLAT, 48A SUSSEX SQUARE, BRIGHTON – ROTTINGDEAN COASTAL</b>	<b>251</b>
Applications BH2013/00797 & BH2013/00798 – Appeals against refusal for proposed are alterations to layout and replacement of external doors and windows (retrospective). <b>APPEALS DISMISSED</b> (delegated decision)	
<b>F – 168A OLD SHOREHAM ROAD, HOVE – HOVE PARK</b>	<b>255</b>
Application BH2013/02373 – Appeal against refusal for roof dormer extension to existing flat. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>G – 26A WEST HILL ROAD, BRIGHTON – ST. PETERS &amp; NORTH LAINE</b>	<b>257</b>
Applications BH2013/02012 & BH2013/02013 – Appeals against refusal for proposed is the demolition of the existing buildings and the erection	

on 1no four-bedroom dwelling. **APPEALS ALLOWED** (delegated decision)

**H – 15 & 15A VICTORIA TERRACE, HOVE – CENTRAL HOVE 269**

Applications BH2013/01438 & BH2013/01517 – Appeals against refusal for alterations and extensions to 15 and 15a Victoria Terrace to re-locate existing café and change of use of portion of existing shop at 15 Victoria Terrace. Demolition of existing café and construction of new house on site and demolition proposed is of 15a Victoria Terrace. **APPEALS DISMISSED & COSTS REFUSED** (delegated decision)

**I – NO. 1 DE MONTFORT ROAD, BRIGHTON – HANOVER & ELM GROVE 277**

Application BH2013/02539 & Enforcement Reference 2012/0602 – Appeal against refusal for use for which a certificate of lawful use or development is sought is a class C3 residential use. The requirements of the notice are to:

1. Cease the use of the property for residential purposes.
2. Remove all showers and baths. **APPEAL DISMISSED AND ENFORCEMENT CORRECTED, VARIED & UPHELD** (delegated decision & enforcement notice)

**J – LAND TO REAR 7-9 SPRINGFIELD ROAD, BRIGHTON – PRESTON PARK 287**

Application BH2013/01762 – Appeal against refusal for erection of 2 no single storey courtyard houses with associated landscaping and pedestrian and cycle access from Springfield Road. **APPEAL DISMISSED** (delegated decision)

**K – TWISTED LEMON, 41 MIDDLE STREET, BRIGHTON – REGENCY 291**

Application BH2013/02678 – Appeal against refusal for replacement of existing timber windows and rooflight with uPVC windows and rooflight (retrospective). **APPEAL DISMISSED** (delegated decision)

**L – LEONARDO RESTAURANT – 55-57 CHURCH ROAD HOVE, BRUNSWICK & ADELAIDE 295**

Application BH2013/01962 – Appeal against refusal for ground floor extensions at rear of property, reconstruction of rear outrigger, new external steps to basement, increase in size of basement to facilitate additional dining area (part retrospective). **APPEAL DISMISSED** (delegated decision)

**M – 41- 45 ST. JAMES'S STREET, BRIGHTON – QUEEN'S PARK 299**

Application BH2013/02811 – Appeal against refusal for apartment, single storey, on an existing flat roof, at 4th floor level. The design has been changed reducing the height and the walls are now glass clad panels, addressing previous comment and so reducing the visual impact of the development. **APPEAL ALLOWED** (delegated decision)

**N – LAND TO THE REAR OF THE ROUNDHOUSE, LONDON ROAD, BRIGHTON – WITHDEAN 307**

Application BH2013/01675 – Appeal against refusal for new dwelling on land to the rear of The Roundhouse, London Road, Preston, Brighton, BN1 6UA. **APPEAL ALLOWED** (delegated decision)

**O – CARTRIDGE WORLD, 39 STATION ROAD, PORTSLADE – SOUTH PORTSLADE 313**

Application BH2013/02627 – Appeal against refusal for single storey rear extension. **APPEAL ALLOWED** (delegated decision)







## Appeal Decision

Site visit made on 1 April 2014

by **E A Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 April 2014

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**Appeal Ref: APP/Q1445/D/14/2214036**

**81 Dudley Road, Brighton, BN1 7GL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms A Williams against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/03866 was refused by notice dated 27 January 2014.
  - The development proposed is single storey side & rear extensions.
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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 dismissed.

### 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 adjacent properties with particular regard to privacy.

### Reasons

#### *Visual impact*

4. The NPPF states that the Government attaches great importance to the design of the built environment. Development should be visually attractive as a result of good architecture and add to the overall quality of the area. Consistent with this policy QD14 of the Brighton and Hove Local Plan and the Council's Supplementary Planning Document 12: *Design guide for extensions and alterations* seek to ensure that extensions are well designed and detailed in relation to the host property.
5. Whilst the proposed front building line would be flush with that of the existing dwelling, due to the narrow width and form of the side extension, it would appear as a modest and subservient lean-to addition to the dwelling. It is

noted that the SPD advises that front extensions should be set back from the front elevation by at least 0.5 metres. However as the proposed extension would not have a material impact on the integrity of the original dwelling, in this respect, the scheme would comply with the objectives of the SPD. Also, as pointed out by the Appellant's building consultant a side extension could be constructed flush with the front wall of the property within the current permitted development tolerances.

6. Notwithstanding this, the proposed parapet wall would be out of keeping with the design and appearance of the host property when viewed from the street scene. To the side the proposed parapet wall would be over four metres in height at its western end. As a result it would be visually prominent and stark when viewed from the street scene and visually overbearing along the adjacent private path.
7. Although the proposed rear extension would span the full width of the site, it would not look out of keeping with the host property or the surrounding rear garden environment. This is because the adjacent buildings are terraced and thus have a strong horizontal appearance. The scheme would reduce the narrow vertical appearance of the dwelling and would be constructed from materials that would match the original dwelling. At the same time the large, dominant flat roofed storage building in the rear garden would be removed, along with the existing rear conservatory. In these respects the proposed extension would respect and potentially improve the character and appearance of the host dwelling and its immediate setting.
8. However, due to the varied sizes and proximity to each other, the rear roof-lights would result in the rear roof slope appearing cluttered and unduly dominant. The extension would appear top heavy and the roof lights would fail to visually relate satisfactorily to the existing first floor windows. For this reason the rear extension as a whole would fail to respect the host dwelling or add to the overall quality of the area.
9. Accordingly, I conclude on this main issue that the scheme would have unacceptably harm the character and appearance of the host property. It would therefore conflict with policy QD14 of the Local Plan, the SPD and the NPPF.

#### *Living conditions*

10. The Appeal site is located in an area where the land slopes down to the south and west. As a result the rear ground floor levels of some of the dwellings are elevated above the adjacent ground levels. This results in some overlooking and inter-looking between properties.
11. The proposed rear extension would have solid side walls and the rear facing windows would be set in from the side boundaries of the site. In addition, the proposed floor height would match that of the host dwelling. As a consequence the rear extension would not have a materially adverse impact on the living conditions of the occupiers of the adjacent properties due to loss of privacy.
12. The proposed deck would be approximately one metre in depth and so would have limited potential for recreational use. Notwithstanding this, the northern end of the proposed deck would project up to the boundary with 20 Hollingbury Place, where there would be direct views into the rear gardens and towards the rear windows of the properties at 18 & 20 Hollingbury Place. This would result

in a significant level of actual and perceived loss of privacy for the occupants of those dwellings.

13. The proposed deck would be sited some eight metres from the rear boundary of the property and the adjacent gardens sit at a lower level behind a tall boundary fence. As a consequence the proposed terrace would not result in a material loss of privacy for the occupants of those properties.
14. To the south the proposed deck and associated steps would be separated from 79 Dudley Road (No.79) by a pedestrian path and the tall flank walls of the rear extensions at No.79. As a consequence the use of the proposed deck would not have a material impact on the living conditions of the occupants of No.79. However adequate boundary screening would be required along the southern boundary of the site to ensure that the deck did not result in the direct overlooking of the adjacent private path. This is a matter that could be dealt with by condition.
15. It is acknowledged that the existing conservatory is glazed on three sides, projects further into the rear garden area than the proposed deck and is used throughout the year. However the floor level of the conservatory is lower than that of the proposed deck, which materially restricts the level of overlooking over the boundary fence.
16. Concern has been expressed regarding the use of the proposed rear extension for a music room. The occupants of the Appeal property could use any room in their property for such purposes, provided it is for purposes ancillary to the use of the dwelling. If the noise generated by activities within any part of the dwelling, including the proposed extension, resulted in a nuisance for local residents it is a matter that could be dealt with under other legislation.
17. I conclude on this issue that the scheme would have a materially harmful impact on the living conditions of the occupiers of 18 & 20 Hollingbury Place, due to loss of privacy. Accordingly the scheme would conflict with policy QD27 of the Local Plan which seeks to protect the living conditions of existing residents.

### **Conclusion**

18. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which could not be satisfactorily addressed through the imposition of conditions.

*E Lawrence*

INSPECTOR



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## Appeal Decision

Site visit made on 24 March 2014

**by Katie Peerless Dip Arch RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 April 2014**

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**Appeal Ref: APP/Q1445/F/13/2198062**  
**Flat 10, 18 Brunswick Place, Hove BN3 1NA**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Paul and Mr David Maggs against a listed building enforcement notice issued by Brighton & Hove City Council.
  - The Council's reference is 2010/0303.
  - The notice was issued on 2 April 2013.
  - The contravention of listed building control alleged in the notice is the removal of a number of internal walls and the construction of new internal walls creating a new layout to the flat.
  - The requirements of the notice are (i). Return the layout of the flat to that shown as existing on drawing number 8734/1, date stamped 23 August 2011, that was submitted as part of application number BH2011/02519 (attached to the listed building enforcement notice) (ii). All new internal walls will be stud walls with timber laths and 3 coat lime plaster based plaster finish and no corncicing. (iii). All external drainage and ventilation that is made redundant by the removal of the rear en-suite bathroom will be removed and the area made good to match the existing surrounding area. (iv). All new doors fitted will be painted, solid timber 4 panel doors with square rebates (no mouldings). (v). The skirtings for all new walls will have a simple, square edged profile. (vi). Remove all resultant debris from the site.
  - The period for compliance with the requirements is 12 months
  - The appeal is made on the grounds set out in section 39(1)(g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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### Decision

1. The listed building enforcement notice is varied by the omission of requirements (ii) (iv) and (v) and the inclusion of the words '*All new materials and details of the reinstated features are to match in all respects those that were taken out.*' at the end of requirement i. Subject to these variations, the appeal is dismissed and the listed building enforcement notice is upheld.

### Main Issue

2. I consider that the main issue in this case is whether the requirements of the listed building enforcement notice exceed what would be necessary to restore the building to the condition it was in before the unauthorised works were carried out.

### **Planning history**

3. The appellants applied for listed building consent for the works that are the subject of the listed building enforcement notice in 2011<sup>1</sup>. This was refused and an appeal<sup>2</sup> against that decision was dismissed in 2012.

### **Appeal site**

4. The appeal property forms the top floor of a former house in a Grade II listed Regency terrace. The house has been converted into flats and No. 10 now contains a living room with a kitchen leading off it and 2 bedrooms, each with an en-suite bathroom.
5. The works that have been carried out consist of an internal re-arrangement of the layout. The main alterations consist of the removal of a dividing wall between the former kitchen and living room at the front of the building and the extension of an existing partition to meet one end of the chimney breast to form the enlarged living space. At the rear of the flat, one internal partition has been removed and another inserted, again on the line of an existing chimney breast. This has formed a bedroom and bathroom.

### **Reasons**

6. The only ground of appeal cited by the appellants is ground (g), which claims that the requirements of the listed building enforcement notice exceed what is necessary for restoring the building to its condition before the works were carried out. Under this ground of appeal the appellants have stated that the building was converted into flats in 1998 and, at that time, all the doors and walls, including skirtings and mouldings, were substituted for modern materials.
7. I have been given no evidence by either party to confirm details of the doors and skirtings that have been replaced and now need to be reinstated. However, the appellants state that the walls that were taken out were modern stud partitions with plasterboard and skim. It is normally the case that the owners of the building who carried out the work, in this case the appellants, are in the best position to know what was taken out and how to replace it when required to do so. I shall therefore vary the notice to omit the references to specific details and materials, leaving only the requirements to return the building to reinstate the former layout of the flat and remove the additional external drainage and ventilation. I shall, however, vary the wording to make clear that the new work is to be carried out in the same materials and details as were previously used, so that if any historic fabric was taken out, it can be required to be replaced like for like. The appeal on ground (g) succeeds to this extent.

### **Other matters**

8. The appellants' statement appears to address matters that relate to the planning merits of the alterations and gives examples of other schemes where, they say, similar proposals have been granted permission. However, I do not have the full details of these and cannot therefore judge whether they would be comparable to the work carried out at the appeal site. In any event, an application for the retention of the alterations has already been dismissed at appeal and there is no appeal on ground (e), (that listed building consent should be granted for the works covered by the notice). The planning merits of the proposal are therefore not before me for consideration.

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<sup>1</sup> Ref: BH2011/02519

<sup>2</sup> Ref: APP/Q1445/E/12/2173445

9. There are also suggestions made about an alternative layout that would require fewer alterations and which the appellants consider might overcome the Council's concerns. However, the Council is seeking to restore the building to its former state, not to alleviate the effect of the unauthorised works, which is what the changes suggested by the appellants would, in effect, be aiming to do.
10. Whilst the alternative layout put forward by the appellants might be acceptable in principle, it does not give enough detail to allow me to make a full assessment of its impact on the listed building. Additional information would need to be submitted and this cannot be called for through variations to the listed building enforcement notice. It would be for the appellants to submit an application for listed building consent to the Council, who could then make an informed assessment of its merits and attach suitable conditions if required.
11. If listed building consent for a revised scheme were to be granted, it would then provide an alternative to complying with the listed building enforcement notice. The appellants have 12 months to comply with the notice and this would, I consider be sufficient time to agree and implement any acceptable, alternative proposal.

### **Conclusions**

12. I shall vary the listed building enforcement notice as noted above but, for the reasons given above, I conclude that the appeal should otherwise fail.

*Katie Peerless*

**Inspector**







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# 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: 8 April 2014**

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**Appeal Ref: APP/Q1445/E/13/2207069**

**14 Sillwood Road, Brighton BN1 2LF**

- 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 Ms Shan Lancaster against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00029, dated 7 January 2013, was refused by notice dated 2 September 2013.
  - The works proposed are alterations to the internal layout, reinstatement of front light well and basement window, removal of rear steps and reinstatement of original stone steps, re-roofing works and the installation of sustainable solar slates technology.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. Planning Guidance came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. Given the nature of this proposal, these changes to the guidance framework have not affected my decision.

