





**Brighton & Hove  
City Council**

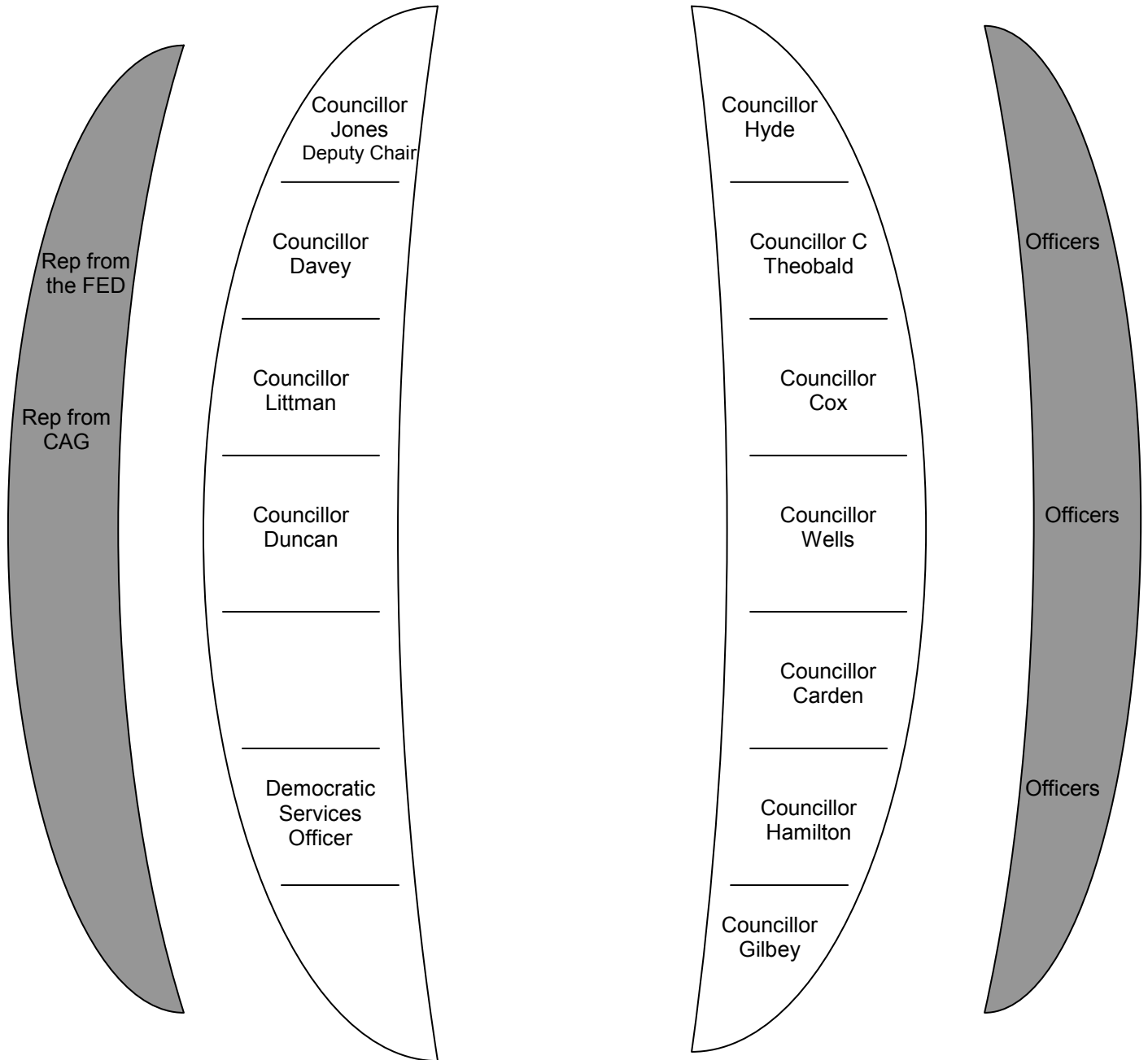
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>20 November 2013</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Duncan, Gilbey, Hamilton, Littman, C Theobald and Wells</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group) and Chris Kift (The FED Centre for Independent Living)</p>
Contact:	<p><b>Ross Keatley</b> Acting Democratic Services Manager 01273 291064 ross.keatley@brighton-hove.gcsx.gov.uk</p>

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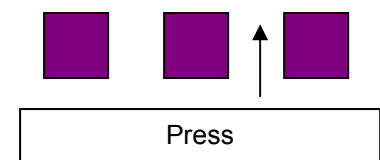
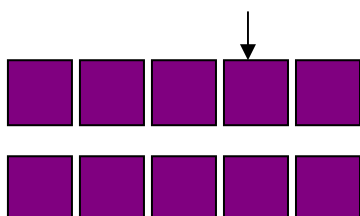
# Democratic Services: Planning Committee

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



## AGENDA

**Part One**

**Page**

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**99. 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

### 100. MINUTES OF THE PREVIOUS MEETING 1 - 18

Minutes of the meeting held on 30 October 2013 (copy attached).

### 101. CHAIR'S COMMUNICATIONS

### 102. PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 13 November 2013.

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

### 104. GOLDSTONE RETAIL PARK, NEWTOWN ROAD, HOVE: 19 - 28 REQUEST FOR A VARIATION OF S106 DATED 11 APRIL 1996 SIGNED IN ASSOCIATION WITH APPLICATION 3/95/0748

Report of the Executive Director of Environment, Development & Housing (copy attached).

### 105. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

#### MAJOR APPLICATIONS

#### A. BH2013/02838 - Richmond House, Richmond Road, Brighton - Full Planning 29 - 64

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.

#### **RECOMMENDATION – REFUSE**

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

#### MINOR APPLICATIONS

#### B. BH2013/03146 - Waitrose Ltd, 130-134a Western Road, Brighton - Full Planning 65 - 76

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

#### **RECOMMENDATION – GRANT**

*Ward Affected: Regency*

## PLANNING COMMITTEE

- C. BH2013/02995 - 131 Islingword Road, Brighton - Full Planning** **77 - 90**
- Conversion of existing public house (A4) to form 1no two bed and 1no three bed dwelling including erection of new front garden wall, formation of light wells to front and rear elevations, alterations to fenestration and associated works.
- RECOMMENDATION – GRANT**  
*Ward Affected: Hanover & Elm Grove*
- D. BH2013/03117 - 56 London Road, Brighton - Removal or Variation of Condition** **91 - 102**
- Application for variation of condition 1 of application BH2011/02890 to permit the premises to be in use between the hours of 08.00 and 04.00 daily with counter sales to cease at 01.00.
- RECOMMENDATION – REFUSE**  
*Ward Affected: St Peter's & North Laine*
- E. BH2013/02616 - Land rear of 285 Dyke Road, Hove - Full Planning** **103 - 114**
- Erection of 1no three bedroom bungalow with access from The Droeway.
- RECOMMENDATION – REFUSE**  
*Ward Affected: Hove Park*
- F. BH2013/03023 - 30 Aymer Road, Hove - Householder Planning Consent** **115 - 120**
- Erection of boundary fence (retrospective).
- RECOMMENDATION – REFUSE**  
*Ward Affected: Westbourne*

### **106. 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**

- 107. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** **121 - 124**
- (copy attached).

## PLANNING COMMITTEE

**108. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 125 - 250**

(copy attached)

**109. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 251 - 256**

(copy attached).

**110. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 257 - 258**

(copy attached).

**111. APPEAL DECISIONS 259 - 310**

(copy attached).

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

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

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

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

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## PLANNING COMMITTEE

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

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

Date of Publication - Tuesday, 12 November 2013





**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 30 OCTOBER 2013****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors Mac Cafferty (Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Duncan, Cox, Davey, Deane, Gilbey, Hamilton, K Norman, Randall and Wells

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

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager), Rob Fraser (Head of Planning Strategy), Anthony Foster (Senior Planning Officer), Kate Brocklebank (Senior Team Planner), Pete Tolson (Principal Transport Officer), Alison Gatherer (Solicitor) and Ross Keatley (Acting Democratic Services Manager).

**PART ONE****87. PROCEDURAL BUSINESS****87a Declarations of substitutes**

87.1 Councillor Deane was present in substitution for Councillor Littman; Councillor Ken Norman was present in substitution for Councillor Carol Theobald and Councillor Randall was present in substitution for Councillor Jones.

**87b Declarations of interests**

87.2 Councillor Ken Norman referenced Item 92C application BH2013/02475, 33 Redhill Drive, Brighton and stated that as he had formally objected to the application he would withdraw from the meeting during the consideration and vote on the application.

87.3 During the consideration of Item 92E application BH2013/02823, Hove Museum, 19 New Church Road, Hove the public speaker, Ms Besser, made reference to a local newsletter that had been published in the Ward; at this point Councillor Cox noted that he had written the newsletter and withdrew from the meeting during the remainder of the consideration of the application and the vote.

**87c Exclusion of the press and public**

87.3 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.

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

**88. MINUTES OF THE PREVIOUS MEETING**

88.1 At Item 80A paragraph (18) Mr Gowans requested that the sentence be amended to read ‘Mr Gowans added that the proposal had not been considered by the CAG.’

88.2 **RESOLVED** – That, with the above amendment, the Chair be authorised to sign the minutes of the meeting held on 9 October 2013 as a correct record.

**89. CHAIR'S COMMUNICATIONS**

89.1 There were none.

**90. PUBLIC QUESTIONS**

90.1 There were none.

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

91.1 There were none.

**92. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A. BH2012/04044 - 9-16 Aldrington Basin/Land South of Kingsway, Basin Road, North Portslade - Full Planning Permission** - Demolition of business unit to east of Magnet showroom. Erection of new building ranging from 3no to 5no storeys at Kingsway Level and a further one and a half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises (A1, A3, B1, D1) with associated new access and 52 residential units in 6no blocks. Change of use of existing Magnet showroom at Basin Road North level to storage (B8) with associated service area, lorry delivery bay and car parking. (Amended plans and supporting information).

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

(2) The Head of Planning Strategy, Rob Fraser, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was noted that there had been a number a late comments since the closure of the Late List from:

Councillor Peltzer-Dunn; the Kingsway and West Hove Resident Association; SaveHove and three other individual residents – furthermore a number of minor typographical errors in the report were corrected. There was also an additional recommendation that the heads of terms for the s106 agreement be amended to seek funding for the occupants of the dwellings for car club membership and a Traffic Regulation Order for a car club parking bay, and the revised wording had been circulated to Members at the start of the meeting. The application site was located in Shoreham Harbour in development area DA8 of the City Plan, and was covered by the joint area action plan between Brighton & Hove City Council, West Sussex County Council, Adur District Council and the Shoreham Port Authority. The site currently comprised the Magnet warehouse, and the application sought the demolition of this building and the small business unit to the east of the site and the construction of new buildings ranging from three to five storeys above Kingsway which would be accessed from Basin Road North and Kingsway. The application was for a mixed use scheme with commercial premises and 52 residential units; there had been a refused application that involved the use of biomass boilers and wind turbines, and the revised scheme had removed these elements and reduced the height of the some of the blocks.

- (3) At Basin Road North level there would be the Magnet warehouse that would be B8 use with associated lorry service area and delivery bay. To the east of this there would be parking, and a B1 unit at the far end of the development would be a workshop. The car parking for the scheme was indicated on the floor plan, and was located in the eastern end of the block and the mezzanine level above.
- (4) The whole site was covered by a development brief that sought to manage and facilitate change; as well highlighting key intervention and encouraging investment in the harbour. At Kingsway level there would primarily be commercial uses at ground floor, and working east to west there would be: a visitor centre; a clinic/medical centre; a café/restaurant; retail units and the Magnet showroom. The housing was arranged in all six of the blocks, and there would be 52 units; 20 of which would be affordable and secured through condition. There was a minimal size for each of the units, and they would have all private amenity space and balconies; as well communal outside space between each block.
- (5) A contribution of £126K was sought for open space, and there was an additional condition in relation wheelchairs use of some units. A noise assessment had been undertaken to show future occupants would not be subject to unacceptable levels of noise, and the sound proofing would not prejudice the future use of the harbour. In relation to impact on adjoining properties there would be loss of daylight and sunlight, but this was assessed to be acceptable against the BRE guidelines, and the loss of light was not such to warrant refusal of the scheme. The loss of solar rays to the panels on nearby roofs would also be very small. The separation between the frontages was considered sufficient to prevent harmful overlooking, and a condition was sought to protect the type and hours of the commercial units at ground floor level. A construction environmental management plan would form part of the s106 agreement. The blocks would be up to five storeys on the Kingsway, and the residential units would have Code Level 6 for sustainable homes achieved through photovoltaic panels and a heat recovery system. At Basin Road North level there would be 58 car parking spaces, and a management plan was sought for the car park

by condition; it was expected there would be displaced parking of up to 40 vehicles, but there was capacity for this on the surrounding streets. For the reasons set out in the report the application was recommended to be minded to grant subject to the signing of the s106 agreement.

### **Public Speakers and Questions**

- (6) Mr Les Robinson spoke in objection to the application on behalf of his client who owned Magley's Wharf, directly in front of the site. He stated that his client did not oppose residential development at PortZed, and they welcomed the conditions in relation to the noise; however, it was felt that the relationship between PortZed and the wharf had not been properly explored. A requested study into the matter had not been undertaken, and the matter of flood risk had not been properly considered. It was also noted that although the wind turbines were not part of the application the proposed gaps could still be used to house them and no firm commitment had been received from the applicant to this extent. The Committee were asked to refuse the application.
- (7) Mrs Sue Moffatt spoke in objection to the application in her capacity as a local resident, and stated that local residents did not oppose the development of the site. The homes currently on the Kingsway received sunlight everyday, and the application would see them only receive partial sunlight, whilst Officers were of the view that this was not a loss. Facts in relation to the duration of the overshadowing had been sent in as part of the consultation, and the extent of the overshadowing would be worse from mid-October to February. Finally it was added that regeneration should not give way to an abandonment of policies, and the proposal would seriously harm the living conditions in the homes opposite.
- (8) Councillor Peltzer-Dunn spoke in his capacity as the Local Ward Councillor and stated that the report prepared by Officers was very fair, and outlined the benefits of the scheme, but these were mainly for those who would be living in the new accommodation. Little reference had been made the adverse effect on the surrounding neighbourhood, and issues such as additional traffic were referenced. It was asked that the Committee take into account 'reasonable views' and note that the scheme was overdevelopment and would overshadow and overwhelm the area. The Committee were asked to refuse the application.
- (9) Councillor Pissaridou addressed the Committee in her capacity as the Local Ward Councillor and stated that she agreed with the view of her fellow Ward Councillor; whilst she welcomed the development she felt that height and massing of the blocks, as well as the impact on sunlight, was unacceptable. She went on to make reference to the Development Brief which she argued should be given significant material consideration, and referenced inconsistencies between the proposal and the plan such that: the proposals was not set back; the proposed height conflicted with the plan and the height was the significant feature of the development.
- (10) Mr Simon Bareham and Mr Colin Brace spoke in support of the application in their roles as the agent and the applicant respectively. They stated that the proposal was for a high quality development which would provide 65 full time employment opportunities and affordable housing that comfortable exceeded the Council's sustainability levels. The scheme had been substantially amended since the previous application including:

the reduction in height of the outer towers; the removal of the wind turbines and biomass boilers and the additional commercial frontage. Due to the changes the number of units had dropped by 20%. The scheme had substantial public benefits, and the application provided for local amenity space; the building phase would also use 20% local labour, and thanks were extended to the work of Officers at the Council. Mr Brace added that the scheme had been borne out of the desire for sustainable development, and it had taken some time to get a suitable recommendation from the Planning Authority. The site needed to act as a gateway into the harbour area and act as benchmark for sustainable development nationally. The scheme had already won approximately £0.5 million of funding for the city. The Committee were asked to support the design before them.