## Main Issue

3. The effect of the appeal proposal on the special architectural or historic interest of the listed building.

## Reasons

4. The appeal house is a grade II listed building, which forms part of a listed terrace of buildings of similar scale, form and some detailing (Nos 13-25). It is confirmed that it was built at the same time as No 13. The internal layout has been altered over time, to accommodate subdivision and its previous use as a school. However, it still retains an understanding of the original floorplan. In addition, many historic features and fabric remain, notably, fireplaces, a kitchen range and wall dresser, areas of brick pavers and a kibbled chalk floor in the basement. Its decorative joinery and plaster detailing add to its special interest. Externally, its Regency style frontage, with stucco finish, provides an elegant public face. A ground floor bay, although a later addition to the property, is a notable feature. Together, all these elements add to the significance of the listed building.
5. Whilst some historic features such as areas of original floor and a fireplace in the basement and the kitchen range and dresser are not included on the appeal plans, the appellant has confirmed that the appeal application does not include

any works to these features. It is confirmed that the basement floor surfaces, treatment of the exposed basement flint wall and the installation of kitchen units do not form part of the appeal application. In addition, it is confirmed that any railings to the original external stone steps and details of the newel post to the stairs at ground floor level would be the subject of separate further applications. On this basis, I consider that the information provided is adequate in this regard.

6. Other works proposed are generally considered acceptable, as they would reverse previous unsympathetic changes and would enhance the significance of the listed building. Such works include reroofing the main roofslopes in Welsh slate with some solar slates, rearrangement of the layout in the basement rear wing, removal of the hall partitions on the ground floor, blocking up the rear ground floor external door, removal of the timber external staircase in the courtyard to expose the original stone steps and opening the staircase at ground floor level.
7. However, I consider that the appeal plans are sufficient only to identify the siting and extent of the proposed works. In this regard, the position of the staircase on the appeal plans generally accords with what I saw on my site visit. It is also confirmed that the position and size of the previous opening between the two ground floor rooms is shown. However, sufficient detail is not provided regarding a significant amount of the works proposed. These include the proposed reinstatement of the basement stairs, removal of the stair wall at ground level and reinstatement of staircase details, removal of some internal partitions, the details of the doors and architrave in the proposed opening between the two ground floor rooms, and the details of the proposed railings and stone plinth at the front. Whilst the Council suggests that some of these matters could be dealt with by suitably worded planning conditions, no suggested conditions are before me. However, I consider that these elements of the appeal works would be extensive and would be integral to the appeal proposal as a whole. The special interest of the listed building relies on its joinery detailing and other decoration, including staircases and their detailing, and as these works relate to many rooms and spaces within the listed building, if carried out inappropriately, whilst restoring the original floorplan, would detract from the significance of the listed building. Together they are too extensive and important to all be dealt with through planning conditions.
8. Turning to the proposed basement window, there is evidence of a window opening in the front bay at basement level. On site it had already been opened up. It is agreed that it would be desirable to replicate the original design and that other windows in the front elevation are contemporary with the building. The Council suggests that the window, in its glazing pattern and detailing, should match those above. The appellant proposes to replicate the design of the window in the rear basement elevation, which is similar to that on the front elevation at second floor level. It is confirmed that the proportions of the front basement opening are similar to the rear basement window opening, which has an 8 X 8 paned window.
9. I have had regard to evidence provided of a previous basement window at No 13. I consider it likely that the pattern of any basement window would have followed that of other secondary windows, such as those in the basement or second floor. On site, other basement windows in the street do not provide relevant design cues. Whilst conclusive evidence is not before me, on the basis

of the above considerations, I am persuaded that the suggested window pattern would preserve the special architectural interest of the listed building.

10. Having said that, however, insufficient detail has been provided for me to be assured that the proposed window would replicate those other secondary windows identified, as details of the proposed meeting rail or window surround are not provided. Notwithstanding the details on the appeal plans, which do not accord with a traditional window, the detailed design of the proposed window could be controlled by condition. The appellant suggests that such detail is not necessary and detailed drawings would be inappropriate. However, on the basis of the information before me, as the acceptability of the proposed window relies on its joinery details, I am not convinced that the proposed window would preserve the special interest of the listed building, even though it would be at basement level and open to limited public view.
11. I conclude that, as the appeal proposal has insufficient information to properly assess its effect, I cannot be assured that it would preserve the special architectural interest of the listed building and it would therefore fail to accord with Brighton and Hove Local Plan (2005) Policy HE1. This promotes 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.
12. 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 any harm identified to the listed building, would, in the context of the significance of the listed building, 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 the works referred to that would reverse previous unsympathetic alterations and those that would improve its external appearance. However, notwithstanding the potential benefits of these, they would not constitute the public benefits referred to in Paragraph 134 of the Framework and would not outweigh the harm that may arise to the listed building as a result of other alterations identified that do not demonstrate appropriate detail.

## **Conclusion**

13. 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 20 March 2014

**by Megan Thomas BA(Hons) in Law, Barrister**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 April 2014**

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**Appeal Ref: APP/Q1445/A/13/2205739**  
**51 Old Shoreham Road, Brighton BN1 5DQ**

- 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 Paul Seivewright against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02413, dated 19 July 2013, was refused by notice dated 3 September 2013.
  - The development proposed is a loft conversion.
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### Decision

1. The appeal is allowed and planning permission is granted for a loft conversion at 51 Old Shoreham Road, Brighton BN1 5DQ in accordance with the terms of the application, Ref BH2013/02413, dated 19 July 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 101, 200, 201 (all dated 15 July 2013).
  - 3) Except where specified on the approved plans, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
  - 4) Prior to the commencement of development, a scheme detailing which panels of the proposed west-facing roof slope glazing shall be fitted with obscured glazing shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with those approved details and the glazing shall be permanently retained in that condition.

### Main Issues

2. There are two main issues. The first is the effect of the proposal on the character and appearance of the host dwelling, its semi pair and the wider area. The second is the effect on the living conditions of the occupants of 53 Old Shoreham Road with regard to privacy.
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## Reasons

### *Character and appearance*

3. 51 Old Shoreham Road is a semi-detached property, its semi-pair being no.49. It is split into flats. It has a two storey side extension with a flat roof, which appears to have been built as an extension to the original property. The top floor flat has access to the flat roof of that extension which is on the western side of the property next to no.53. No.51 is located on a steep east to west gradient with no.53 further uphill. The rear gardens meet the rear gardens of properties in York Villas which is the road running south and parallel to Old Shoreham Road. The distance separating the rear elevations of no.51 and its southern neighbour on York Villas is very approximately 33m.
4. The appellant lives in the top floor flat and the proposal is to convert the roofspace to residential use. The space is marked "artists' studio" on the submitted plans of the proposed development. On the western-facing roof slope there would be a large array of glazed roof panels. On the front elevation there would be a conservation style roof light and to the rear there would be a recessed balcony which would be constructed by creating an opening in the roof slope, building a small overhang and installing 4-panel double glazed lead grey powder-coated aluminium sliding doors.
5. Advice in Supplementary Planning Document 12 *Design Guide for Extensions and Alterations* (2013) indicates that rooflights should be located discretely such that they are not readily visible from the street. A small single rooflight may be considered acceptable provided it lies flush with roof covering and is of traditional proportions, design and construction with slim steel or cast iron frames. The proposed panels would be visible from Old Shoreham Road but, given their side location, not readily visible. The number of them would be unusual and whilst they would not look traditional, I take the view that their more contemporary appearance would not be detrimental to the character or appearance of the building or the area. They would not detract from views of no.49 and no.51 together as a pair. The location of the glazed panels on the side facing roof slope would mean they were semi-concealed and viewed obliquely, and the lead grey frame colour would blend well with the roof tiles.
6. The proposed external balcony area backed by the sliding doors would have a depth of about 1.35m and a width about 2m. It would be similar in width to the bay window at the rear of no.51 and would broadly align with it even though there would be an intervening window above the bay. It would be noticeable but the bulk of it would be within the roof slope and its recessed design would be less intrusive than a typical balcony. Whilst I acknowledge that some dormer structures in the vicinity may well not be authorised structures, there are a number of them in the area and the addition of this proposed rear roof balcony would be comparatively less prominent and not wholly incongruous in this area. I noted that glimpses of the proposed balcony would be likely from York Villas, a public road, but those views would be at a significant distance and would not diminish the appearance of the area. Moreover, I do not agree that it would be harmful from a public or private vantage point to see the upper parts of the doors serving the balcony.

7. On this issue, I conclude that the proposal would not harm the character or appearance of the host building, its semi-pair or the wider area and would not be contrary to policy QD14 of the Brighton and Hove Local Plan 2005 'LP'.

*Living conditions*

8. The proposed glazed panels in the western roof slope would facilitate views towards the flank wall and roof of no.53 Old Shoreham Road. There is a modestly-sized sash window just below the eaves of no.53 which would be overlooked from the proposed side glazing. There is no objection from the occupier on the papers before me and it is not known with certainty what type of room the window serves. However, even if it serves a habitable room, I consider that harm from overlooking would be overcome by a proportion of the panels being fitted with obscured glazing. It is not necessary for all the panels to be glazed but I consider that it would be most appropriate in the circumstances for the developer and the local planning authority to seek to agree a scheme. I have therefore imposed a condition which requires a scheme detailing which panels to fit with obscured glazing to be submitted to and approved by the local planning authority prior to the commencement of development. It would then be necessary for the development to be carried out in accordance with those approved details.
9. Subject to that condition, I conclude that the proposed development would not result in unacceptable living conditions for the occupants of no.53 Old Shoreham Road with respect to privacy and there would be no conflict with policies QD14 or QD27 of the LP.

**Conditions**

10. For the sake of certainty and proper planning I have imposed a condition which ties the development to the approved plans. In order to protect the character and appearance of the building and area, a condition which requires the external finishes of the development to match in material, colour, style, bonding and texture those of the existing building (except where specified on the approved plans) is attached to the permission. The reason for condition no.4 has been referred to above.

**Conclusion**

11. The content of the Planning Guidance has been considered but in the light of the facts of this case, it does not alter my conclusions. Having taken into account all representations made, I allow the appeal subject to conditions.

*Megan Thomas*

INSPECTOR





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## Appeal Decisions

Site visit made on 7 April 2014

**by S J Papworth DipArch(Glos) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 April 2014**

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### **Appeal A: APP/Q1445/A/13/2204282**

#### **Basement Flat, 48A Sussex Square, Brighton, East Sussex BN2 1GE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Kate Hunt against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00797, dated 10 March 2013, was refused by notice dated 21 May 2013.
  - The development proposed is alterations to layout and replacement of doors and windows (retrospective).
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### **Appeal B: APP/Q1445/E/13/2203628**

#### **Basement Flat, 48A Sussex Square, Brighton, East Sussex BN2 1GE**

- 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 Ms Kate Hunt against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00798, dated 10 March 2013, was refused by notice dated 21 May 2013.
  - The works proposed are alterations to layout and replacement of external doors and windows (retrospective).
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## **Decisions**

1. I dismiss both appeals.

## **Reasons**

2. Number 48 is a listed building and lies within the Kemp Town Conservation Area. The main issue in these appeals is the effect of the works on the architectural or historic interest of the listed building and its setting. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Local Plan Policy HE1 seeks the preservation of listed buildings and their fabric and Policy HE6 concerns development in conservation areas. Supplementary Planning Document on architectural features makes clear that windows are a crucial element of historic streetscapes and their historic significance should be retained.

3. The National Planning Policy Framework sets out the considerations with regard to heritage assets in chapter 12 where paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The Government launched web based Planning Practice Guidance on 6 March 2014, after the receipt of representations to this appeal. The content of the Guidance has been considered, but in light of the facts of this case that content does not alter the conclusions reached.
5. There are two windows that are the subject of the appeal and the appellant refers to two previous applications being approved subject to details being provided, which she discovered had not been supplied. The Officer's Report makes clear that had the design of the two windows been submitted first, changes would have been advised.
6. Looking first at the window in elevation A, the joinery of the sashes and the method of glazing has led to an over-chunky appearance and the method of fixing and sliding the sashes is historically incorrect and inelegant. These shortcomings are plainly seen as part of the appreciation of the front elevation of the building above and the uniform architectural design of the terrace. Whilst seemingly a small difference relative to the scale of the terrace, the effect is harmful and represents an incremental erosion of the interest of the listed building and the conservation area as a whole.
7. To the rear it is accepted that the window would not be seen in public views and therefore there is no effect on the conservation area. However, the preservation of listed buildings is not restricted to only that which can be seen by the public; they are to be preserved for their architectural or historic interest in any event. The arrangement of the beading of the individual glass panes differs from that at the front, being moulded inside and out, but is inappropriate to this small pane window, as is the use of horns under the upper sash. As with that to the front, the hanging arrangement and materials used to house the sashes is not historically correct.
8. Both windows cause harm to the significance of the listed building and in addition the one to the front harms the character and appearance of the conservation area, and hence the statutory tests set out earlier are not satisfied. The works do not accord with the aims of the Local Plan Policies as set out and the requirement in paragraph 132 of the Framework would not be met.
9. The level of harm is nevertheless considered to be 'less than substantial', a distinction required between paragraphs 133 and 134 of the National Planning Policy Framework. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Guidance contains advice on considering the levels of harm.
10. The appellant has put forward an explanation of the situation, and the fact that she was not aware on purchasing the property that the pre-condition had not been discharged; however, the fact remains that the windows in place are unauthorised. Security is also cited as a benefit of the more robust joinery

sections, but important as that consideration must be to the appellant, as she details her personal situation and a previous attempted intrusion, that must be balanced against the statutory duties to preserve listed buildings and the great weight that must be attached to those duties. There are more acceptable ways of gaining security.

11. The harm to the listed building and its setting, and to the character and appearance of the conservation area is not outweighed by the benefits, as sought by the Framework. As a result, the works are unjustified and are unacceptable in their effect. For the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR



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# Appeal Decision

Site visit made on 1 April 2014

**by Elizabeth Lawrence BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 April 2014**

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**Appeal Ref: APP/Q1445/A/13/2207863**  
**168A Old Shoreham Road, Hove, BN3 7AR.**

- 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 Dr Harjinder Heer against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02373, dated 15 July 2013, was refused by notice dated 26 September 2013.
  - The development proposed is roof dormer extension to existing flat.
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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 dismissed.

## Main Issue

3. The main issue is the effect of the scheme on the character and appearance of the host property, the terrace and the wider surrounding area.

## Reasons

4. The Appeal site is located within an area of early 19<sup>th</sup> century terraced properties, with two storey rear outriggers. There is a strong sense of uniformity in the front and rear elevations of the individual terraces, which are arranged in a formal grid pattern of streets, on land which falls away gently to the south. The upper rear elevations and roofs of the terraces between Leighton Road and Sackville Road are prominent within the street scene and make a valuable contribution to the uniformity and rhythm within the terraces.
  5. Policy QD14 of the Brighton and Hove Local Plan requires extensions to be well designed sited and detailed both in relation to the host and adjoining properties. The Council's Supplementary Planning Document 12: *Design guide*
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*for extensions and alterations* is consistent with policy QD14. It advises that box dormers constructed using the full width (and/or height) of the roof are an inappropriate design solution. Instead dormer windows should be kept as small as possible and be seen as a subordinate addition to the roof, set well in from the sides of the roof. Large areas of cladding should be avoided and as a rule of thumb the dormer should not be substantially larger than the window itself unless the particular design of the building and its context dictate otherwise.