- (11) In response to Councillor Wells it was confirmed by Mr Brace that there was no intention to add the wind turbines to the scheme at a later point; furthermore any such amendment would required planning permission.
- (12) Councillor Randall asked about apprenticeships as part of the construction phase, and it was explained that the Economic Development Team at the Council had a local enterprise scheme and this was also required as part of the code for sustainable homes. It had also been made a condition of the tendering that each service would take on at least one apprentice. Councillor Randall also asked about comments from the Fire Service and it was explained that there would be an internal sprinkler system, and dry risers on each level of the residential accommodation.
- (13) Councillor Davey asked the applicant for more information in relation to residents' concerns about the loss of light, and it was explained that an independent assessment of daylight issues had identified three properties with solar panels, but these were all largely located on western facing roofs; the assessment had also found these three properties would suffer a small loss of sunlight. In relation to a further query from Councillor Davey it was then explained that in the new development very low heat loss would be achieved by triple/quadruple glazing draft proofing and a heat recovery system; as well as integrated photovoltaic panels that would provide enough electricity for use in the residential units each year; the electricity in the commercial units would still come from the national grid.
- (14) In response to queries from Councillor Hyde it was explained by Mr Bareham that the scheme had been designed to have a lower impact on neighbours, and this was achieved through the gaps between the blocks. The angling of the blocks would give contracting oblique views and this created a superior scheme.
- (15) In response to Councillor Cox it was explained that the applicant had worked with the local community by going back to first principles after the refusal of the previous scheme. Two public meetings had been held, and Mr Brace had attended the AGM of the residents association. The residents' concerns had been addressed and the height of the end blocks had been reduced taking the residential units from 67 to 52; as well as the removal of the wind turbines and the biomass boilers. If the application was granted then dialogue would continue with residents during the construction phase. It was hoped the scheme would be an achievement for the city.

- (16) It was confirmed for Councillor Randall that there was an absolute commitment to the affordable housing which was sought through the s106 Agreement and work had already been undertaken with a housing association, and there would be no future need to reduce this amount.

**Questions for Officers**

- (17) It was confirmed for Councillor Gilbey that the tallest blocks were approximately the same height as the blocks in the previous application. It was also confirmed that there would need to be amendments to internal layout of the units that were wheelchair accessible.
- (18) It was also confirmed for Councillor Hyde that each unit had private amenity space.

**Debate and Decision Making Process**

- (19) Councillor Davey stated that the applicant had made real efforts to address the previous concerns of the Committee, and he felt the scheme was much improved visually. He welcomed the gaps in the design; the amount of commercial space and the level of affordable housing in the scheme stating that he would be voting in support of the Officer recommendation.
- (20) Councillor Wells stated that the developer had done well to work with Officers, and tried to appease those living opposite by the revisions to the scheme. He stated he did not feel the loss of light would hold much in terms of the planning considerations, and he would be voting in support of the Officer recommendation.
- (21) Councillor Gilbey stated that she welcomed the scheme, but had serious concerns in relation to the height of the taller blocks; she stated they were too high and they conflicted with the policy in the emerging City Plan which referenced four storeys as acceptable in this location. It was queried why an exception was being made in relation to this location, and concern was expressed that this could open the way for other tall developments in this part of the city. It was also noted that the brief had stated no building should be higher than the Vega Building, but there would be several of the towers that would exceed that height.
- (22) Councillor Randall welcomed the guarantee in relation to the affordable housing; as well as the local training and development. He stated that overall the scheme was good for the city; the s106 agreement would provide very good services. In summary he drew attention to the comments made by the Regency Society and noted the scheme would set a positive example whilst addressing the city's housing needs.
- (23) Councillor Hamilton noted that the scheme was not located in Portslade as the address stated, and went on to add that he felt the developers were asked to do too much and this put pressures on budgets which meant that developers had to explore higher density options. He stated that all the central towers were still the same height as the previous scheme he would vote against the Officer recommendation.
- (24) Councillor Cox stated that he had been thinking very hard about the scheme, and he recognised the concerns of local residents, but he noted there was a very real need for

affordable homes in the city. In recent Committees some Members had expressed concerns in relation to the number of empty school places in Portslade and this would go some way to filling those places. He stated that on balance he would support the Officer recommendation.

- (25) Councillor Ken Norman noted that he still had concern in relation to the Vega Building, and went on to note the concerns raised by some of the public speakers. He added that the height of the central blocks was still too high, and the view from the surrounding roads was unacceptable; he wanted to see development in this area, but felt this scheme was not quite right. He noted the loss of light to the residents, and stated that he would not be supporting the Officer recommendation.
- (26) Councillor Gilbey referenced paragraphs of the planning brief, and noted that the scheme did not protect amenity.
- (27) A vote was taken and planning permission was granted on a vote of 7 to 4 with 1 abstention.

92.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to be **MINDED TO GRANT** planning permission subject to the conditions and informatives set out in the report, and the additional Heads of terms to the Section 106 agreement set out below:

- i. Funding of membership of car club for residential occupants for the first two years of occupation following completion of the development.
- ii. A contribution of £2,000 towards funding of a Traffic Regulation Order for a car club parking bay on Kingsway.

**B. BH2013/00908 - 112-113 Lewes Road, Brighton - Removal or Variation of Condition** - Application for variation of condition 28 of application BH2010/01824 (Erection of four storey building providing retail floor space on ground and first floors and student halls of residence (39 units) on ground and upper floors) to allow for internal alterations including a reduction in commercial floor area, alterations to ground floor layout and an additional 5 bed spaces.

- (1) The Case Officer, Anthony Foster, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The site was located near the Lewes Road gyratory, and the application sought variations to the original approved scheme which would allow for an amended internal layout, and the loss of the retail space at the first floor. It was proposed that the third floor roof terrace be removed and enclosed to create five additional bed spaces, and it was noted that the principle of the development had been established by the previous consent. A deed of variation was also sought so that the s106 agreement was properly linked to the revised scheme. It was not considered that the amendments would cause harm to the Lewes Road shopping area or the permitted retail unit, and the proposal would not have undue impact. In terms of design these were minor in nature and would not compromise the design or appearance of the building; nor there be any detrimental impact on the highways network. The application was recommended to be minded to

grant for the reasons set out in the report, and subject to agreement of the deed of variation to the s106 agreement.

**Questions for Officers**

- (2) It was confirmed for Councillor Randall that the total number of units would now be 44.
- (3) It was noted, in response to Councillor Deane that appropriate sound proofing of the new common room would be secured through condition.
- (4) It was confirmed for Councillor Gilbey that some of the units had private amenity space, but there was a rear area of amenity space for use by all the residents of the rear unit in the development.

**Debate and Decision Making Process**

- (5) Councillor Randall stated that he would not be supporting the Officer recommendation as he had not been in support of the original scheme. He added that there were 29 HMOs in the immediate area of New Market Road, and additional students would add to the existing problems.
- (6) Councillor Hyde noted she was of the opposite view, and the scheme was only asking for an additional 5 units above what had already been agreed, and she felt there would no significant impact.
- (7) A vote was taken and planning permission was granted on a vote of 10 to 2.

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

**C. BH2013/02475 - 33 Redhill Drive, Brighton - Full Planning Permission - Erection of two storey rear extension**

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Senior Team Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a six bedroom house on Redhill Drive that had been extended in the past, and the garage and workshop had been converted into bedrooms with a bathroom and kitchenette. The house was currently in C4 use, and the application sought the erection of a part single and part two-storey extension to add further bedrooms at the first floor level. The extension was considered appropriate, and not likely to cause significant harm. For the reasons set out in the report the application was recommended for approval.



**Public Speakers and Questions**

- (3) Mr John Lyall spoke in objection to the application in his capacity as a local resident, and stated that the proposed extension would make the building higher and would project significantly beyond the house line making it very intrusive. The extension would also cut out light to the back room of his house, and not be in accordance with the 45 degree rule. The paving area and planting in his garden would also be affected. The number of existing additions to the house were noted, and it was stated there would now be 8 bedrooms in the house and the original footprint of the house had doubled. Other neighbours in the street had also had extensions, and there were no objections as they were considered to be in-keeping. It was also noted that there had been noise issues in relation to the unsociable hours that some of the existing work had been carried out. The applicant had also told Mr Lyall that he had permission for the extension, but when Mr Lyall had checked this had not been the case.
- (4) Councillor Ann Norman spoke in her capacity as the Local Ward Councillor and stated the property was already large and developed, and if the extension were granted it would have a significant impact on no. 29 Redhill Drive. If approved it would be bulky and intrusive, and rooms at the rear of no. 29 would lose their outlook. The garden of no. 29 also housed a number of rare plants and birds and it was felt that this wildlife could be affected by the proposal. Councillor Ann Norman noted that she felt the application was contrary to Local Plan policies QD1, QD2 & QD14.
- (5) In response to a question from Councillor Deane it was explained by Councillor Ann Norman that a number of the areas where the birds nested were close to the boundary with the application site.
- (6) Mr Abe Moshin spoke in support of the application in his capacity as the agent for the applicant and stated that the Committee should heed the advice of the Case Officer. The application would provide additional bedrooms and a study as the applicant wanted all three of their children to have bedrooms at the first floor. The area downstairs would be used as two bedrooms for foreign students and an office, and it was eventually intended that the area would be used as an annex for an elderly relative. The extension was in compliance with the 45 degree rule and there would be no additional demand on parking. The house had a lawful use as an HMO (C4) and any change to the use would require planning permission. The proposal was considered to be in-keeping and compliant with policy, and generally tidy up the appearance of the rear of the property.
- (7) In response to Councillor Hyde it was explained by Mr Moshin that he had advised his client to cease works until planning permission had been obtained; Mr Moshin was unaware if his client had consulted with neighbours in relation to the application.
- (8) It was confirmed for Councillor Randall that a total of seven would live in the house once the works were completed; this included the applicant's family and two foreign students.

**Questions for Officers**

- (9) It was confirmed for Councillor Cox that the use of the extension as an annex for a relative would not require planning permission.
- (10) It was confirmed for Councillor Wells that the 45 degree rule applied to habitable rooms, and the extension was within this guidance.
- (11) In response to Councillor Gilbey the Senior Team Planner explained that limited weight could be given to the type of wildlife in the neighbouring garden as, whilst there would be an impact, it was not so severe so as to cause harm.
- (12) It was confirmed for Councillor Hyde that the completed building would have 8 bedrooms, and this would be an approximate doubling in size of the original building.
- (13) Councillor Deane asked about the building activities at the weekend, and in response it was noted there were powers under Environmental Health legislation that could properly address these concerns.
- (14) It was confirmed for Councillor Hyde that the impact of the neighbouring patio had been assessed, but it was the view of the Case Officer that it was not so significant to cause harm as there was a north-south orientation such that the whole area was not affected.

**Debate and Decision Making Process**

- (15) Councillor Wells stated that the extension would help to tidy up the rear of the property, and his concerns in relation to the 45 degree had been addressed adequately.
- (16) A vote was taken and planning permission was granted on a vote of 9 to 2.

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

**Note: Councillor Ken Norman was not present during the consideration and vote on this application (see minute 87.2).**

**D. BH2013/02364 - 4 Bennett Road, Brighton - Householder Planning Permission -** Retention of enlarged rear porch to replace pre-existing, incorporating external steps to garden level (Part Retrospective).

- (1) The Senior Team Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a two-storey mid-terrace property, and the application was part-retrospective for the replacement of the porch and steps to the rear garden. The application followed refusal for the existing structure which was dismissed at appeal; however, the inspector had noted that obscure glazing could mitigate harm from the door and the windows. Replacement was also sought for the porch structure and the steps; rather than the raised platform. In order to address the remaining issues

conditions were sought for obscure glazing on the door and windows and the removal of the raised platform; with a three month window for compliance. For the reasons set out in the report the application was recommended for approval.

### Public Speakers and Questions

- (2) Mr Roger Wheeler spoke in objection to the application in his capacity a local resident. He stated that he felt his neighbours were in a very unfortunate situation, and he was sympathetic that they had been wrongly advised by their builder that the alterations did not require planning permission. An 'ugly' porch had been constructed from green untreated timber, and reference was made to the original decision and reason for refusal. Mr Wheeler added that the proposal was now twice the size, and had destroyed the outlook from the window in his property, and he was of the view that neither the Case Officer nor the inspector had been able to make an informed view. Changing the direction of the steps would not make a difference, and he felt the original decision should stand as the planning process was being abused.
- (3) Mrs Helen Lyons spoke in support of the application in her capacity as the applicant. She stated that in May 2012 there had been a serious leak in the dining room of her property, and it was necessary to replace the render; at the same time the decision was made to change the porch and the dangerous steps. At this point they had spoken with the Planning Authority and taken advice on the size of development that would need permission; they had informed their neighbour, and also had their builder replace a section of their guttering for free. After the work was completed they were told they needed to seek planning permission, and after the first refusal they were told an appeal could run alongside a new planning application. Officers had reviewed the situation, and felt there was no harm caused from the outlook to their dining room, and the structure did not appear to be overbearing. It was noted that Mrs Lyons had always had a view into the neighbouring property, and she was happy to obscure the windows and door as requested. There was also an increased view into her kitchen from the neighbours if they were to put the steps back as they had been without the raised decking.

### Questions for Officers

- (4) It was confirmed for Councillor Davey that the inspector had agreed the overlooking could be mitigated by the obscured glazing, but the raised decking could not be mitigated, and the application included the removal of this.
- (5) It was confirmed for Councillor Mac Cafferty that the view of the inspector was very clear, and a contrary decision was very unlikely to be upheld at appeal.
- (6) A vote was taken and planning permission was granted unanimously.

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

**E. BH2013/02823 - Hove Museum, 19 New Church Road, Hove - Council Development** - Creation of terrace incorporating new low level perimeter wall.

- (1) The Senior Team Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. A verbal update was provided that an additional letter of support had been received from 20 Westbourne Street, and Sussex Police had stated they had no objection to the proposals. Hove Museum was a locally listed building; with the Grade II listed Jaiper Gate in the grounds; the application sought a new terrace area to be used in connection with the existing tea rooms. The submitted plans sought space for 22 covers on the terrace, and involved the construction of a 66mm low level wall. The proposal was acceptable in terms of the design; would not detract from the main building and the conditions were satisfactory to address neighbouring amenity concerns. For the reasons set out in the report the application was recommended for approval.

**Public Speakers and Questions**

- (2) Ms Julia Besser addressed the Committee and spoke in her capacity as a local resident; she stated she was speaking on behalf of herself and other neighbours in relation to a potential lack of privacy and the existing problems with anti-social behaviour, and referenced a local newsletter which had discussed these issues. The real issue related to the bench on the site which acted as a congregation point, and it was felt that the problems would get worse if additional seating were added at this location. Residents also felt that their concerns were not as important as the proposed benefits with the application. It was suggested that the situation would be better if the tables and chairs were taken in each evening as they been in previous years. It was also added that the facility was not just for a tearoom, and there were plans for a restaurant and for barbeques to be held where people would be able to drink outside. Ms Besser added that the terrace was a 'town centre' use that was not appropriate in this location, and she felt her quiet home would be lost if the application were granted.
- (3) At this point in the meeting Councillor Cox noted he had written the newsletter that Ms Besser had discussed, and he withdrew from the meeting during the remaining of the consideration of the application and the vote thereafter. (see minute 87.3)
- (4) Councillor Cobb addressed the Committee in her capacity as the Local Ward Councillor and stated that she had been contacted by residents who lived in the immediate vicinity, and she shared their concerns as the area was an important conservation area. She stated that the museum grounds were covering by by-laws that related to the control of noise and disturbance, and she expressed concern for the potential loss of mature trees which added to the character of the area. The museum ground was the only green space in the ward, and there was concern in relation to overdevelopment here. In the past chairs had been bought outside during opening hours, and this seemed a more advantageous solution. There was also concern that increasing the capacity of the tearoom would increase the traffic in the area, and there would be slow creep of the museum being turned into a food lead venue. Councillor Cobb asked that the Committee agree this was an inappropriate development in a residential area.

- (5) Abigail Thomas spoke in support of the application in her capacity as an employ of the Museums division at the Council. She stated that the tearoom activities were ancillary to the primary use as a museum, and the reduction in the green space would be a small localised area and would not be detrimental to the established planting on the site. It was noted that the tearoom would not create such volume or continuous noise to cause disturbance; furthermore the clientele would be museum visitors. The terrace would only be open for limited hours during the day and normally be closed by 1630 hours. It was not felt the proposal would be a beacon for antisocial behaviour, and there would be no fixed seating. There would also be no loss of trees, and the area of green space to be lost was no further than the existing path.
- (6) It was confirmed in response to a query from Councillor Hyde that there would be no fixed seating and the tables and chairs would be removed and taken inside each evening.
- (7) In response to Councillor Ken Norman it was confirmed by Abigail Thomas the area where the green space would be lost, and it was estimated this was 13 metres long and 1.5 metres wide.
- (8) Councillor Randall asked Ms Thomas about the opening times, and it was clarified that the museum could open until 2300 hours twice a month, and these later hours were to allow for evening events or private exhibitions when alcohol would normally be served.