6. The proposed dormer would stretch across almost the full width of the rear roof slope and would project up to the main rear elevation of the property. It would include large areas of tiled cladding and the proposed sash window would be disproportionately large when compared to the central sash window at first floor level. The proposed high level window would project slightly above the existing roof parapet and would be uncharacteristic and squat. The roof of the dormer would similarly project above the existing roof parapet, which would increase its visibility from the west.
7. As a result of these combined factors the proposed dormer would appear top heavy, incongruous and totally out of keeping with the host property and the terrace as a whole. It would seriously harm the character and appearance of the host property and the terrace and would have a degrading impact on the back garden environment area. As stated in the NPPF permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
8. It is acknowledged that the dormer would increase the size and improve the circulation area within the bathroom, which would benefit the occupants of the flat. However, this benefit would be significantly outweighed by the visual harm the dormer would cause to the character and appearance of the host property and the terrace as a whole.
9. It is noted that there are a number of dormer extensions in the locality and they have blended in with the host terraces with varying degrees of success. Rather than setting a precedent they highlight the need to consider each proposal on its individual merits and in light of the prevailing planning policies.
10. Finally, the concerns regarding the nature of the use of the premises are noted, however as the scheme would purely increase the size of a bathroom it would have little effect on the scope of the accommodation provided within the building as a whole. Any other alterations or proposals affecting the premises fall outside the scope of this Appeal.
11. For these reasons I conclude that the scheme would have a materially harmful impact on the character and appearance of the host property, the terrace and the wider surrounding area. It would therefore conflict with policy QD14 of the Local Plan, the SPD and the NPPF.

*Elizabeth Lawrence*

INSPECTOR



## Appeal Decisions

Site visit made on 31 March 2014

**by David Harmston FRICS DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 April 2014**

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### **Appeal A - Ref: APP/Q1445/A/13/2206383**

#### **26A West Hill Road, Brighton, East Sussex BN1 3RT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Local Planning Authority to give notice of its decision within the appropriate period on an application for planning permission.
  - The appeal is made by the Thew Family Trust against Brighton & Hove City Council.
  - The application (Ref BH2013/02012) was dated 18 June 2013.
  - The development proposed is the demolition of the existing buildings and the erection on 1no four-bedroom dwelling.
- 

### **Appeal B - Ref: APP/Q1445/E/13/2207387**

#### **26A West Hill Road, Brighton, East Sussex BN1 3RT**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the failure of the Local Planning Authority to give notice of its decision within the appropriate period on an application for Conservation Area Consent.
  - The appeal is made by the Thew Family Trust against Brighton & Hove City Council.
  - The application (Ref BH2013/02013) was dated 18 June 2013.
  - The development proposed is the demolition of the existing buildings and the erection on 1no four-bedroom dwelling.
- 

## **Decisions**

### **Appeal A**

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and the erection on 1no four-bedroom dwelling at 26A West Hill Road, Brighton, East Sussex BN1 3RT in accordance with the terms of the application (Ref BH2013/02012), dated 18 June 2013, subject to the conditions set out in the attached Schedule.

### **Appeal B**

2. The appeal is allowed and Conservation Area Consent is granted for the demolition of the existing buildings and the erection on 1no four-bedroom dwelling at 26A West Hill Road, Brighton, East Sussex BN1 3RT in accordance with the terms of the application (Ref BH2013/02013), dated 18 June 2013, subject to the conditions set out in the attached Schedule.

## **Preliminary Matters**

3. The Planning Practice Guidance was published on 6 March 2014. The content of that Guidance has been considered but in the light of the facts of this case it does not alter my conclusions.
4. The application was made to the Council jointly for planning permission for the development and Conservation Area Consent to demolish the existing buildings on the site. This was subsequently separated by the Council into two applications proceeding concurrently with consecutive reference numbers. The appeals are made against the Council's non-determination of both applications. Had it been able to do so, the Council would have refused planning permission for the development in respect of application Ref:- BH2013/02012 for the following reasons:
  - (1) The development, by reason of its siting, footprint and form in relation to the adjoining West Hill Street terrace, and through the inclusion of on-site vehicular parking to the West Hill Road frontage, would fail to emphasise and enhance the positive qualities of the local neighbourhood. The resulting development would appear unduly prominent and out of keeping with the wider streetscene and would fail to preserve or enhance the character or appearance of the West Hill Conservation Area. The proposal is thereby contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
  - (2) The development, by reason of its siting, height, design and massing, would be detrimental to the amenities of the occupiers of No 1 West Hill Street and adjoining properties to the rear on Compton Avenue through an overbearing and enclosing impact and increased overshadowing. The proposal is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.
5. In relation of the application for Conservation Area Consent (BH2013/02013), permission would have been refused for the following reason:
  - (1) In the absence of an acceptable replacement scheme for the site, the demolition of the existing buildings would result in the creation of an unsightly area of land that would be detrimental to the character and appearance of the West Hill Conservation Area, contrary to policy HE8 of the Brighton & Hove Local Plan.<sup>1</sup>

## **Main Issues**

### **Appeal A**

6. The main issues upon which the outcome of Appeal A turns are:
  - (a) the effects of the development on the character and appearance of the area having regard to the location of the site within the West Hill Conservation Area;

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<sup>1</sup> Hereinafter referred to as 'the local plan'.



- (b) whether the development would cause unacceptable harm to the living conditions of the occupants of any nearby and adjoining dwellings for reasons associated with overlooking, an excessively overbearing impact or the increased overshadowing of land and buildings.

## **Appeal B**

7. For Appeal B, the main issue is whether the demolition of the buildings on the site (which are located within the West Hill Conservation Area) would be acceptable without the implementation of a suitable replacement scheme for the site's redevelopment being ensured within a reasonable timescale.

## **Reasons – Appeal A**

### *The Site and the Proposals*

8. The curtilage of No 26A West Hill Road comprises an irregularly-shaped parcel of land containing a yard and a number of small buildings with a frontage to that road. It is situated behind and to the side of No 1 West Hill Street. This is a two-storey dwelling divided into flats with a basement. The structures present on the appeal land are now vacant and in a poor condition. As I understand it, these were last used for business purposes.
9. The site is secure and has a gated entrance. It is untidy and unkempt and, although not prominent as a feature in the streetscene, its presence and condition detracts from the overall appearance of the area. Its former use, which would seem to be long established, is something of an anomaly in this neighbourhood.
10. From a point a short distance away to the west of the site, at the junction of West Hill Road and Dyke Road, the area to the east thereof is almost exclusively residential in character and land use. The neighbourhood comprises long terraces of mid to late Victorian buildings which have mostly retained their original features without being unduly harmed by unsympathetic alterations.
11. There is an attractive and special character to the area for this reason. These expanses of two-storey dwellings with basements present a fine vista and the occasional examples of redevelopment and alterations that have been undertaken do not unduly detract from the character and appearance of the area.
12. The Conservation Area is described in detail in the *West Hill Conservation Area Character Statement* which I have studied and taken into account. Any redevelopment proposals for the appeal site must therefore be considered in the context of whether they would serve to preserve or enhance the character or appearance of the Conservation Area.
13. The principle of residential development on the site is not in dispute and it is accepted by the Council that the retention of an employment use of the land is no longer an issue. Having regard to paragraphs 22 and 51 of the National Planning Policy Framework (the 'Framework'), as well as policies EM5 and EM6

of the local plan, I have no reason to disagree with this assessment and, in terms of residential amenity, there would be a planning benefit if the commercial use of the site were not to be reinstated. I have taken into account the views expressed by a local resident on this issue who has referred to another appeal in Brighton where the retention of the employment use was found to be an overriding consideration.<sup>2</sup> Without further detailed information, I cannot afford that decision any significant weight.

14. The appeal scheme is for the demolition of all the existing structures on the land and the erection of a two-storey, four-bedroom house attached to the side of the host property with its main frontage to West Hill Road behind a low wall with railings above. Because of the shape and size of the plot the building would have an irregularly-shaped footprint with a hardstanding and cycle store to its side. Internally the development would provide for satisfactory living conditions for its occupants and, in terms of land use and site coverage, and although the size of the proposed amenity area would be small, it would be adequate and comparable to many in the area.
15. The development would provide for one off-street car parking space in a position that would be alongside one already existing at the rear of No 2 Compton Avenue. There is no objection on highway grounds and the Council accepts that matters such as the sustainability credentials of the building, the effects of the development on the trees on the adjoining land, loss of an on-street car parking space and landscaping are all considerations which are either acceptable, or could be the subject of appropriate conditions to make them acceptable, if planning permission were to be granted.

#### *Character and Appearance and the West Hill Conservation Area*

16. With these points in mind, and as a straightforward point, the acceptability or otherwise of the development turns on its design and its possible impact on the living conditions of the adjoining residents. I note that a number of proposals have been put forward previously for the development of the site for the erection of two dwellings. These have all been refused. Extensive negotiations between the Council and the appellant appear to have taken place over a long period of time and the appellant states that it was understood that the Council's concerns had all but been overcome with this much scaled-down proposal.
17. On the first main issue, the Council considers that the significance of the site lies in it being within an area of strongly coherent character and attractive street facades. It is accepted that the present appearance of the site detracts from the character of the area and that the site has the potential for redevelopment by way of a single dwelling. Because of the unusual shape and location of the land, the Council takes the view that the design of an appropriate and acceptable development for it poses special problems with the overriding consideration being the preservation or enhancement of the character or appearance of the Conservation Area. I agree with this analysis.

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<sup>2</sup> Appeal Ref:- APP/Q1445/A/13/2190024 – 39 Mafeking Road, Brighton – August 2013

18. Nevertheless, the particular character of the short section or spur of West Hill Road running westwards towards the Dyke Road from its junction with West Hill Street is appreciably different from that of the neighbourhood to the east and north-east where a much more uniform and cohesive character to the buildings exists. Within this particular location there are uncharacteristic breaks in the pattern to the development formed by the truncated ends of the terraces and the rear of the opposing elevations to the buildings facing Dyke Road.
19. The immediate character is defined by the unattractive views of the rear of the properties facing the east side of Dyke Road. The same uniformity of design as exists elsewhere in the Conservation Area is not present within the tight vicinity of the site. For instance, the long vistas along the streetscapes in West Hill Street and West Hill Road are not available to the same extent. In my view, the design of a scheme for the site needs to be considered in the context of the immediate locality rather than the wider Conservation Area.
20. With this in mind it seems to me that the scale, detailing and general form of the proposed building would satisfy the test of preserving the character or appearance of the Conservation Area. This is because the building would not, for instance, interrupt the continuity or architectural integrity of the terraces of dwellings in the area nor would it be an incongruous form of infilling within an otherwise built-up frontage.
21. Care and attention to detail has been applied to the design of the facades and the scale and proportions of the dwelling to ensure that, as far as possible, it would complement rather than detract from the surrounding structures. Taking account of the particular constraints of the site, and its unusual configuration and location, an acceptable solution to the design problems has been conceived, in my view.
22. The provision of the car parking space would cause no material harm bearing in mind that such a form of land use already takes place on the immediately adjoining property.
23. As the Framework makes clear, good design is a key aspect of sustainable development.<sup>3</sup> Architectural styles or particular tastes should not be imposed and innovation should not be stifled although it is right to promote or reinforce local distinctiveness.<sup>4</sup> Not all the elements of a Conservation Area will necessarily contribute to its significance.<sup>5</sup>
24. Bearing in mind the presumption in favour of sustainable development contained within the Framework, the absence of harm to a designated heritage asset which the development would create, and the fact that the test of preservation or enhancement would be satisfied, I conclude that the development would be in compliance with the provisions of the Framework as well as policies QD1, QD2 and HE6 of the local plan. The proposals are therefore acceptable on this issue.

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<sup>3</sup> National Planning Policy Framework – paragraph 56

<sup>4</sup> National Planning Policy Framework – paragraph 60

<sup>5</sup> National Planning Policy Framework – paragraph 138

### *Impact on Neighbouring Properties*

25. On the second main issue, the site lies within a very tightly-knit residential neighbourhood where buildings closely adjoin each other, gardens are small and overlooking between properties is a common feature. The fact that many of the original dwellings have been converted into flats, including No 1 West Hill Street itself, exacerbates the compromises to privacy which occurs with living rooms on the first floors and a high density of population. In this context the effect of the appeal development would cause no material harm.
26. In terms the Council has acknowledged these points and accepts that a two-storey development of the site could be acceptable subject to the retention of adequate space between dwellings and the absence of any unacceptable losses of privacy. Whilst the effects of the scheme on the properties in Compton Avenue has been criticised because of a possible overbearing impact, the distance retained between the opposing elevations of the new dwelling and the rear of those properties would be adequate.
27. The north-west elevation of the new dwelling would be comparable in its siting to the furthest outward projections of some of the rear outriggers of the dwellings in West Hill Street and the separation distance would be similar. Adequate space would remain.
28. As regards overshadowing to the adjoining properties in West Hill Street, structures at single-storey height are already present on the north-eastern boundary of the site. No 1 West Hill Street is already enclosed to an extent by the existing structure on its side boundary with the adjacent building (No 2) and whilst some additional loss of light and overshadowing would be caused by the development, that would not be so serious as to render the development unacceptable on this issue.
29. As regards overlooking, the windows in the first floor of the rear and side of the development serving the bathrooms could be fitted with obscure glass to overcome any loss of privacy. The first floor window serving Bedroom 1 would not directly overlook the rear garden of the adjoining property. This would be at an oblique angle facing almost due north and would not face directly towards the rear of the adjoining dwelling.
30. In the context of this site I do not consider that that the development would have any materially greater impact on the amenities of the immediately adjoining occupants than already occurs here or elsewhere locally and which is not unusual in a highly developed residential neighbourhood of this kind.
31. A Core Planning Principle of the Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy QD27 of the local plan states that new development will not be permitted where it would cause a material loss of amenity to existing or adjacent. Having regard to my conclusions above I do not consider that this proposal would be in conflict with either the Framework or the local plan on this issue.

### *Other Matters*

32. I have taken into account all the representations made by persons who have an interest in this proposal and I have afforded their views weight in the planning balance. Nevertheless my conclusion is that all the factors in favour of this scheme, including the presumption in favour of sustainable development and my conclusions that the development would be generally in conformity with the Framework and the local plan, outweigh all other material considerations. I allow the appeal accordingly.

### *Conditions*

33. Concerning conditions I have considered those suggested by the Council and the response received from the appellant. Other than the statutory time limit condition, I have attached a condition to ensure that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
34. In the interests of visual amenity details and samples of all the external materials to be used in the construction of the development should be approved before work commences. Precise details of the doors and windows are necessary in the interests of the preservation of the appearance of the Area.
35. Although the scope for such works is limited, landscaping should be undertaken in accordance with details to be approved to enhance the appearance of the development as far as possible. Minor external alterations and clutter should be avoided and a condition in this respect is necessary. The parking facilities and the cycle store should be available for use prior to the occupation of the dwelling in the interests of highway safety and sustainability.
36. The dwelling should be constructed to achieve a Code Level 3 in the interest of sustainability. To ensure privacy the bathroom windows in the first floor rear and side elevations of the dwelling should be permanently fitted with obscured glazing. The conditions recommended concerning the vehicular crossovers lie outside the site and would therefore be inappropriate.
37. With the former commercial use of the site, some contamination of the land may exist and this possibility needs to be safeguarded against. In this instance it is reasonable and necessary to remove permitted development rights to preclude any unsympathetic alterations to the building and to avoid any overlooking from, for instance, dormer windows. I note that the Council has referred to the existence of an Article 4 Direction for the Conservation Area but in the absence of any detailed information in this respect I have imposed an appropriate condition. With the current condition of the site and its former usage, a condition concerning nature conservation would be unreasonable.

### **Reasons – Appeal B**

38. As far as the appeal in relation to the application for Conservation Area Consent is concerned, the buildings on the site now are a visual detraction from the

appearance and character of the Conservation Area. They are incongruous, disused, poorly-maintained and of no architectural merit. Their removal would benefit and enhance the character and appearance of the area. Having regard to policy HE8 of the local plan it is important however to ensure that a suitable scheme replaces the buildings rather than that the site should remain vacant.

39. In accordance with policy HE8 of the local plan I shall therefore impose a condition in this regard to the effect that the buildings should not be demolished and the site cleared except when it is certain that the site will be redeveloped in accordance with an approved scheme and that this should not be longer than a period of six months prior to that development taking place.

*David Harmston*

Inspector

## **SCHEDULE OF CONDITIONS**

### **APPEAL A – APP/Q1445/A/13/2206383**

- (1) The development hereby permitted shall be begun before the expiration of three years of the date of this permission.
- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:- 2013/2.01; 2013/2.02; 2013/2.03 and 2013/2.04.
- (3) Details, including samples, of all the materials and finishes to be used on all the external surfaces of the development hereby permitted, including those for the roof, fenestration, doors, boundary wall(s) and cycle store shall be submitted to and approved in writing by the Local Planning Authority before any demolition or building works commence. The development shall be completed in accordance with the approved details and samples.
- (4) No development shall take place until full details of all external doors (including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections), and details of all sash windows, and their reveals and cills, (including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections), have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and shall be retained as such.
- (5) No development shall be commenced until details of the vehicle parking area and cycle store have been submitted to and approved in writing by the Local Planning Authority. Thereafter the vehicle parking area and cycle store shall be constructed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted and thereafter retained in use for those purposes only.
- (6) Other than the requirement to provide a covered entrance, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its first occupation and shall be retained as such thereafter.
- (7) The dwelling hereby permitted shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes : Technical Guide (or such national measures of sustainability for house design that replaces that scheme). The dwelling shall not be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- (8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping for the site, including any hard surfaced areas. These works shall be carried out as approved prior to the first occupation

of the dwelling hereby permitted or in accordance with a programme to be first agreed in writing with the Local Planning Authority.

- (9) Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- (10) No development shall be commenced until a scheme detailing the measures to be undertaken for the protection of the trees which are located adjacent to the application site, and any trees to be retained within the site, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full in accordance with BS5837 (2012) with any required protection measures erected prior to the commencement of development, including any works of demolition. These measures shall be retained until the completion of the development. No vehicles, demolition items, plant or materials shall be driven or placed within those areas enclosed by any required protection fences and there shall be no bonfires therein.
- (11) The first floor windows for the bathroom and en-suite bathroom in the side and rear elevations of the dwelling hereby permitted shall be permanently fitted with obscure glazing. The windows shall be non-opening except that those parts of the windows which can be opened are no less than 1.7-metres above the finished floor level of the room in which the window is installed, and thereafter permanently retained as such.
- (12) 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 extensions, additions or enlargements to the dwelling, including any alterations to its roof (including the construction of dormers) as provided for within Schedule 2, Part 1, Classes A – F of the Order shall be carried out without the prior written permission of the Local Planning Authority.
- (13) No cables, wires, aerials, pipework (except for the rainwater downpipes), meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved plans, without the prior written consent of the Local Planning Authority.
- (14) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the building is first occupied. The development shall be carried out in accordance with the approved details.



- (15) No development shall take place until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found as a result of the investigation, a report specifying the measures to be taken to remedy the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be decontaminated in accordance with the approved measures before development begins.
- (16) If, during the course of the development hereby permitted, any contamination of the land 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 to, and obtained written approval from, the Local Planning Authority detailing how this contamination will be dealt with. The development shall thereafter be carried out in accordance with these details.
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### **SCHEDULE OF CONDITIONS**

#### **APPEAL B – APP/Q1445/E/13/2207387**

- (1) The demolition of the buildings hereby authorised shall be begun before the expiration of three years of the date of this permission.
- (2) The demolition of the buildings hereby authorised shall not be begun until documentary evidence has been produced to the Local Planning Authority demonstrating that contracts have been entered into by the developer to ensure that the building work on the site the subject of the planning permission for the erection of one dwelling is commenced within a period of no more than six months following the commencement of the demolition works.

END

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## Appeal Decisions

Site visit made on 7 April 2014

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 April 2014

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### **Appeal A: APP/Q1445/A/13/2204291**

#### **15 & 15a Victoria Terrace, Hove, East Sussex BN3 2WB**

- 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 S Gregory and Mr S Taylor against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01438, dated 3 May 2013, was refused by the Council by notice dated 11 July 2013.
  - The development proposed is alterations and extensions to 15 and 15a Victoria Terrace to re-locate existing café and change of use of portion of existing shop at 15 Victoria Terrace. Demolition of existing café and construction of new house on site.
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### **Appeal B: APP/Q1445/E/13/2204392**

#### **15 & 15a Victoria Terrace, Hove, East Sussex BN3 2WB**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
  - The appeal is made by Mr S Gregory and Mr S Taylor against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01517, dated 3 May 2013, was refused by the Council by notice dated 11 July 2013.
  - The demolition proposed is of 15a Victoria Terrace.
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### **Decisions**

1. I dismiss both appeals.

### **Application for Costs**

2. An application for costs was made by Mr S Gregory and Mr S Taylor against Brighton & Hove City Council. This application is the subject of a separate Decision.

### **Main Issues**

3. These are:
  - In both appeals the effect of the proposals on the character and appearance of the Cliftonville Conservation Area.
  - In Appeal A only the effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to outlook, noise and disturbance, and on the living conditions of prospective occupiers with particular regard to amenity space.

## Reasons

4. The Government launched web based Planning Practice Guidance on 6 March 2014, after the receipt of representations to this appeal. The content of the Guidance has been considered, but in light of the facts of this case that content does not alter the conclusions reached.

### *Character and Appearance*

5. The Council are concerned that granting conservation area consent prior to their being an acceptable scheme for re-building would leave an unattractive gap. In fact there is already a gap at first floor and above. Such a gap, even at full height, would not be unusual where the end of a terrace on a major road turns into a minor road, such as here, but that gap would be occupied by the rear garden or yard. In this case removal of the existing buildings might expose unattractive lower level works and the backs of other buildings, which at best could be hidden by hoardings. In this case there is unlikely to be a gap presented in the way a garden or service yard might be. It is concluded that it is reasonable to withhold conservation area consent unless the scheme proposed is found acceptable.
6. In fact, the site as it is presented now is not an attractive feature of the area. It is neither an attractive open space as a gap, nor an attractive infill to continue the frontage, but appears more of a discontinuity of frontage development, occupied by the low shopfront and fascia of the café and the incongruous lean-to roof to the south. The gap at higher level does not contribute to the character and appearance of the conservation area either and a well-designed replacement would be an enhancement of that character and appearance.
7. The proposed infill would follow the design of the terrace to the south and to available views the masonry parts with the window and door openings would appear acceptable, and the treatment of the now mostly blank wall behind number 15 would be acceptable with the inclusion of the café shopfront and fascia, this time having an upper floor with the kitchen window to the flat. There are some resulting steps and flashings where high walls meet lower roofs but this is not unusual at such locations and would not appear out of place here.
8. The Council's main concern is the inset balcony to the top-floor bedroom 2. This is drawn as a hole in the roof plane with rooflights over, a somewhat unusual solution to the need for light and air. There is real doubt over whether these features would be seen in any event, due to the narrow width of the street and the angles from the south where the street widens before a view is cut off by nearer buildings. To the north and across the far side of the main road, in addition to distance reducing any effect, there is further doubt as to the degree to which the high triangular wall at the return of the parapet to number 15 before it meets the sloping fire wall would prevent or lessen a view.
9. On balance, the evidence suggests that the hole in the roof plane and position of the rooflights would be unlikely to so disrupt views of the building as to cause harm to the character and appearance of the conservation area, and that by reason of them being in place the aims of Local Plan Policies QD1, which seeks a high standard of design, QD2 which requires development to emphasise and enhance the positive qualities of the local neighbourhood and HE6 which concerns development in conservation areas would be met. Section

72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area, and this would be satisfied also.

10. However, the nature of the balcony shown on Drawing 923/P/4C is unclear, the plan does not show any opening of the vertical glazing and the section does not show any opening of the rooflight, but both could be the case. The junction of the rooflight and vertical glazing appears to be in the order of 1.7m off the floor internally. This would not preclude access to the balcony, and that description implies such use. Suggested condition xvii however seeks to prevent use of flat roof areas.
11. As is often the case with balconies, it is their use and the possibility of paraphernalia being placed that causes harm in a way that their mere presence does not. Were all else acceptable in this proposal there would be a need to seek further details as to the use and access arrangements, to avoid the possibility of items or people appearing as incongruous intrusions above roof level. Conditions would need to be imposed to ensure that any possible harm was avoided, or otherwise satisfactorily mitigated.

#### *Living Conditions*

12. The present arrangement is that the flat over the rear of number 15 has a kitchen formed in the rear closet wing with a window facing over Sussex Road, and a bedroom in the main house facing to the south and looking out over the space alongside the blank side wall of the kitchen and beyond over the rear of the low café to the lean-to roof and the gable end of 1 Sussex Road. The building up of the proposed dwelling would occupy the space now vacant above the café bringing a new wall closer. The appellant has demonstrated that a 45° vertical line off the nearest and highest point would not affect the window to the bedroom, and there would be an unaffected relationship of built form and open space to both the immediate left and right.
13. However, whilst the relationship would satisfy the usual 'rule of thumb' as to this vertical line, and whilst there is horizontal openness to the right, the proximity of the wall to the left, which is already in place, would be joined by walls in close proximity straight-ahead, albeit one behind and above the other due to the intervening roof slope. The effect would be a feeling of being constrained and hemmed in, which, on the balance of the openness and the enclosure, would be unacceptable and would cause harm to the living conditions of the neighbours, making due allowance for this being a bedroom. This aspect of the proposal would fail to provide the level of amenity sought by Policy QD27.
14. Turning to the concern over noise, this stems from the proximity of the café kitchen extract to the same window, within the space just described. Policy SU10 states that in order to minimise the impact of noise, applicants may be required to submit a noise impact study. That has not been provided and it is unclear whether it was requested as is implied to be the process in the policy wording.
15. The appellants say that this matter can be covered by a condition as technical solutions are clearly always forthcoming, and suggest a level of 5dB(A) below the existing background noise. One of the Council's suggested conditions uses

this level together with a need to submit details of soundproofing to plant as well as odour control measures. Unless there were to be a condition covering the hours of operation of the café, the existing noise level would need to take account of quiet periods. In the circumstances of the semi-enclosed nature of the space where the outlet would be, and the proximity to a bedroom window, this is a situation where the reassurance provided by a noise impact study would have permitted a condition to be used with confidence. However, in its absence there are real doubts over whether the outlet arrangements drawn can deliver the noise levels of the suggested condition, or whether attaining these levels may lead to some other type of outlet that could be unacceptable for visual or other reasons.

16. With regard to prospective occupiers, Policy HO5 seeks private useable amenity space where appropriate to the scale and character of the development and Policy QD27 cited above concerns residential amenity. It is apparent that the dwelling could be occupied by four adults, and there is sufficient living, eating, kitchen and bathroom facilities for that level of use. Similarly the facilities and internal space provided would be suitable for family use of at least one child. The outdoor space allocated however is an L shaped patio shared with bicycle and bin storage and built over by the living room on the ground floor. Due to its shape and the need to gain access to the storage denoted on the drawing, the useable space is limited, and the poor natural lighting and likely limited air movement could make this unattractive. With regard to the size of the living accommodation, and the possibility of family use, the provision does not reach the standard envisaged in the wording of Policy HO5.
17. It is the case, as stated by the appellant, that the dwelling has ready access to the beach at the end of Sussex Road, and lawns to the east. However, these are not private spaces and do not provide a secure place for a young child to play while a carer is doing things in the house. The conclusion is that the size and quality of the amenity space is not sufficient to provide acceptable living conditions for the size and type of dwelling proposed.

## **Conclusions**

18. The proposed formation of a new dwelling on previously developed land in an accessible urban location would be sustainable development and a benefit. There would also be the benefit of the improvement to the street scene through the filling of the present gap at first floor level. However, the corner location of this site, with a flying freehold and a somewhat constricted area inside the L shape formed by the frontage onto the two roads has led to a number of shortcomings which individually might attract only medium weight against the grant of permission, but together indicate an attempt to fit too much built form onto the site leading to the conclusion that permission should not be granted. There are doubts remaining over the nature of the use of the inset balcony and the risk of visual harm, and over the performance of the extract outlet. As a result it is not appropriate to grant planning permission for the new development or conservation area consent for the demolition works. For the reasons given above it is concluded that both of the appeals should be dismissed.

*S J Papworth*

INSPECTOR

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## Costs Decisions

Site visit made on 7 April 2014

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 April 2014

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### **Costs application in relation to Appeal Ref: APP/Q1445/A/13/2204291 15 & 15a Victoria Terrace, Hove, East Sussex BN3 2WB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr S Gregory & Mr S Taylor for a full award of costs against Brighton & Hove City Council.
  - The appeal was against the refusal of planning permission for alterations and extensions to 15 and 15a Victoria Terrace to re-locate existing café and change of use of portion of existing shop at 15 Victoria Terrace. Demolition of existing café and construction of new house on site.
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### **Costs application in relation to Appeal Ref: APP/Q1445/E/13/2204392 15 & 15a Victoria Terrace, Hove, East Sussex BN3 2WB**

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 74, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr S Gregory & Mr S Taylor for a full award of costs against Brighton & Hove City Council.
  - The appeal was against the refusal of conservation area consent for demolition of 15a Victoria Terrace.
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## Decisions

1. I refuse the application for an award of costs.

## Reasons

2. The application for an award of costs was made and responded to on the basis of Circular 03/2009 '*Costs Awards in Appeals and Other Planning Proceedings*'. This has been superseded by advice in the Government's web-based Planning Practice Guidance launched on 6 March 2014. However, on the facts of this costs application and the accompanying appeal, there is not considered to be any material change so as to disadvantage either party. The Guidance states that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. There were four reasons for refusal in the planning application and each is the subject of the appellants' claim for a full award of costs. The application for conservation area consent was refused due to the absence of an acceptable replacement scheme and hence the Costs Decision in that case follows as a result of the findings in the planning case.