#### Questions for Officers

- (9) In response to Councillor Hyde it was explained that as the tables and chairs were not fixed it would not be possible to add a condition stating they needed to be bought inside each evening; however, an informative could be added to this extent.
- (10) At this point in the meeting the Solicitor, Alison Gatherer, noted that the Committee could not give weight to the by-law as this was considered the same as a restrictive covenant, i.e. it was not a planning consideration. The Senior Team Planner also added that the report incorrectly stated the tables and chairs were permanent, and if the operation of the building were to change to primarily a restaurant then this would constitute a change of use and require planning permission.

#### Debate and Decision Making Process

- (11) Councillor Hyde noted the residents concerns in relation to potential nuisance from the licensed activity of the premises, but stated that these concerns could be dealt by the separate powers of the Licensing regime.
- (12) A vote was taken and planning permission was granted on a vote of 9 to 2.

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

**Note: Councillor Cox was not present during the debate and vote on this application (see minute 87.3).**

- F. BH2013/02613 - 17 Goldstone Crescent, Hove - Full Planning Permission -** Demolition of existing three bedroom single dwelling and erection of part three/part four storey block of 7no flats.
- (1) The Committee agreed to forego a presentation and moved straight to the vote.
  - (2) A vote was taken and planning permission was unanimously granted.
- 92.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to be **MINDED TO GRANT** planning permission subject to the conditions and informatives set out in the report.
- G. BH2013/02747 - 5 Steine Street, Brighton - Full Planning Permission -** Change of use from nightclub (Sui Generis) to 7 unit student accommodation (Sui Generis) incorporating alterations to fenestration and installation of railings to glazed floor panel lightwell.
- (1) The Senior Team Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. Attention was drawn to matters on the Late List, and it was noted that two additional letters had been submitted from a language school intending to occupy the accommodation, and local resident in support. The property had last been in use as a nightclub, and was set over three floors; permission was sought for seven bedroom student accommodation with a communal dining and living space on the basement floor. There would be changes to some of the fenestration and the creation of a lightwell. Whilst the principle of the accommodation was acceptable it was felt that the standard was not acceptable. For the reasons outlined in the report the application was recommended for refusal.

### **Public Speakers and Questions**

- (2) Mr Pierre Dowsett spoke in support of the application in his capacity as the agent acting on behalf of the applicant. He stated the application had support from the local community due to the history of problems associated with the previous use of the building. There would be high level fixed windows to allow light to come into the basement rooms, and it was noted that each room had its own en-suite, but this had not been taken into account when calculating the size of each room. As there was no policy in relation to minimum room size it was felt that the view of the Case Officer was subjective, and the HMOs standards should be relied upon. The applicant considered the accommodation to acceptable, and they would provide needed student accommodation for the city.

### **Questions for Officers**

- (3) It was confirmed for Councillor Hyde that the size of the rooms exceeding the HMO standards, but it was noted that HMO legislation was separate to planning permission; furthermore the HMO only gave a minimum size and did not consider issues such as daylight and other planning matters. The combination of issues such as the lack of

outlook for the communal area; very small rooms and no amenity space had lead Officers to the view that they could not support the application.

- (4) It was confirmed for Councillor Cox that if granted it would not be possible to attach a condition restricting the occupation to students only; as there would be no planning grounds to do this.

**Debate and Decision Making Process**

- (5) Councillor Duncan noted that this site was located in his ward, and there had been problems with the previous use as a nightclub. He stated the proposals would be a major step forward and help to improve the situation for local residents.
- (6) Councillor Davey stated he sympathised with the views of residents, but could not support such unsuitable accommodation. Councillor Randall echoed these comments and noted that the bedroom sizes were ‘not good.’
- (7) Councillor Hyde noted the local support, and stated that individuals would still be able to make a personal decision about whether to live there.
- (8) Councillor Gilbey stated that she understood the resident’s concerns, but felt that permission shouldn’t be granted simply because this use was preferable to the previous.
- (9) Councillor Mac Cafferty noted that he was of the view the Planning Authority needed minimal space standards, and he hoped to progress this. He agreed that the scheme would be better than the previous use, but felt the proposal was of inadequate standard.
- (10) A vote was taken and planning permission was refused on a vote of 7 to 3 with 2 abstentions.

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

Reason for Refusal:

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

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.

**H. BH2013/02231 - 125 Upper Lewes Road, Brighton - Full Planning Permission -** Change of use from small House in Multiple Occupation (C4) to large House in Multiple Occupation (sui generis) and erection of single storey rear extension to the first floor to create additional bedroom.

(1) The Senior Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. Reference was made to the amended condition on the Late List. The property currently comprised a three-storey house and was already a registered small HMO. The proposal sought the creation of an additional bedroom; the application was considered as acceptable due to the standard of the accommodation and its current use as an HMO. For the reasons set out in the report the application was recommended for approval.

#### **Questions for Officers**

(2) In response to Councillor Randal the sizes of the bedrooms were clarified, and it was noted that the application was recommended for approval as the standard of accommodation was acceptable; all the bedrooms had some aspect and opening windows, as well as access to private amenity space.

(3) Councillor Randall proposed that a site visit take place and this was seconded by Councillor Mac Cafferty and this was agreed on a vote of 8 to 3 with 1 abstention.

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

**I. BH2013/02591 - 7 College Road, Brighton - Removal or Variation of Condition -** Application for removal of condition 4 of application BH2006/03056 (Conversion of dwelling into two 1 bed flats and one 2 bed flat) which states that no development shall take place until details of arrangements to ensure the development shall remain genuinely car free at all times have been agreed in writing by the Local Planning Authority.

(1) The Senior Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. A verbal update was provided since the closure of the Late List in relation to an additional letter of objection from no. 25 College Road. The application site comprised a four storey building that had been granted permission to become four units in 2006; that permission had sought to restrict the two new units to being car free. The application sought the removal of the car free condition as the occupiers had been able to purchase parking permits since the permission had been granted due to an administrative error on the part of the Council that had only recently come to light. It was considered that the potential harm had dissipated into the local area in the last few years, and could not warrant a reason for refusal. For the reasons outlined in the report the application was recommended for approval.



**Questions for Officers, Debate and Decision Making Process**

- (2) It was confirmed for Councillor Cox that there was not currently a waiting list for permits in the zone.
- (3) In response to Councillor Davey it was explained that work had been undertaken to ensure such a mistake would not be repeated in future, but the particulars of the case had been complicated as some units in the building had been remained able to apply for permits whilst others had not.
- (4) Councillor Davey noted that the Committee had little other choice then to grant the application.
- (5) It was confirmed to Councillor Cox that the value of the properties was not material to the application.
- (6) A vote was taken and planning permission was granted with 10 in support and 1 abstention.

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

**Note: Councillor Duncan was not present during the consideration and vote on the application.**

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

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

Application:	Requested by:
BH2013/02231 - 125 Upper Lewes Road, Brighton	Councillor Randall

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

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

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

95.1 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.]