*Reason for Refusal 1, Character and Appearance*

4. The Guidance lists behaviour that may give rise to a substantive award of costs against a Local Planning Authority, the list ending with the words 'The list is not exhaustive'. The reason for refusal refers to the design, form, detailing and composition of the front elevation and this can be read back into the comments in the Report about the inset balcony and the offset arrangement of the roof and windows below. The Heritage Team did not object, but they did raise a concern over the inset balcony, coming to a judgement that the narrowness of the street would not allow a view of this feature.
5. This is a matter of judgement, firstly as to whether a view might be had of the balcony, secondly, what the effect would be, and lastly, and not relying of any doubts as to visibility, over the effect of the window and roof relationship. The wording of the Report is clear that there are aspects of the scheme that are acceptable, in the use of materials and in principle. On the evidence of the site visit and consideration of the drawings, the Council came to a reasonable conclusion that the balcony could be seen and the conclusion that this would cause harm is consistent with the advice of the Heritage Team. Once those conclusions had been reasonably reached, the Council present sufficient evidence and an objective analysis of what the harm would be.

*Reason for Refusal 2, Noise*

6. Policy SU10 does not require a noise impact study as a matter of course and gives the impression that this would be requested in particular cases. Whilst the costs of such a study is not a material consideration, there is real doubt, as expressed in the accompanying Appeal Decision, as to whether a condition could be used satisfactorily to achieve the stated noise levels whilst still adhering to the layout shown on the drawing. The circumstances of a café extract, the proximity of a bedroom window and the degree of enclosure all indicate that the Council's concerns are reasonable and that it is for the appellants to provide proper reassurance that a technical solution can be made to work.

*Reason for Refusal 3, Enclosure*

7. This is again a matter of judgement, with no reference being made in the reason for refusal to outlook, or the matter of the 45° line, which is capable of objective analysis as a fact. The proposed building up of the development above the present single storey café would have a material effect on the sense of enclosure experienced by occupiers of the flat, and it is for the decision maker, the Council in the first instance, to judge the degree to which this effect is deemed to be harmful. The Council exercised this role reasonably.

*Reason for Refusal 4, Amenity Space*

8. Policy HO5 is clear that the provision of private useable amenity space will be required in new residential development where appropriate to the scale and character of the development. The scale here is a two double-bedroom property and the character is one of a single dwelling with no other open space around it, as might be the case with some development. The dwelling would rely on an area as shown on the drawings and described in the accompanying Appeal Decision. The beach and lawns do not provide private space, and that which is provided falls short in terms of its usability. The Council operated the



policy provisions reasonably and provide suitable evidence to back the assertion.

**Conclusions**

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

*S J Papworth*

INSPECTOR



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## Appeal Decisions

Hearing held on 11 March 2014

Site visit made on 11 March 2014

**by Mr Keri Williams BA MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 April 2014**

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### **Appeal A: APP/Q1445/X/13/2208165**

#### **No.1 De Montfort Road, Brighton, BN2 3AW**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr K Keehan against the decision of Brighton & Hove City Council.
- The application Ref.BH2013/02539, dated 25 June 2013, was refused by notice dated 2 October 2013.
- The application was made under section 191(1) (a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is a class C3 residential use.

**Summary of Decision: The appeal is dismissed and an LDC is not issued.**

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### **Appeal B: APP/Q1445/C/13/2204338**

#### **Land at no.1 De Montfort Road, Brighton, BN2 3AW**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr K Keehan against an enforcement notice issued by Brighton & Hove City Council.
- The Council's reference is 2012/0602.
- The notice was issued on 25 July 2013.
- The breach of planning control as alleged in the notice is a change of use from chapel (D1) to house in multiple occupation, use class sui generis, (more than 6 people).
- The requirements of the notice are to:
  1. Cease the use of the property for residential purposes.
  2. Remove all showers and baths.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (d) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is dismissed. The enforcement notice is corrected, varied and upheld.**

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### **Appeal C: APP/Q1445/A/13/2205364**

#### **No.1 De Montfort Road, Brighton, BN2 3AW**

- 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 K Keehan against the decision of Brighton & Hove City Council.
- The application Ref.BH2013/00853, dated 18 March 2013, was refused by notice dated 24 June 2013.

- The development proposed is described as the “change of use of vacant building (former chapel) to HMO (sui generis).

**Summary of Decision: The appeal is dismissed.**

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### **Preliminary Matters**

1. In Appeal C the description of the proposal refers, in error, to a change of use to a *sui-generis* House in Multiple Occupation (HMO). The application was retrospective and was, in fact, for the current use of the building as an HMO for 6 people. The supporting statement with the application was on that basis, the submitted plans show a layout with 6 bedrooms and the HMO licence is for 6 people. I have therefore considered the appeal on the basis of a proposed use within class C4 of the Town and Country Planning (Use Classes) Order 1987 (UCO). That is the use of a dwellinghouse by not more than 6 residents as an HMO, rather than a *sui-generis* HMO use for a number exceeding 6. The main parties agreed with this approach at the Hearing.

### **Background**

2. The site is in a predominantly residential area close to the junction of De Montfort Street and Elm Grove. It is occupied by a two-storey building which was formerly used as a chapel. The building occupies much of the plot, with a small area between the front entrance door and the footway.

### **Appeal A: The Lawful Development Certificate (LDC) Appeal**

#### *Main Issue*

3. The main issue is whether the Council’s decision to refuse to issue an LDC was well-founded. For the appeal to succeed the appellant must show, on the balance of probability, that use of the building as a dwellinghouse (class C3) was lawful when the LDC application was made.

#### *Relevant Planning History and Legal Background*

4. In January 1995 planning permission was granted for the change of use of the building from a church to a single domestic dwelling (94/1102/FP). It is not disputed that the use as an HMO for 6 residents began in September 2012 and continues. On 5 April 2013 the Council made a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order, 1995. It has the effect of bringing within planning control a change of use of a building from a use in class C3 to a class C4 HMO use. The area covered by the Direction includes the appeal site but the Direction was not in force when the Class C4 HMO use of the building began.
5. If it was not implemented, the 1995 planning permission would have lapsed in 2000. However, if the planning permission was implemented by the use of the building as a dwellinghouse before that date, and there was no subsequent material change of use, the class C3 use would be lawful. If the class C3 use was lawful, the change to a class C4 HMO use in September 2012 would have been permitted development.

#### *Evidence on the Implementation of the 1995 Permission*

6. In 1995 the property was owned by Mrs Janet Farrow. A document entitled “Affidavit by Janet Farrow” is unsigned and there are various annotations to it.

It refers to obtaining planning permission in 1995, to Mrs Farrow living elsewhere at that time and to an application for building regulations approval for works including re-arranging a door and wall to a toilet and installation of a shower. It goes on to say that neither business nor domestic rates were paid from 7 October 1993 as the building was vacant and classed as a chapel. It says that Mrs Farrow used the property for the storage of some personal effects including furniture and clothing. It also says that she moved into the property on 10 November 2011 and was then told by the Council that as it was then her residence she would need to pay Council Tax on it. Lastly, the document says that between 10 November 2011 and the sale of the property on 30 July 2012 she lived in it as if it were a residential dwelling.

7. Mr Burtenshaw has been the landlord of The Wellington public house since 1994. It is adjacent to the site. In a sworn statement he says that, as far as he is aware, the building was not used as a chapel in that time or for any other use. He believes the previous owner lived there on and off from at least August 1994 to when the current owners bought it in July 2012 and it has been lived in since then as a domestic dwellinghouse. Ms Petrova has lived near to the appeal site in De Montfort Street since 1999. Her letter says that as far as she is aware the building has not been used as a chapel. She says that she knows that Mrs Farrow owned the property from before 1999, has lived in it and used it as a domestic dwellinghouse since 1999 at least. Mr Irvine has lived in Elm Grove, close to the appeal site, since 1976. In his letter he says that at that time it was a chapel and, when that closed, an elderly couple moved in and lived there for at least 10 years before the students moved in.
8. The property was deleted from the Valuation Office's non-domestic register in 1995. Southern Water supplies water to the property. In an email of 14 November 2012 it says that it has been "charging as domestic since 10 years". A Fenestration Self-Assessment Scheme (FENSA) document is also submitted. It concerns the installation of a window at the property on 2 August 2011. It sets out categories which are not within the FENSA remit, including commercial uses.

### *Assessment*

9. The appellant's evidence for the use of the building as a dwelling following the grant of planning permission in 1995 is sparse. I can give limited weight to the unsigned affidavit of Mrs Farrow. In any case, it refers to her living elsewhere and to storing belongings in the building. It does not refer to her living in the property at any time before November 2011, when it says she left another address and moved in. By that time the 1995 permission would have lapsed if it had not been implemented earlier. It also refers to an application for Building Regulations approval for works to a toilet and bathroom but not to the implementation of those works. No documentary evidence is submitted of that application or of the works being carried out and approved. The appellant suggests reasons for Mrs Farrow not providing a signed statement but in the absence of direct evidence from her they are speculative.
10. The evidence of Mr Burtenshaw, Ms Petrova and Mr Irvine is very brief. They did not attend the Hearing and their evidence is, I assume, largely based on observed activity outside the building. While they live near the building, they do not refer to having been into it or to gaining information from Mrs Farrow. Their version of events is not consistent with that in the unsigned Mrs Farrow

document with regard to when she is said to have moved in. There is a dearth of documentation relating to residential occupation of the building, for example with regard to utility bills or correspondence. The FENSA certificate lends some support to the appellant's case. However, the date of the FENSA certificate is about 3 months before the unsigned Mrs Farrow affidavit refers to her moving in. The certificate may reflect works in preparation for that move if it took place at that time. It does not support residential occupation before then. Nor has it been shown to be likely that Southern Water would have carried out any inspection to verify that the building was being used as a dwelling.

11. There is some evidence to support the view that the 1995 planning permission was not implemented. Council Tax was not paid on the building as a dwelling until November 2011. This is not conclusive but would be consistent with a change in circumstances at that time. A 2012 "Rightmove" website document describes the building as an "older style property at present listed as a disused chapel." It makes no reference to the building's use as a dwelling. The document sought offers in excess of £100,000. I appreciate that the building required modernisation at that time. Nevertheless, if it was a dwelling, that figure appears very low when compared with prices for a range of houses at different dates in the same area, of which the Council has submitted details. Property details from Wilkinsons Estate Agents are undated but are said to be from around November 2011. They do not refer to a bathroom in the building, a facility which is commonly provided in a dwelling. They do refer to two hand basins with cold water supply only.

#### *Overall conclusion on Appeal A*

12. The evidence is not sufficient to show, on the balance of probabilities, that the 1995 permission was implemented. It is more likely that occupation for residential purposes did not begin until 2011, by which time the 1995 permission had lapsed. Nor, if use as a dwelling began in 2011, had sufficient time elapsed for the use to become immune from enforcement. On that basis the use of the building as a dwelling was not lawful when the LDC application was made on 26 June 2013. The Council's decision not to issue an LDC was well-founded and Appeal A should not succeed.

### **Appeal B: The Enforcement Appeal**

#### *The Enforcement Notice*

13. The allegation repeats the error in planning application BH2013/00853 with regard to the description of the development. The Council does not dispute that the use is a class C4 HMO use, for no more than 6 people. That is also the basis of the appellant's case. It was agreed by the main parties at the Hearing that a correction of the notice's allegation to refer to a class C4 HMO use would not result in injustice. I concur and I shall correct the notice accordingly and consider the grounds of appeal on that basis.
14. Section 171B (3) provides that the relevant period for immunity from enforcement is 10 years from the date of the breach. The notice refers, in error, to a period of 4 years and I shall correct it accordingly.

#### *The Appeal on Ground (d)*

15. I have concluded in respect of Appeal A that the 1995 planning permission was not implemented and the use of the building as a dwelling was not lawful on 26

June 2013. On that basis the class C4 use was not immune from enforcement when the notice was served and there should not be success on ground (d).

*The Appeal on Ground (g)*

16. The property is occupied by 6 students with tenancies expiring at the end of August 2014. In that context the 3 month period for compliance with the requirements of the notice is unreasonably short and I shall vary the notice to extend it to 5 months.

*Overall conclusion on Appeal B*

17. Other than in respect of ground (g) the appeal should not succeed. The notice should be corrected, varied and upheld.

**Appeal C: The Appeal against Refusal of Planning Permission**

*Main Issues*

18. The first main issue is the effect of the change of use to a class C4 HMO use on the mix and balance of the community. Other main issues are the effect on the provision of community facilities, the adequacy of living conditions for the occupiers of the building and the effect of overlooking on neighbours.

*The Effect on the Mix and Balance of the Community*

19. The Brighton and Hove Local Plan, 2005 (LP) does not directly address this issue. Policy CP21 of the Brighton and Hove Submission City Plan Part One, 2013 (SCP) deals with student accommodation and is divided into two parts. Part 1 addresses purpose built accommodation and makes strategic allocations. The second deals with HMO. It supports mixed and balanced communities and ensuring that a range of housing needs is accommodated. Amongst other things it does not permit a change of use to a class C4 HMO use where more than 10% of dwellings within a radius of 50 metres of a site are already in use as class C4, mixed class C3/C4 or other types of HMO in a *sui-generis* use.
20. The SCP is at reasonably advanced stage. An examination into its soundness has taken place but may be reconvened to address outstanding issues. At the Hearing the Council explained that, while some objections had been made to policy CP21, they concerned Part 1 of the policy. No objections had been made to Part 2, which addresses HMO.
21. The National Planning Policy Framework (The Framework) is a material consideration. Framework paragraph 216 provides criteria for the weight to be given to relevant policies in emerging plans. They include the stage of plan preparation reached, the extent of unresolved objections and consistency with the Framework's own policies. Its policies support sustainable development. That includes providing more high quality homes and planning to provide a mix of housing to meet the needs of different groups. It seems to me that policy CP21 is broadly consistent with the thrust of Framework policies and, having regard to the above, I give it moderate weight. I appreciate that in appeal decision APP/Q1445/A/13/2197646 the Inspector gave limited weight to the emerging SCP. However, that appeal concerned a different form of development. My conclusion on this matter is based on the circumstances of the relevant policy in the context of this appeal and the approach set out in the Framework.

22. The SCP refers to the high level of HMO in the city and the significant conversion of family housing to student occupied HMO in many neighbourhoods. The Council is concerned that an excessive concentration of student HMO in some parts of the city will adversely affect community cohesion and result in other problems, such as under-use of schools, noise and anti-social behaviour. The *Student Housing and Houses in Multiple Occupation Concentration Assessment* document is dated December 2011. Hanover and Elm Grove ward, which includes the appeal site, was one of 5 wards studied. It was found to have a consistently high concentration of students and HMO, with several clusters of streets where concentrations exceed 10%.
23. Having regard to policy CP21, the Council has assessed the proportion of dwellings within 50 metres of the appeal site which are HMO. The assessment is based, firstly, on Valuation Office Council Tax information and, secondly, on its register of HMO, which is regularly updated. At the Hearing it provided a revised assessment. It was intended to exclude non-residential properties and to eliminate properties which had become HMO since the Article 4 Direction came into force and which were therefore unauthorised. On that basis, 14% of properties are HMO based on the Valuation Office information, or 13.2% based on the HMO register information.
24. Prior to the Hearing the appellant had carried out his own assessment, which was not based on the same information sources as the Council's and produced a considerably lower percentage of HMO. At the Hearing, the appellant considered that the gap between the two assessments had narrowed. Nevertheless, he suggests that some of the properties identified by the Council are not currently used as HMO, including a flat above the public house and another at no.68 Elm Grove. Sales particulars are also provided showing that one of the properties is on the market.
25. The Council's approach combines assessments based on two information sources and it revised its assessment takes into account updated information from its HMO register. On balance I consider it to provide a reasonable indicator that the concentration of HMO near the site is likely to be above 10%. On that basis the development would not be consistent with policy CP21. This weighs against the appellant. However, policy CP21 does not yet carry the full weight of a development plan policy and the proposal is not of a large scale. While there is a degree of material harm to the mix and balance of the community that effect would not be sufficient, of itself alone, for the development to be unacceptable.

#### *The Effect on the Provision of Community Facilities*

26. Amongst other things LP policy HO20 provides that planning permission will not be given for a change of use involving the loss of a place of worship. Exceptions to this approach may include where the use is relocated such that accessibility for users is improved, nearby facilities are improved to accommodate the loss or it is demonstrated that the site is not needed for use as a community facility. In this case, an email from Reverend Emerson explains that that the building was sold in the early 1990's and that the proceeds were used to begin another church, which meets in a church hall in Kempton. That location was preferred by the church at the time.
27. Planning application BH2013/00853, which led to this appeal, was for the change of use of a vacant former chapel and I approach this issue on that



basis. Notwithstanding Reverend Emerson's email it has not been shown that the requirements of policy HO20 with regard to improved accessibility or improvement of nearby facilities are met. Not has it been shown conclusively that the building could not be sold for a community use, for example through marketing over an extended period. On the other hand, it was marketed in 2012 and the appellant's evidence is that, although there were a number of enquiries, none revealed any interest in use for community purposes. There is no evidence of the site having been in active community use since at least the early 1990's. The building's internal space is not extensive or cohesive and its layout would not easily facilitate community use or requirements in respect of safe and convenient access. Nor is evidence submitted of a pressing need in the area for community facilities which a building of this type might accommodate. I conclude on this issue that the proposal conflicts with policy HO20. However, for the reasons set out above I consider it acceptable with regard to its effect on community facilities.

### *Living Conditions*

28. LP policy QD 27 deals with the protection of amenity. Amongst other things it says that planning permission should not be granted for development causing material nuisance and loss of amenity to proposed, existing or adjacent users, residents and occupiers. The Framework's policy is to deliver a wide choice of high quality homes. Paragraph 17 also sets out as a core planning principle that high quality design and a good standard of amenity for all existing and future occupiers of buildings should always be sought.
29. The sitting room is spacious but has only one window. It is set at a high level facing the public house and its yard at close quarters. The room provides a poor living environment with regard to light and outlook. 5 of the 6 bedrooms are at first floor level. One of the first floor bedrooms has a limited floorspace and no window on an external wall. There is a rooflight but it is set at a high level in the ceiling. I appreciate that an HMO licence has been issued for the property. Nevertheless, in my view the combination of limited space and lack of outlook provides a cramped and poor living environment for the occupier of this room. First floor windows facing west overlook the rear of nearby properties on Elm Grove. However, one of the rooms involved is a bathroom and the other is a bedroom which has a second window facing north. A degree of overlooking between neighbouring dwellings is to be expected and, subject to a planning condition on obscure glazing, the extent of overlooking would be acceptable.
30. I conclude on this issue that subject to appropriate conditions the effect on the living conditions of neighbours would be acceptable. However, the proposal would fail to provide adequate living conditions for the occupiers of the building with regard to light and outlook. It would conflict with policy HO20 in that respect. It would also conflict with the Framework's core principle and with Framework policies to deliver a wide choice of high quality homes.

### *Other Matters*

31. The site is in a sustainable location with regard to accessibility to services and facilities. Framework paragraph 51 encourages Councils to identify and bring back into residential use empty houses and buildings in line with local empty homes strategies. However, I have concluded above that there is not a lawful use of this building as a dwelling so the proposal would not restore that use. Nor has it been shown that dismissal of this appeal would necessarily lead to a

deterioration of the building. The Article 4 Direction is now in place and enables a change of use to a class C4 use to be resisted where it would be materially harmful. In that context I give limited weight to the view that this proposal would prevent the loss of a family dwelling to HMO use. The Council acknowledged at the Hearing that there is not a 5-year supply of deliverable housing sites in the area. However, as I set out above I have found that the proposal conflicts with aspects of Framework policy. I conclude that these other matters do not outweigh my conclusions on the main issues.

*Overall Conclusion on Appeal C*

32. Notwithstanding my favourable conclusions with regard to the effect on the provision on community facilities and on neighbours, my overall conclusion having regard to my conclusions on the other main issues and to all other matters raised is that the appeal should not succeed and planning permission should not be granted.

**Formal Decisions**

**Appeal A: APP/Q1445/X/13/2208165**

33. I dismiss the appeal and refuse to issue a Lawful Development Certificate.

**Appeal B: APP/Q1445/C/13/2204338**

34. I direct that the enforcement notice be corrected as follows:

- i) At paragraph 3 by the replacement of "use class sui generis, (more than 6 people)" with "use class C4 (not more than 6 residents)."
- ii) At paragraph 4(1) by the replacement of "four years" with "10 years".

35. I further direct that the enforcement notice be varied in paragraph 6 by the replacement of "3 months" with "5 months".

36. I dismiss the appeal and uphold the enforcement notice subject to the above corrections and variation.

**Appeal C: APP/Q1445/A/13/2205364**

37. I dismiss the appeal.

*K Williams*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Ms C Grant Lindene GB Promotions Ltd.

Mr K Keehan The appellant.

### FOR THE LOCAL PLANNING AUTHORITY:

Mr A Smith Senior Planning Officer, Brighton & Hove City Council.

Ms E Clarke Senior Enforcement Officer, Brighton & Hove City Council.

Ms L Hobden Local Development Team Leader.

### DOCUMENTS SUBMITTED AT THE HEARING:

1. Council's letter of notification of the Hearing
2. Price details of various properties marketed in De Montfort Road.
3. Updated version of Council's HMO licensing map, as of 10 March 2014.
4. Further updated version of Council's HMO licensing map, as of 10 March 2014.
5. Student Housing and Houses in Multiple Occupation Concentration Assessment.
6. Property marketing details for a house in De Montfort Road.

### DOCUMENTS SUBMITTED AFTER THE HEARING:

7. Council's suggested conditions.
8. Appellant's email of 12 March 2014 concerning suggested conditions.



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# Appeal Decision

Site visit made on 8 April 2014

**by Edward Gerry BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 April 2014**

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**Appeal Ref: APP/Q1445/A/13/2207537**

**Land to rear 7-9 Springfield Road, Brighton BN1 6DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Geneva Investment Group Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01762, dated 31 May 2013, was refused by notice dated 31 July 2013.
  - The development proposed is the erection of 2 no single storey courtyard houses with associated landscaping and pedestrian and cycle access from Springfield Road.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I have taken into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching my decision.

## Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook.

## Reasons

### *Character and appearance*

4. The appeal site, which is previously developed land, is located in a residential area which comprises of a mix of dwelling types. To the south-west of the appeal site are three blocks of flats which have a large footprint but which are set in fairly spacious surroundings. Blocks of flats are also located to the north of the appeal site and these are also set in fairly open grounds. To the immediate south and south-east of the site are three storey semi-detached buildings which are set in spacious plots.
5. I note the contemporary design of the proposed dwellings and the materials that would be used. Furthermore, I accept the blocks of flats to the south-west of the site, and those to the north of the site, albeit to a lesser extent, have large footprints. However, these blocks of flats do have space around them which helps to contribute to the spacious character of the area. The proposed

dwellings would be located in very close proximity to the boundaries of the appeal site and consequently the proposal would appear cramped within its plot. Furthermore, given the front of the courtyards would be enclosed by a wall and a gate the courtyards would do little to reduce how cramped the development would be within its plot.

6. I acknowledge that the proposal would have a very limited, if any, impact on the street scene. However, in my view this is no basis for allowing inappropriate development that would have a harmful impact on the open character and appearance of the area. In addition, whilst public views of the proposal would be limited from Springfield Road the cramped nature of the development would be visible from buildings that are located in close proximity of the appeal site.
7. I note the appellant's comments in respect of the demolition of the existing building to the rear of Nos 7 and 9 Springfield Road and the creation of a proposed shared amenity space for the occupiers of Nos 7 and 9. However, the building referred to and the amenity space that would be created are located outside of the appeal site and thus in my view the benefits that the appellant refers to are not dependent on the proposed development being granted planning permission.
8. Turning to the matter of the height of the proposed development I acknowledge that it would only be one storey in height and this would be at odds with the height of other buildings in the surrounding area. Nevertheless, given the backland nature of the appeal site, and thus its relationship to other buildings in the area, I consider that any harm to the character and appearance of the area resulting from the height of the proposed development would not be significant.
9. For these reasons the proposed development would unacceptably harm the character and appearance of the surrounding area. As a result there would be a conflict with policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan 2005 (LP). The policies aim to ensure, amongst other things, that development is of a high quality design which emphasises and enhances the positive qualities of the local neighbourhood, by taking into account its local characteristics. Policy QD3 specifically sets out that proposals will be expected to incorporate an intensity of development appropriate to the prevailing townscape and that the Council will seek to avoid town cramming.
10. The LP is of some date, nonetheless, I find these policies to be generally consistent with the National Planning Policy Framework (the Framework) and its aims to promote good design and positively seek improvements to the quality of the built environment.

#### *Living conditions*

11. The second bedroom to each of the proposed dwellings would have one window which would be in close proximity to a boundary wall situated on the edge of the appeal site. Each bedroom would also have a patio door which would provide access to a rear patio area.
12. I accept the windows proposed would be located in very close proximity to the boundary wall on the edge of the plot. However, the patio doors would enhance the outlook from the bedrooms, especially if planting was provided in

the patio areas, and would reduce any sense of enclosure particularly if the patio doors were open which may sometimes be the case. On this basis I am satisfied that the outlook from the second bedrooms would be acceptable.

13. For these reasons the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook. As a result there would be no conflict with Policy QD27 of the LP which seeks to protect the amenity of the occupiers of future development.

#### *Other Considerations*

14. Whilst the Council's 2013 Strategic Housing Land Availability Assessment Update sets out that the Council has a five-year supply of deliverable housing land the appellant disputes this. I find that the evidence in this regard is inconclusive. Nonetheless, even if there is not such a supply, I consider that the contribution this development would make towards addressing the undersupply of housing does not outweigh the harm that the scheme would cause to the character and appearance of the area.
15. The proposal would therefore not be sustainable development for which there is a presumption in favour. In reaching this conclusion I have borne in mind paragraphs 47-49 of the Framework, but also paragraphs 7, 8 and 9 which set out what sustainable development means in the context of the Framework, and how it should contribute to positive improvements in the quality of the built environment. Furthermore, paragraph 17 of the Framework which states, amongst other things, that planning should take account of the character of different areas.

#### **Other Matters**

16. I note the appellant's comments in support of the proposal, including comments in respect of its compliance with local planning policies. In addition I acknowledge that the appeal site is sustainably located and the proposed dwellings could be occupied by either families or individuals. Nevertheless, I do not consider that such factors outweigh the harm that I have identified above.
17. Finally, I note the appellant's comments in respect of the pre-application advice which was provided by the Council and the Council's approach to considering the proposed development. However, it is not part of my role, in reaching my decision on this appeal, to pass comment about the Council's pre-application advice or the manner in which it considered the proposal.

#### **Conclusion**

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Edward Gerry*

INSPECTOR





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# Appeal Decision

Site visit made on 7 April 2014

**by S J Papworth DipArch(Glos) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 April 2014**

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**Appeal Ref: APP/Q1445/A/14/2212562**

**Twisted Lemon, 41 Middle Street, Brighton, East Sussex BN1 1AL**

- 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 Martin Friel against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02678, dated 5 August 2013, was refused by notice dated 28 October 2013.
  - The development proposed is replacement of existing timber windows and rooflight with uPVC windows and rooflight (retrospective).
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## Decision

1. I dismiss the appeal.

## Reasons

2. The building is located within the Old Town Conservation Area and the main issue in this appeal is the effect of the windows, which have been installed, on the character and appearance of that area. Local Plan Policies QD14 and HE6 seek alterations that are well designed and detailed in relation to the property and the surrounding area, and preserve or enhance the character or appearance of the conservation area, among other things. This last requirement is in line with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The Council has also referred to the Supplementary Planning Document on architectural features which makes clear that windows are a crucial element of historic streetscapes and their historic significance should be retained.
3. The Government launched web based Planning Practice Guidance on 6 March 2014, after the receipt of representations to this appeal. The content of the Guidance has been considered, but in light of the facts of this case that content does not alter the conclusions reached.
4. The building is not listed, but is clearly of historic interest, and the Officer's Report suggests that it is reminiscent of a fishermen's cottage. Within the Old Town area it is an interesting building that harks back to the earlier history of the town and it also retains an interesting architectural and townscape presence by reason of its partly hidden position, allowing glimpses between the frontage buildings. In the terms of section 12 of the National Planning Policy Framework, the building should be considered as a heritage asset, albeit not a

designated one, and paragraph 131 states the need to take account of the desirability of sustaining and enhancing the significance of heritage assets. With regard to the conservation area, this is a designated heritage asset and paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. Whilst it is often the case that the effect on the conservation area is with respect to the impact on the public realm, the Council are reasonable here to include those areas accessible to patrons of the business, the rear courtyard and inside. In any event, those areas are part of the heritage asset even if not visible from Middle Street as a public highway in the conservation area.
6. The windows as installed use a thick profile and in some cases, a non-original opening arrangement that does not sit well with the architectural composition of the building, and erodes its historical interest. To the front, where the effect on the conservation area is particularly acute, the style of framing and opening, being chunky and with the overlapping casement rather than being set within a frame, detracts from the cobble walls and lessens the historic interest of the building and its contribution to the conservation area. The wood grain finish to the rear windows does not overcome the failing of the inappropriate framing style and size, rather it draws attention to the items, as wood grain would rarely show through in painted joinery of the age denoted by this building.
7. The effect on the heritage asset of the building is unacceptable and contrary to the aims of the Framework, the Development Plan policies referred to and the guidance in the Supplementary Planning Document. The effect on the designated heritage asset of the conservation area is similarly unacceptable, and thus fails the statutory test in the 1990 Act.
8. The level of harm to the conservation area is nevertheless considered to be 'less than substantial', a distinction required between paragraphs 133 and 134 of the National Planning Policy Framework. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Guidance contains advice on considering the levels of harm and optimum use.
9. The appellant has put forward an explanation of the situation, the need for replacement due to deterioration and to enhance the security of the premises. This latter must be a concern due to the somewhat hidden nature of the building. The cost of timber windows was also mentioned. However, the need for maintenance and periodic repairs or even replacement is not an unusual occurrence in a building of this age, and its historic interest and architectural detailing indicate that any replacement should be carried out sympathetically.
10. In this case the balance lies in the harm to the conservation area by reason of the replacement windows not being outweighed by the public benefits, as opposed to benefits to the business. Paragraph 134 is specific as to the benefits to be weighed being public. Whilst the works may well assist in keeping the premises in a viable use, the Guidance makes clear that it is important that any use is viable, not just for the owner, but also the future conservation of the asset. In this case the windows used do not aid the future conservation of the Old Town Conservation Area.