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

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

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

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

**98. APPEAL DECISIONS**

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

The meeting concluded at 5.18pm

Signed

Chair

Dated this

day of

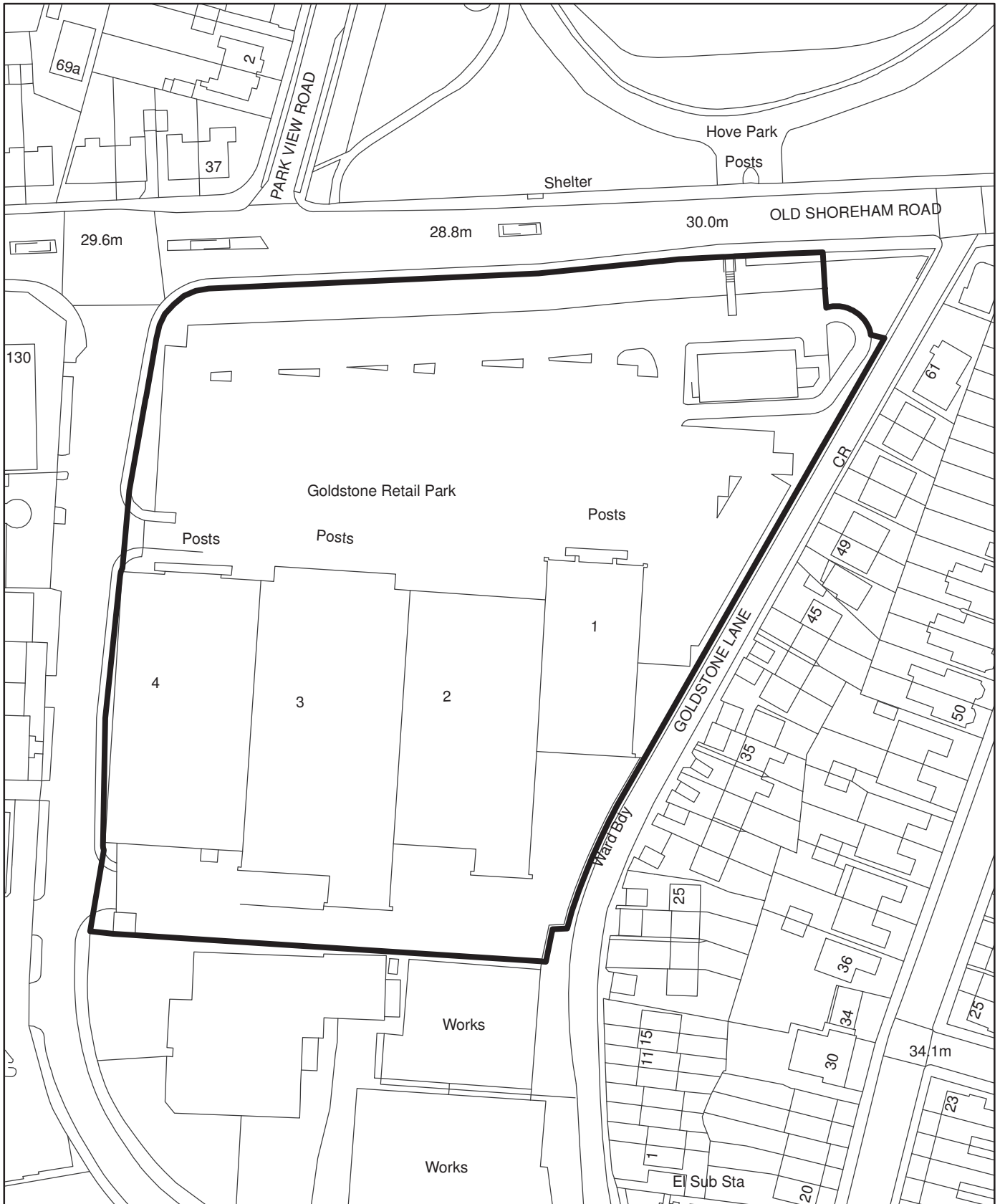
**Request for a variation of s106 dated  
11 April 1996 signed in association  
with application 3/95/0748**

**Goldstone Retail Park, Newtown Road, Hove**

**20 NOVEMBER 2013**



# Ref No. 3/95/0748, Goldstone Retail Park, Newtown Road, Hove



**Brighton & Hove  
City Council**



Scale : 1:1,250



<b>Subject:</b>	<b>GOLDSTONE RETAIL PARK, NEWTOWN ROAD, HOVE: REQUEST FOR A VARIATION OF S106 DATED 11 APRIL 1996 SIGNED IN ASSOCIATION WITH APPLICATION 3/95/0748</b>	
<b>Date of Meeting:</b>	<b>20 November 2013</b>	
<b>Report of:</b>	<b>Executive Director of Environment, Development &amp; Housing</b>	
<b>Contact Officer:</b>	<b>Name: Clare Simpson</b>	<b>Tel: 29454</b>
	<b>E-mail <a href="mailto:Clare.Simpson@brighton-hove.gov.uk">Clare.Simpson@brighton-hove.gov.uk</a></b>	
<b>Wards Affected:</b>	<b>Hove Park</b>	

**1. PURPOSE OF THE REPORT:**

- 1.1 To consider a request for a variation to the s106 Agreement.

**2. RECOMMENDATIONS:**

- 2.1 That the Planning Committee resolves to allow the completion of a variation to the s106 planning agreement dated 11<sup>th</sup> April 1996 relating to Goldstone Retail Park to amend the number of units permitted within the main block of Goldstone Park to be increased from 4 units to 5 units.

**3. BACKGROUND INFORMATION:**

- 3.1 Application 3/95/0748 (the original permission) granted planning permission for the redevelopment of the former Goldstone Football Ground site to provide 4 non-food retail units with associated car parking, servicing and landscaping.
- 3.2 Approval was subject to conditions. Condition 12 related to the type of goods permitted for sale:

One unit of the development hereby permitted of not less than 929m<sup>3</sup> of floorspace shall only be used for the sale of the following goods categories:

- a) Building and DIY supplies;
  - b) Furniture floor covering, fabric and ancillary items including carpets;
  - c) Electrical goods;
  - d) Motor vehicles, cycles and spare parts including care accessories;
  - e) Garden furniture, tools and equipment;
  - f) Caravans, tents and camping equipment.
- 3.3 Approval was also subject to a Section 106 Obligations requiring a number of post-commencement and post occupation highways works and layout works. Additionally Clause 3.4.2 of the completed Section 106 states that:

- 3.4 The proposed development shall not include a greater number of retail units than shown on Drawing Number 94186(d) 08 Rev C that is to say a maximum of four separate units within one block.
- 3.5 Development was carried out in accordance with the original permission

#### **4. PLANNING HISTORY**

- 4.1 Application BH2013/02445 granted planning permission for the erection of single storey restaurant (A3) with external seating area and alterations to car park. Consent was granted on the 26/09/2013. This application was an amended scheme to a similar application approved under BH2012/01182. Works to implement this consent have not commenced to date.
- 4.2 Application BH2012/01182 granted planning permission for the erection of freestanding retail terrace to include 1no single storey retail unit (A1) and 1no single storey coffee shop (A3), incorporating external seating area and alterations to car park. Works to implement this consent have not commenced to date.
- 4.3 Application BH2010/02779 granted planning permission for external alterations to front, side and rear elevations and reconfiguration of the mezzanine certified under certificate BH2006/00088 and subsequently under BH2007/04363. Consent was granted on the 16/11/2010. This consent has been implemented and unit 4 of Goldstone Retail Park has been divided in to two units.

#### **5. PROPOSAL**

- 5.1 The applicant has requested a variation of the s106 attached to application 3/95/07408 to amend clause 3.4.2 to read, 'The development shall not include a greater number of retail units than 5 separate units within one block'.
- 5.2 Works undertaken in association with Planning Permission BH2010/02779 created an additional planning unit by dividing unit 4 into two separate planning units. The proposed variation would bring the s106 obligation into line with the current arrangements on the ground.

#### **6. CONSULTATION:**

##### **6.1 Sustainable Transport: No objection.**

The previous division from 4 to 5 units was approved by the Council and is now an established fact. The trips generated by this subdivision are now part of the context within which subsequent applications have been assessed. I have examined the scope for subdivisions of retail units to produce higher unit trip rates but standard sources and practice do not allow for any such effect, so that the previous and possible future subdivisions of units would not be expected to generate a materially higher number of trips.

- 6.2 Work submitted in support of application BH2013/02445 demonstrates that there is substantial spare capacity in the car park so parking would not be



displaced locally. For these reasons there are no traffic/transport objections to the requested variation to the S106 agreement.