11. There is harm to the building as a heritage asset, and the harm to the character and appearance of the conservation area is not outweighed by the benefits, as sought by the Framework. As a result, the development is unjustified and is unacceptable in its effect. For the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR



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## Appeal Decision

Site visit made on 14 April 2014

**by Louise Phillips MA (Cantab), MSc, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 April 2014**

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**Appeal Ref: APP/Q1445/A/13/2207408**

**Leonardo Restaurant, 55-57 Church Road, Hove, East Sussex BN3 2BD**

- 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 Cleto Capetta, Leonardo Restaurant, against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01962, dated 14 June 2013, was refused by notice dated 9 August 2013.
  - The development proposed is ground floor extensions at rear of property, reconstruction of rear outrigger, new external steps to basement, increase in size of basement to facilitate additional dining area (part retrospective).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development above is taken from the application form. However, both the decision notice and appeal form additionally refer to the proposed installation of extract units to the flat roof. Extract units are indeed shown on the plans and I have had regard to this aspect of the proposal in determining the appeal.
3. The description of development indicates that the proposal is partly retrospective. I observed on my site visit that the area below the rear courtyard has already been incorporated into the lower ground floor basement and that the external steps providing access from the basement to the yard have been reconstructed in the proposed position. However, the basement has not yet been converted into restaurant accommodation and it is not possible to reach the repositioned steps from inside the basement.
4. In reaching my decision, I have had regard to the recently published Planning Practice Guidance.

### Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host building and on that of the Conservation Area in which it is located.

## Reasons

6. The appeal relates to two mid-terrace Victorian properties on Church Road. Church Road comprises attractive buildings which are in mainly commercial use at ground floor level with either residential or office accommodation above. Several of the side streets in the area are primarily residential, including Selborne Road to the east of the appeal site. The site lies within The Avenues Conservation Area, a designated heritage asset. The Council has described the Conservation Area and considers that its homogeneity, the scale of its buildings and their recurring architectural features & materials are the significant characteristics which should be protected.
7. The appeal properties are linked at ground floor level so that they form one single restaurant, "Leonardo". Both basement areas are also used for storage in connection with the restaurant, but access to each is via a separate staircase. There is a single storey, flat roofed extension to the rear of No 55, which contains the kitchen. It occupies the full width of the property and the full depth of the rear garden/yard area up to a passageway adjacent to No 1 Selborne Road. The roof accommodates a conservatory-style rooflight, an air conditioning unit and four kitchen extraction ducts which curve over the edge of the roof onto the walls of the extension.
8. No 57 has a two-storey outrigger/rear projection on the boundary with No 55 which presently has a sloping roof. Most of the rear garden area of No 57 remains as an open yard except for a wooden shed-type addition to No 55's extension, but it clearly appears to form part of the overall restaurant premises.
9. The proposed development would increase the width of the existing single storey extension at ground floor level so that it would straddle the 'boundary' between Nos 55 and 57. This part of the extension would also be the full depth of the yard area. A further single storey addition would infill the area between the outrigger at No 57 and that at No 59 Church Road, which adjoins the appeal site to the west.
10. The existing outrigger to No 57 would be rebuilt with a flat roof and the basement area would be extended below ground level. As stated above, part of the basement extension has already been carried out and new external steps are provided in the yard. A new ventilation/extraction system would be provided within the building, requiring various plant and ducting on the flat roof of the main single storey extension. The ducting would continue vertically up the exterior of the outrigger with the uppermost section being contained within a new false chimney.
11. The proposed ground floor extensions would cover the same floor area and footprint as would similar extensions previously approved by the Council under Ref BH2007/00942. Since then, the Council has adopted new guidance relating to the scale of single storey rear extensions in a Supplementary Planning Document (SPD)<sup>1</sup> with which the present proposals would now conflict. In my view, it is therefore reasonable for the Council to have reached a different conclusion on each application.

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<sup>1</sup> SPD12: Design Guide for Extensions and Alterations, June 2013.

12. However, while I agree with the Council that the existing extension to the rear of No 55 detracts considerably from the original plan layout of the buildings in the Conservation Area, I do not consider that the proposed increase in width across the boundary with No 57 would not have a significant additional impact. Given the scale of the existing extension, its proximity to the yard area of No 57 and the combined use of the ground floor premises, this boundary no longer has the effect of separating two distinct properties. In this respect, I note that the large conservatory extension to the front of the restaurant also appears to unite the buildings at ground floor level.
13. Neither the infill extension nor the additional width of the main extension would be seen from public vantage points within the Conservation Area. The east elevation of the main extension would be visible from Selborne Road and it would be taller than the existing one. However, it would remain set back from the road behind a parking area to the rear of Nos 51 & 53 Church Road and a large flat roofed garage adjacent to No 1 Selborne Road. Thus it would not be prominent in the street scene and the parapet wall design and simple conservatory rooflight would improve upon the appearance of the existing structure.
14. Therefore in the context of the existing development on the site, I do not consider that the proposed single storey extensions would be unduly harmful to the character and appearance of the appeal property, or to that of the wider Conservation Area. Nor do I consider that the extension of the basement area, or the repositioning of the exterior steps to it, have any significant effect in respect of character and appearance. Further, I agree with the Council that the flat roof design of the reconstructed two-storey outrigger would be in keeping with the style of several others at the neighbouring properties.
15. However, I do have significant concerns about the effects of the proposed extraction equipment. From Selborne Road, I could see a tall, vertical extraction duct on the rear of a building towards the eastern end of the terrace, but there is no proliferation of such equipment in the area. Therefore the existing equipment on the roof of the current extension, which is clearly visible from Selborne Road, is a discordant feature in the Conservation Area.
16. Whilst the proposed equipment would not overhang the walls of the extension, there would be considerably more of it on the roof. This would be visible from a large number of upper floor windows in the Conservation Area, from which the site would look rather industrial. Similarly, while the extension would have a parapet wall, much of the ductwork would be higher than this and would be visible above it from Selborne Road. The conservatory rooflight would screen the long horizontal pipe running north/south in this view but, on the ground, it would be possible to see most of the equipment sited at the northern end of the roof.
17. Furthermore, the new ducting would have a vertical element which does not currently exist. Whilst the proposed false chimney represents an innovative solution to hide the upper extent of this, a long section of pipe would be clearly visible at the north east corner of the outrigger. The outrigger would be designed with a cut-away corner into which the pipe would be recessed, but it would still be prominent in the street scene by virtue of its height and length. I am also concerned that the cut-away corner would itself be a permanent and peculiar feature were the ducting to be removed or replaced in the future.

18. I recognise that the permission granted under BH2007/00942 provided for an unprotected flue across the roof of the extension and up the back edge of the building. The drawings I have seen suggest that this would not look particularly attractive, but I do not have enough information to make a full comparison of its effects versus those of the present proposal. Therefore this previously permitted scheme does not alter my view.
19. For the reasons above, I conclude that the proposed development would be harmful to the character and appearance of the host building and would fail to preserve the character and appearance of the Conservation Area, causing harm to its significance as a designated heritage asset. Thus it would conflict with the provisions of the Framework in this regard and with Policy HE6 of the Local Plan<sup>2</sup>, which requires proposals to preserve or enhance the character and appearance of Conservation Areas. It would also conflict with Policy QD14 of the Local Plan insofar as it relates to alterations to existing buildings. Policy QD1 concerns proposals for new buildings and so I do not consider it to be particularly relevant to the appeal scheme.

### **Other Matters**

20. In reaching my decision I have taken account of the issues raised by third parties. The restaurant would be considerably larger as a result of the proposed development and I sympathise with the concerns expressed in respect of noise made by staff and customers as opposed to that which could emanate from the extraction units. The latter issue is considered in a technical report<sup>3</sup>.
21. Similarly, I sympathise with nearby occupiers who state that fire doors are often propped open, giving rise to increased noise and smells, and that bins are placed in the shared rear alleyway rather than in the yard. Both issues were in evidence when I visited. However, given my findings in relation to the main issue of the appeal, my decision does not turn on these other matters. Therefore I have not considered whether it would be necessary or possible to address them with conditions.

### **Conclusion**

22. For the reasons given above I conclude that the appeal should be dismissed.

*Louise Phillips*

INSPECTOR

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<sup>2</sup> Brighton & Hove Local Plan, 2005.

<sup>3</sup> Measurement of Existing Noise Levels & Assessment of Ductborne Kitchen Extract & Plant Noise, Acoustic Associates Sussex Ltd, 9 May 2013.





## 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: 22 April 2014**

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### **Appeal Ref: APP/Q1445/A/13/2211700**

### **41 – 45 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 Art Stuart against the decision of Brighton and Hove City Council.
  - The application Ref: BH2013/02811 dated 15 August 2013, was refused by notice dated 24 October 2013.
  - The development proposed is described as an apartment, single storey, on an existing flat roof, at 4<sup>th</sup> floor level. The design has been changed reducing the height and the walls are now glass clad panels, addressing previous comment and so reducing the visual impact of the development.
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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 proposed floor plan clearly identifies a glazed balustrade around the southern roof terrace, but it is unclear whether this balustrade continues around the east and north facing walkways. However, the drawings showing the proposed east and north elevations clearly show that the balustrade would not continue along the eastern and northern sides of the proposed roof extension. Also that there would be a Juliet style balcony in front of the proposed north facing bedroom doors. For the avoidance of any doubt I confirm that this decision is based upon the details shown on the drawings showing the proposed eastern and northern elevations of the proposed development.

### **Decision**

3. The appeal is allowed and planning permission is granted for an apartment, single storey, on an existing flat roof, at 4<sup>th</sup> floor level. The design has been changed reducing the height and the walls are now glass clad panels, addressing previous comment and so reducing the visual impact of the development at 41 – 45 St. James’s Street, Brighton, BN2 1RF in accordance
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with the terms of the application, Ref BH2013/02811, dated 15 August 2013, subject to the conditions set out in the schedule attached to this decision.

### **Main Issues**

4. The first main issue is the effect of the scheme on the character and appearance of the surrounding townscape. The second main issue is the effect of the scheme on the living conditions of the existing occupants of the Appeal building, with particular regard to privacy.

### **Reasons**

#### *Character and appearance*

5. The Appeal site is located on the east side of Brighton, in an accessible urban area. It is an area where policy HO4 of the 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. This is consistent with the NPPF which states that housing applications should be considered in the context of the presumption in favour of sustainable development.
6. The Appeal site is also located within the East Cliff Conservation Area (ECCA), which is characterised by long Regency and Victorian terraces fronting onto straight, narrow lanes. The street pattern has a predominant north/south orientation and the lanes rise up steeply to the north. St James's Street runs from west to east and forms the main shopping street in the locality. It is narrow, with numerous junctions which open up wider views within the conservation area, including views down to the seafront.
7. Policy HE6 of the 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.
8. The terraced buildings (Nos.87 -90), located diagonally opposite the Appeal site, are grade II listed and comprise a mix of late 18<sup>th</sup> to early 19<sup>th</sup> century stucco faced, three and four storey buildings. Collectively their front features include canted bay and bow windows, traditional timber sash windows, parapet roofs, a balcony with iron railings, cornices and modest scale shop-fronts. Policy HE3 of the Local Plan states that development will not be permitted where it would have an adverse impact on the setting of a listed building.
9. Policies HE3 and HE6 of the Local Plan are both broadly consistent with the NPPF, which 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 to a designated heritage asset requires 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. In this instance the ECCA and the listed buildings are designated heritage assets.
10. In relation to design the NPPF states that 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. Policies

- QD1, QD2 & QD14 of the Local Plan similarly require new development to be well designed and to make a positive contribution to the visual quality of the environment. It should emphasise and enhance the positive qualities of the neighbourhood and take account of local characteristics including height, scale, bulk, impact on skyline and the design of existing buildings.
11. The Appeal building is located adjacent to the junction of St James's Street and Chapel Street and comprises a comparatively large modern four storey building with rendered and white painted walls and a flat roof. The front of the building is split into four strong vertical sections, which break up the width of the building and the horizontal lines of the glazing. These divisions also respect the width of the terraced buildings sited immediately to the west, which are stucco faced and three to five storeys in height, with strong parapet roof lines.
  12. The southern building lines of the Appeal building are set back slightly from those of the adjoining buildings to the west and the adjacent building to the east. This reduces the prominence of the Appeal building when viewed from St James's Street. To the north of the Appeal site is a large 17 storey flats development which dominates the streetscape in within Chapel Street and Ardingly Street.
  13. The proposed extension would be set back several metres from the southern edge of the existing roof and the associated balustrade would be set back in excess of one metre from the southern roof edge. The extension would also be set in from the other edges of the existing roof and to the rear it would be set behind the existing roof terrace at third floor level. The height of the extension, its roof overhang and balustrade design would all be in keeping with the host building. In addition, the design and proportions of the main fenestration would complement the existing fenestration and building proportions. The height of the resultant building would continue to step down to the rear and the varied heights of the building would respect the varied roof-scape within southern part of Chapel Street.
  14. As a result of these factors views of the proposed extension and balustrade from St James's Street and within the setting of the adjacent listed buildings would be restricted to glimpses. From Chapel Street and Ardingly Street the extension would be seen as subservient to and in proportion with the host building. Similarly, the proposed balustrades would blend in appropriately with those on the floor below.
  15. Due to its siting and relatively modest and varied depth the proposed extension would reduce the long horizontal lines of the existing east facing elevation. The extension would appear contemporary and would add to the visual quality of the building, making a positive contribution to the quality and appearance of the immediate locality. It would preserve the character and appearance of the ECCA and the setting of the adjacent listed buildings.
  16. At the same time the scheme would make full and effective use of a previously developed site in a highly accessible mixed area, as well as making a modest contribution towards the supply of housing within Brighton and Hove as a whole.

17. I conclude on this main issue that the scheme would respect and be readily assimilated into the surrounding townscape and would comply with policies HO4, HE3, HE6, QD1, QD2 & QD14 of the Local Plan and the NPPF.

*Living conditions*

18. The main terrace would be located at the front of the building and would benefit from a southerly aspect and views towards the coast. This terrace would be enclosed by a glazed balustrade, which would be set back from the existing front facade of the building. It would also be elevated above the windows serving the upper floors of the buildings on the south side of St James's Street. To the east and west any views towards nearby windows from the proposed terrace and windows would be at oblique angles and/or at the flank elevations of existing buildings. As a consequence the use of the proposed terrace and the outlook from the proposed south, west and east facing windows would not result in a material loss of privacy for the occupants of any adjoining or nearby properties.
19. The proposed decking to the east and north of the proposed flat would be approximately one metre wide and would not be enclosed by a balustrade. As pointed out by the Appellant these areas would be used for maintenance purposes and would have little appeal for recreational use due to their limited depth and unfavourable aspects. In view of the attractive environment that would be provided within the south facing terrace it is improbable that the small decked areas elsewhere around the proposed flat would be used for prolonged recreational purposes. As such they would be highly unlikely to result in a material loss of privacy within the existing rear roof terraces.
20. It would be possible to view part of the existing rear roof terrace from the north facing doors to bedroom 1 and its associated lobby window. However, having regard to the nature of these rooms and the fact that the bedroom would also benefit from large east facing windows with views towards the coast, their existence would not result in an unacceptable level of overlooking for existing residents.
21. For these reasons I conclude on this main issue that the proposal would not have a materially harmful impact on the living conditions of any existing residents due to loss of privacy. It would therefore comply with policy QD27 of the Local Plan, which seeks to protect the living conditions of existing residents.