## **7. COMMENT:**

- 7.1 The original consent was granted on the 11<sup>th</sup> April 1996. The Planning Obligations were considered necessary in order to make the development acceptable. The Officer's report and the wording of the s106 does not contain specific rationale to justify the imposition of Clause 3.4.2. It is assumed the clause to control the numbers of the units on the site was considered necessary to ensure that the development would not harm the established retail areas in the town centres. By controlling the number of units on the site, the Council also are able to retain an element of control over the highways impact of the development.
- 7.2 It is usual procedure for Local Planning Authorities to carefully control consents for out-of-town retail development. This often takes the form of conditions on minimum floor space, and/or conditions relating to the type of goods which can be sold to ensure the out of town retail units do not compete with established town centre locations. The control mechanisms in the original consent for Goldstone Retail Park relate to Condition 12 (outlined above) and clause 3.4.2 restricting the numbers of unit, which is the subject of this proposed amendment.
- 7.3 Unit 4 has been subdivided so there are now 5 units within the main block in Goldstone Retail Park. A breach of the Planning Obligation has therefore occurred. The external works to facilitate the subdivision were undertaken under planning permission BH2010/02779. Although the description of the development granted under BH2010/02779 did not refer to the subdivision of the unit, this subdivision is considered to benefit from Planning permission since the alterations were shown on the approved plans. Section.55 (2)(f) of the Town and Country Planning 1990 Act allows the subdivision of premises where there is no material change of use. So the request to amend the s106 would be to regularise the current situation and ensure that s106 reflects the lawful use on-the ground.
- 7.4 In regard to the acceptability of the proposed amendment on local plan policy, it is considered that the current situation would not conflict with the aims and objectives of policies in the Local Plan which seek to protect existing defined shopping centres and resist new retail warehouse development. The proposed amendment to clause 2.4.3 does not permit any additional retail floor space. Furthermore planning policy CP4 Retail Provision the emerging policy in City Plan Part 1 states that Brighton & Hove's hierarchy of shopping centres will be maintained and enhanced by encouraging a range of facilities and uses consistent with the scale and function of the shopping centre and to meet peoples day to day needs. It is not considered that permitting the unit to subdivide would have any affect on the viability and vitality of the existing shopping centres. The units still provide large, warehouse-style retailing and do not therefore assume the characteristics of retail units conventional to

town-centre locations. The ground floor areas of the subdivided unit are 1111m<sup>3</sup> for the larger unit and 732m<sup>3</sup> for the smaller unit. The units are currently occupied by Pets and Homes and Harveys/Benson for Beds. It is not considered that the subdivided unit would provide direct competition that could undermine the viability/vitality of Hove town centre.

- 7.5 In regard to Transport, the Councils' Sustainable Transport Team have agreed that the amendment of the clause restricting the number of the number of units on site is appropriate. The Transport Officer has looked at the recent transport information in relation to an additional unit proposed under application BH2013/02445 which demonstrated adequate car parking capacity on site. Furthermore, it should be noted that the proposed amendment relates to the number of units onsite, and not any increased floor space of retail units.
- 7.6 Given the sub-division of the unit did not require planning permission and the resulting units are not considered to be harmful in terms of planning policy or traffic and transport, to retain the existing clause stipulating a maximum of 4 units on site would be unreasonable.

## **8. FINANCIAL & OTHER IMPLICATIONS:**

### **8.1 Financial Implications:**

None identified.

### **8.2 Legal Implications:**

Lawyer Consulted: Alison Gatherer

The NPPF stipulates that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In addition, where obligations are being revised, local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

It appears appropriate in this instance to revise the planning obligation to reflect the current position.

### **8.3 Equalities Implications:**

None identified

### **8.4 Sustainability Implications:**

None identified

### **8.5 Crime & Disorder Implications:**

None identified

8.6 Risk and Opportunity Management Implications:

None identified

8.7 Corporate / Citywide Implications:

None identified.

**9. CONCLUSION**

- 9.1 The applicant has applied to vary the signed s106 agreement as set out at 4.1 of this report.
- 9.2 The proposed amendment is considered to be acceptable for the reasons as detailed above.
- 9.3 Therefore, the recommendation is for the s106 agreement to be varied.



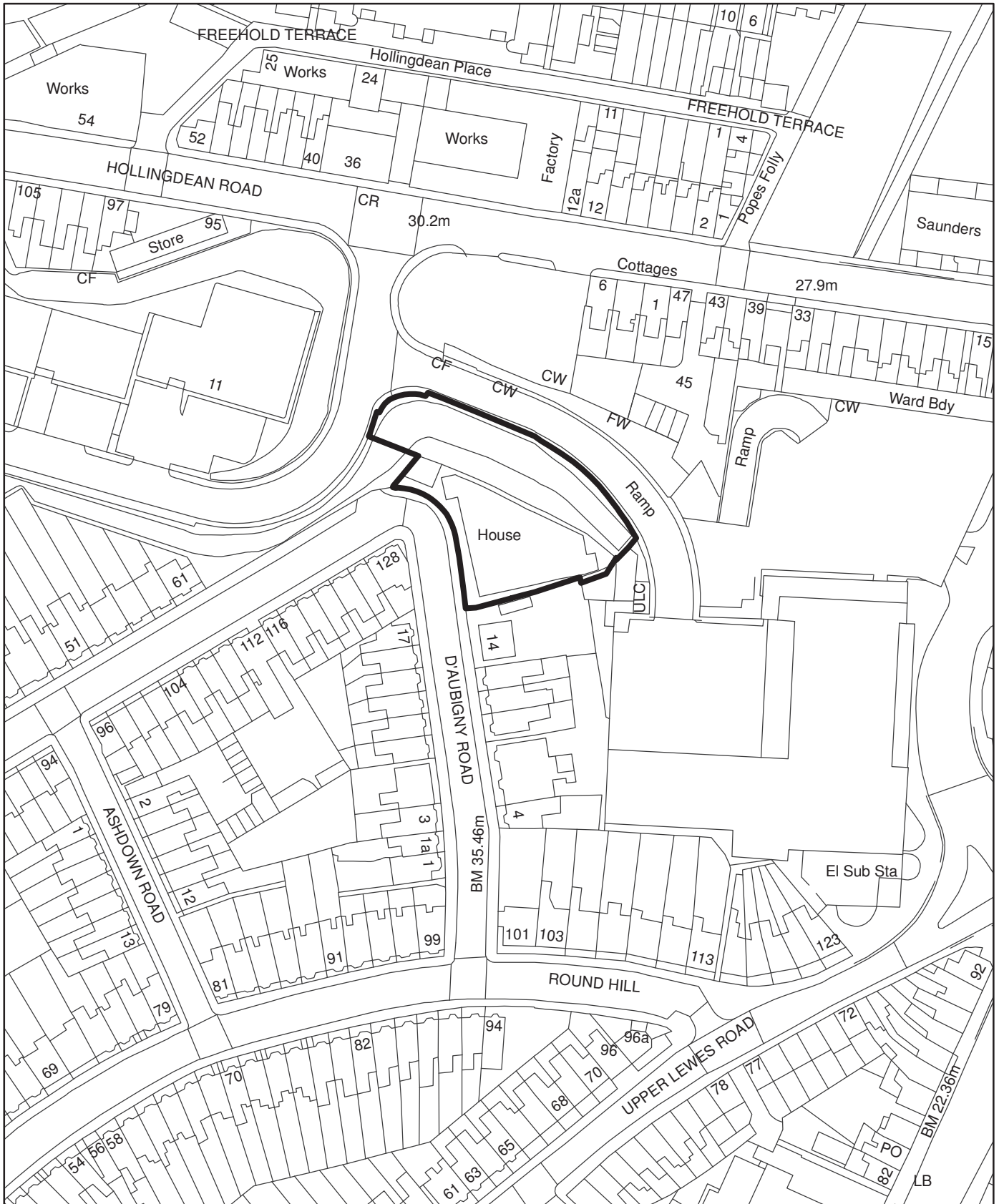
# **ITEM A**

**Richmond House, Richmond Road, Brighton**

**BH2013/02838  
Full Planning**

**20 NOVEMBER 2013**

# BH2013/02838 Richmond House, Richmond Road, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/02838</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Richmond House Richmond Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>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.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	30/08/2013
<b><u>Con Area:</u></b>	Adjacent to Round Hill	<b><u>Expiry Date:</u></b>	29/11/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	LCE Architects, 164-165 Western Road, Brighton BN1 2BB		
<b><u>Applicant:</u></b>	Matsim Properties Limited, Andrew Lambor, Agora, Ellen Street, Hove BN3 3LS		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site (approximately 0.16 hectares) is located on the eastern side of D'Aubigny Road, at the eastern end of Richmond Road and on the southern side of the existing service road, accessed via Hughes Road, which provides private access to the rear of the Lewes Road Sainsbury's. The service road and the eastern end of Hughes Road is set at a much lower level than Richmond Road/D'Aubigny Road as a result of the topography within the area. A steep embankment is located in the northern section of the site, between the existing office building and the service road/Hughes Road. The service road is located on a west to east gradient whilst Hughes Road has an east to west gradient as it progresses into the adjacent Industrial estate.
- 2.2 The site is currently occupied by a 2 storey, white rendered, office block of a 1920s/1930s style with associated car parking area, set within a triangular plot, with the steep embankment to the north. The main frontage of the existing building fronts onto Richmond Road and D'Aubigny Road whilst the rear elevation fronts onto the adjacent service road, albeit at a raised level.
- 2.3 Richmond House lies immediately adjacent to the Round Hill Conservation Area. Within the Conservation Area and immediately in the vicinity of the site are some 2 storey rendered terraced houses with pitched roofs, set behind small forecourted gardens with rendered boundary walls.
- 2.4 The area to the north of the site, which is set at a much lower level, comprises a new part 2, 3, 4 and 5 storey flat development and historic two storey terraced houses, which front onto Hollingdean Road. Centenary Industrial Estate is

located to the north-west of the site and contains modern warehouse style buildings.

### **3 RELEVANT HISTORY**

**BH2013/00197** - Demolition of existing 2no storey building and construction of 1no three storey building and 1no five storey building providing 144 rooms of student accommodation, with associated ancillary space, 186 cycle spaces, removal of existing trees, landscaping and other associated works. The application was refused on 16/05/2013.

**BH2002/00897/FP** - Alterations to window arrangement to north elevation. Approved 28/05/2002.

**BH1997/01565/FP** - Alterations and extensions to premises comprising rendering over brickwork first floor infill extension to provide ladies WC. Two storey extension to front to form new stairwell, entrance and ramp, and creation of new parking facilities. Approved 06/01/1998.

**95/1307/FP** - Change of use of first floor from storage and premises to health club and gymnasium. Refused 09/01/1996.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing office building (Use Class B1), the excavation of part of the existing embankment and the erection of a new building, to provide 138 rooms for student accommodation (Use Class Sui Generis) with associated ancillary space, cycle storage, removal of trees, landscaping and other associated works.
- 4.2 The proposed building would have an acute triangular shape with an 'atrium' in the centre. The proposed building would front both D'Aubigny Road/Richmond Road and the lower set Hughes Road/Sainsbury's service road. The proposed building would respond to the curves of the related roads, namely a concave curve to D'Aubigny Road/Richmond Road and a convex curve to Hughes Road/Sainsbury's Service road.
- 4.3 The northern part of the proposed building would be excavated into the existing embankment and would front onto Hughes Road/Sainsbury's service road and would comprise 5 storeys, with the upper floor set back. The southern section of the building would be formed of three storeys in height. A lift would provide access to each floor level.
- 4.4 External amenity space would be provided in the atrium of the building whilst cycle storage would be provided externally on the northern side of the building. A refuse store would be provide on the ground floor level, accessible externally from the Sainsbury's Service road.
- 4.5 The main entrance to the building would be located on the western side of the building accessible from Hughes Road.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

- 5.5 **Neighbours: One Hundred and Two (102)** letters of representation have been received from **3, 6, 7 and 11 Ashdown Road, 50 Buller Road, 31 Crescent**



**Road, 1, 3(x2), 4, Ground Floor Flat 5B, Flat 2 6, 7, 8(x2), 12, 13(x2), 15 and 17 D'Aubigny Road, Units 1 and 11 (x2) Centenary Industrial Estate Hollingdean Road, 14 Mayo Road, 29(x2) and 77 Princes Crescent, 24, 36b, 36c, 40, 50, 55(x2), 68 and 1 Unknown Princes Road, 6, 13c, 26(x2), 27, 32, 33, 35, 37(x2), 39, 41, 46, 47(x2), 49(x2), 56, 58(x2), 59, 66, 70, 82, 84(x2), 100(x2), 102, 106(x2), 108(x2), 110, 112(x2), 120 and Unknown(x3) Richmond Road, 8, 24, 30, 40A, 47, 53, 59, 78a(x2), 103A, 105, Flat 3 105, Flat 1 107, Top Floor Flat 111 and 1 Unknown Number Roundhill Crescent, 51 Upper Lewes Road, 6(x2), 13 and 26 Wakefield Road and 7 from Unknown Addresses objecting to the application for the following reasons:**

#### 5.5 Design/Visual Amenities

- Loss of views to the South Downs. The long views out of and into Roundhill are mentioned in the Conservation Area statement as being important but would be blocked by the development,
- The design is very heavy handed with disproportionately large 'dormers' and mansard on the Richmond Road elevation,
- Will result in the loss of the few green spaces left in the area,
- Over-development of the site. Would double the built volume of the existing offices and be visually out of keeping with the Conservation Area it looks onto,
- The design is not compatible with or in keeping with the architecture of the Conservation Area or the Round Hill area which it fronts onto,
- It would create the effect of a 'box canyon' at the end of both Richmond Road and D'Aubigny Road, caused mainly by the two buff brick featureless walls, one of five storeys and one of three storeys, shown disguised by 'green planting' on the architects elevations, this would destroy a recognised part of the character of Round Hill,
- Would change overall character of the area,
- The eight giant dormers each spread over two studios and two floors would become the dominant features of D'Aubigny Road. Limiting residents to Article 4 Direction rules would become nonsense,
- The design is depressing, dispiriting cramped in and claustrophobic. Appreciate the design of Richmond House as it is now and do not agree with the developers' labelling of it as 'unattractive'.

#### 5.6 Amenity

- The embankment shortcut on the corner of D'Aubigny Road would lead to a constant passage of students, day and night, along D'Aubigny Road, the shortest route to bus stops for town. There is no through traffic on this road, which means that it is currently silent at night, bar the odd late-night returning resident,
- The 62 student windows directly overlooking D'Aubigny Road would result in break-out noise from voices and music. These windows are south-west facing windows, the rooms would be hot, the windows would therefore be open much of the time, especially in the summer,
- Loss of light and overshadowing,

- The student management plan can look good on paper but relies on being of a high standard for the duration of the building's life,
- Would overlook some of the flats in Diamond Court on the north side of the site, which would directly affect their privacy,
- There are already too many students in the area. Such a high density of student accommodation would have a hugely negative impact on the current residents and on the area as a whole,
- The proposal has not demonstrated that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise disturbance
- The proposal would damage rather than support 'strong, vibrant and healthy communities' (NPPF) by creating a large isolated short term student population within a residential community. The present student community is integrated into, rather than isolated from, the Round Hill neighbourhood. Round Hill is already one of the most densely populated areas of the City and community cohesion which has been hard won will be damaged,
- The outlook for residents on the two lower floors would be very bleak. Parking for 76 bicycles is located along the Sainsbury's service road elevation on the ground floor so residents on that level cannot expect natural light in their rooms. First floor accommodation would only get daylight from one side and the immediate outlook for residents is a supermarket truck and van service road used both for deliveries and internet shopping,
- Existing students in the area cause disturbance and residents suffer effects of anti-social behaviour,
- Noise from the proposed atrium terrace which would be located just one floor below the finished height of the structure,
- For safety reasons there would have to be fire exits located on the upper level of the property, onto D'Aubigny Road, there will be used as access routes by students on a regular basis, either causing alarms to activate (noise) or additional noise level increase due to students "milling around",
- There can be no usable amenity space on level 0 since the building will rise up from an industrial estate.

#### 5.7 Transport/Access

- Safety and logistic problems regarding access in Hughes Road and onto Hollingdean Road,
- The building access will now be onto a 'blind' bend and the road is in constant use by lorries, vans and cars as the industrial estate is fully occupied. To permit access onto a dangerous road would be questionable and retrograde step, giving rise to potential injury and in the worse case scenario, could mean a fatality,
- Is labelled a 'car-free' development but 138 students arriving/leaving with luggage at the beginning/end of each year would create considerable traffic congestion, which the proposal does nothing to

address. All surrounding roads have double yellow lines and the nearby junction is used by heavy delivery trucks to Sainsbury's,

- The Transport