**Conditions**

22. The Council has suggested the imposition of conditions regarding external materials and finishes; the construction of the flat to Lifetime Homes Standards; the provision of cycle, recycling and refuse storage facilities; energy efficiency/sustainability; waste minimisation; the provision of external wires, aerials, pipe work, flues, meter boxes, etc; and restrictions on the use of the roof of the proposed flat. I consider that all of these conditions are both reasonable and necessary to ensure the development blends in with the host building and the street scene; provides an energy efficient home suitable for people with disabilities and the changing needs of households; to minimise any waste to landfill; to encourage sustainable means of transport; and to protect the living conditions of nearby residents.

23. I also consider it is necessary to impose a condition which requires the development to be carried out in accordance with the approved drawings. This is for the avoidance of doubt and in the interests of proper planning.
24. The Appellant has commented that conditions relating to a waste minimisation plan and the provision of cycle parking are not necessary. This is because there is ample cycle parking on the ground floor and a waste minimisation statement was submitted with the application. Unfortunately no details regarding the existing cycle storage area have been submitted and so it is not possible to assess its suitability. Also, it is not stated whether the long term retention of the existing cycle storage area is secured. In relation to waste minimisation the submitted statement is extremely brief and does not address how any demolition waste would be recovered and reused. As such the suggested conditions are necessary.

**Conclusion**

25. Having regard to the favourable conclusions on both main issues the Appeal is allowed.

*Elizabeth Lawrence*

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: 050.01, 050.02, 050.10, 050.11, 050.12, 050.13, 050.14, 050.15, 050.16, 050.17, 050,18, 050,19, 050,20 and 050.21.
- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 4) The new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its first occupation and shall be retained as such thereafter.
- 5) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the dwelling hereby permitted and shall thereafter be retained for use at all times.
- 6) 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 approved storage facilities shall be fully implemented and made available for use prior to the occupation of the dwelling hereby permitted and shall thereafter be retained for use at all times.
- 7) Unless otherwise agreed in writing by the local planning authority, the development shall not 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 the dwelling has been submitted to and approved in writing by the local planning authority. A completed pre-assessment estimator will not be acceptable.
- 8) Unless otherwise agreed in writing by the local planning authority, the dwelling hereby permitted shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating Code level 3 as a minimum has been submitted to and approved in writing by the local planning authority.
- 9) Access to the flat roof over the dwelling hereby permitted 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.
- 10) No development shall take place until a Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at any other sites has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.
- 11) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved drawings) 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 written consent of the local planning authority.







## Appeal Decision

Site visit made on 1 April 2014

**by Elizabeth Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 April 2014

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**Appeal Ref: APP/Q1445/A/14/2212356**

**Land to the rear of The Roundhouse, London Road, Preston, Brighton, BN1 6UA.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Rose Dawes against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01675 dated 3 May 2013, was refused by notice dated 14 October 2013.
  - The development proposed is a new dwelling on land to the rear of The Roundhouse, London Road, Preston, Brighton, BN1 6UA.
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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.
2. The proposed front entrance door is not shown on the west elevation drawing, although it is indicated on the floor plans. Similarly the proposed pergola just to the front of the entrance is shown on the west elevation, but not on the other drawings. At the Appeal site visit the Appellant's agent confirmed that these details were omitted from various drawings in error. Due to the minor nature of these omissions they have not affected my ability to determine this Appeal.

### Decision

3. The Appeal is allowed and planning permission is granted for a new dwelling on land to the rear of The Roundhouse, London Road, Preston, Brighton, BN1 6UA in accordance with the terms of the application, Ref BH2013/01675, dated 3 May 2013, subject to the conditions set out in the schedule attached to this decision.

### Main Issue

4. The main issue is whether the proposed dwelling would provide satisfactory living conditions for its occupants, with particular regard to privacy.
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## Reasons

5. The Appeal site is located in a "backland" position within a mixed residential area. To the west is a modest sized dwelling and to the north, south and east are tall flats developments. The site sits at a slightly lower level to the adjacent flats buildings and is separated from them by a low wall and tall fence.
6. In 2002 an outline application for a single storey dwelling on the Appeal site was dismissed at Appeal. Whilst few details regarding that scheme are provided, from the Appeal decision it is apparent that the main concerns of the appointed Inspector related to privacy and outlook within the proposed garden area and highway safety.
7. Concerning highway safety the proposed vehicle crossover and access are wider than those proposed in 2002. Together with the layout of the proposed parking areas and submitted transport evidence, this satisfactorily addresses the highway safety concerns previously raised. Indeed it is noted that no highway concerns have been raised by the Council.
8. Since 2002 the Brighton and Hove Local Plan has been adopted. Together and amongst other things policies QD27 and HO5 of the Local Plan seek to provide satisfactory living conditions for residents. This includes the provision of suitable outdoor recreation space and adequate levels of privacy.
9. The proposed dwelling would be sited at the eastern end of the plot and would be orientated around a lower ground floor terrace. All of the habitable rooms would have favourable westerly and/or southerly aspects facing the main terrace and garden areas. Due to the shape and siting of the proposed dwelling and associated pergolas the lower ground floor terrace would not be materially overlooked. In addition the ground floor patio areas would be partially screened. Whilst the remainder of the garden area would be overlooked from the upper windows serving the adjacent flats, such overlooking is not unusual within urban residential areas.
10. The "backland" position of the site and the proximity and height of the adjacent flats would result in a strong sense of enclosure for the occupants of the proposed dwelling. However this would contribute to the character of the development. The layout and orientation of the proposed dwelling has been designed to provide an attractive and secure outlook and several garden areas with varying degrees of privacy.
11. Overall the scheme would provide a satisfactory and in many respects an attractive living environment, both within the proposed dwelling and within its garden areas. At the same time the proposed scheme would make full and efficient use of the site and contribute to the supply of family housing in an accessible residential area. This would be consistent with the NPPF, which states that housing applications should be considered in the context of the presumption in favour of sustainable development. Schemes should optimise the potential of a site and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live.
12. I conclude on the main issue that the proposed dwelling would provide satisfactory living conditions for its occupants, with particular regard to privacy.

Accordingly the scheme would comply with policies QD27 and HO5 of the Local Plan.

### **Other matters**

13. The Appeal site sits at a lower level to the adjacent flats and the proposed dwelling would be modest in height, with a flat "green" roof. As a result the scheme would be visually discrete and would not result in a material increase in overshadowing or loss of daylight for the occupants of the adjacent flats. Due to its westerly aspect and the screened nature of its immediate garden areas, the proposed development would not result in a material loss of privacy for the occupants of the adjacent flats.
14. As a single dwelling any noise or disturbance generated by the occupants of the dwelling would be unlikely to have a materially adverse impact on the living conditions of any local residents. Whilst it is noted that there would be some noise, dust and disturbance during the construction of the proposed development, this applies to many developments in urban areas. It would be for a relatively short period of time and would not amount to a reason for withholding planning permission.
15. Finally, subject to satisfactory protection measures during the construction works, I am satisfied that the proposed scheme would not threaten the short or long term health of any trees, including the trees located a short distance from the eastern boundary of the Appeal site.

### **Conditions**

16. The Council has suggested the imposition of conditions regarding external materials and finishes; hard and soft landscaping; the protection of existing trees; the construction of the dwelling to Lifetime Homes Standards; the provision of cycle, recycling and refuse storage facilities; energy efficiency/sustainability; site and finished floor levels; the provision and retention of parking areas; and restrictions on the use of the roof of the proposed dwelling. In relation to cycle and refuse/recycling storage, although their positions are shown on the submitted drawings, few details are provided concerning their security and retention.
17. I consider that all of these conditions are both reasonable and necessary to ensure the development blends in with its surroundings; provides an energy efficient home suitable for people with disabilities and the changing needs of households; to encourage sustainable means of transport; in the interests of highway safety; and to protect the living conditions of nearby residents. The Council has also suggested the imposition of a condition which requires the development to be carried out in accordance with the approved drawings. This is necessary for the avoidance of doubt and in the interests of proper planning.

### **Conclusion**

18. Having regard to the conclusions on the main issue and all other matters raised the Appeal is allowed.

*Elizabeth Lawrence*

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: TA705/01A, TA705/02, TA705/03, TA705/04, TA705/05, TA705/10A, TA705/11A, TA705/12A, TA705/13, TA705/14, TA705/15, TA705/16,
- 3) The new dwelling hereby permitted shall be constructed to Lifetime Homes Standards prior to its first occupation and shall be retained as such thereafter.
- 4) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 dwelling hereby permitted and shall thereafter be retained for use at all times.
- 5) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the local planning authority. The approved storage facilities shall be fully implemented and made available for use prior to the occupation of the dwelling hereby permitted and shall thereafter be retained for use at all times.
- 6) Unless otherwise agreed in writing by the local planning authority, the development shall not commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 5 as a minimum for the dwelling has been submitted to and approved in writing by the local planning authority. A completed pre-assessment estimator will not be acceptable.
- 7) Unless otherwise agreed in writing by the local planning authority, the dwelling hereby permitted shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating Code level 5 as a minimum has been submitted to and approved in writing by the local planning authority.
- 8) Access to the flat roof over the dwelling hereby permitted 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.
- 9) No development shall take place until full details of the existing and proposed land levels of the proposed development in relation to Ordnance Datum and to surrounding properties have been submitted to and approved in writing by the local planning authority. The details shall include finished floor levels. The development shall be constructed in accordance with the approved details.
- 10) 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. The development shall be carried out in accordance with the approved details.
- 11) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for landscaping,

which shall include hard surfacing, boundary treatments, proposed new soft planting, details of all existing trees and shrubs on the land and details of any to be retained, together with measures for their protection during the construction of the development.

- 12) 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 first occupation or completion of the dwelling hereby permitted, whichever is sooner, and any trees or plants which within a period of 5 years from the date of 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 otherwise agreed in writing by the local planning authority. All hard landscaping and means of enclosure shall be completed prior to the first occupation of the dwelling.
- 13) No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the local planning authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
- 14) No development shall take place until an arboricultural method statement regarding the protection of the adjacent trees has been submitted to and approved in writing by the local planning authority. The statement shall be in accordance with BS 5837:12 Trees in relation to Construction and will include protection of roots. The works shall be implemented in accordance with the approved statement.
- 15) The dwelling hereby permitted shall not be first occupied until the parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used for any other purpose other than the parking of motor vehicles.



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## Appeal Decision

Site visit made on 9 April 2014

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 April 2014**

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### **Appeal Ref: APP/Q1445/A/14/2212795**

### **Cartridge World, 39 Station Road, Portslade, Brighton BN41 1AG**

- 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 Cartridge World against the decision of Brighton & Hove City Council.
  - The application Ref: BH2013/02627 received by the Council on 29 July 2013, was refused by notice dated 17 October 2013.
  - The development proposed is single storey rear extension.
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### **Decision**

1. The appeal is allowed and planning permission is granted for single storey rear extension at Cartridge World, 39 Station Road, Portslade, Brighton BN41 1AG in accordance with the terms of the application, Ref: BH2013/02627 received by the Council on 29 July 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0620 002 and 0620 003.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building.
  - 4) The extension hereby permitted shall be used only as part of, or for a purpose incidental to, the use of the existing ground floor premises.

### **Preliminary Matters**

2. The application forms before me do not indicate the date of the application. The refusal notice from the Council indicates that the application was received by the Council on 29 July 2013 and this is also the date referenced on the appeal form. I have therefore also used this date.
  3. The Government's Planning Practice Guidance was published on 6 March 2014 after representations were completed. However, it is my view that neither the Appellant nor the Council referred to or relied to any significant extent on the former guidance which has now been cancelled. In these circumstances neither the Appellant nor the Council would be prejudiced by me considering the appeal
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on the basis of the information already submitted, and the publication of the Planning Practice Guidance does not affect my conclusions.

### **Main Issue**

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area.

### **Reasons**

5. The appeal property is located on the west side of Station Road and is a mid terrace three storey property with an original two storey rear addition. The ground floor is in retail use with residential accommodation above. The adjoining buildings within the terrace similarly have retail and service uses at ground floor with some ancillary retail uses and residential uses on the upper floor. Access to the residential use on the upper floors of the appeal property is from the front. There is a rear yard with access from the ground floor retail use and from an alleyway which runs along the rear of the units, leading off Franklin Road. This alleyway was at the time of the site visit blocked off beyond the rear of Nos 40, 41 and 42 Station Road.
6. There is an existing detached metal container shed at the rear of the property and the proposal would be to replace this with a single storey flat roof extension the same width as the original two storey rear extension and extending up to the rear site boundary. Rear access would be maintained.
7. Although the proposed addition would extend to the rear boundary, I consider that its single storey form together its proposed width would ensure that it would be subservient in form and appearance to the scale and massing of the existing building. There are a variety of rear extensions to the commercial buildings in the vicinity of the site to the north and south of Franklin Road and in the context of its immediate surroundings I do not consider that the proposed extension would appear incongruous or harmful to the mixed pattern of development in the locality.
8. The proposal would not accord with all of the design principles set out under the Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations*, adopted in 2013 (SPD), and in particular relating to the amount of rear yard to be built over to avoid the overdevelopment of sites. Whilst the introduction to the SPD indicates that it is primarily to be used in relation to extensions to residential buildings it is also to be used as a design guide for commercial buildings of a traditional domestic appearance. I have taken the SPD into account but in the particular circumstances of this case, I consider that the extension would appear small scale in relation to the existing building and site and would not detract from the varied character and appearance of the surrounding area. It would also have very limited impact on the street scene given its siting.
9. I am therefore satisfied that the proposed rear extension would respect the character and appearance of the local area. There would be no conflict with Policies QD2 and QD14 of the Brighton & Hove Local Plan 2005 in this regard, which in seeking development which respects the local context also accord with the National Planning Policy Framework.



10. The Appellant has also drawn my attention to the commercial reasons why the Appellant is seeking to expand the premises. Whilst these reasons would not necessarily, on their own, justify development that would harm the character and appearance of the local area, they do in this instance add further weight in support of the proposal.
11. I am also satisfied that given its small scale and single storey form it would result in no harm to the living conditions of surrounding residents including the future residents of the new development nearing completion which fronts Franklin Road and sides onto the alleyway at the rear of the appeal property. The Council has also raised no issue in this regard.
12. The Council has not proposed any conditions it would wish to see imposed in the event that planning permission is granted. I consider that matching materials with the existing building should be required to protect the appearance of the property and the character and appearance of the local area. I shall also add a condition to list the approved plans on the basis that, otherwise than as set out in this decision and in conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. For the avoidance of doubt and to accord with the basis of the proposal, I shall also impose a condition to ensure that the proposed extension shall be used in association with the ground floor unit in the interests of protecting the character and appearance of the local area and the living conditions of surrounding neighbours as well as in the interests of proper planning. Although neither the Appellant nor the Council has had sight of these conditions I am satisfied that neither party would be prejudiced by their imposition.
13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*L J Evans*

INSPECTOR

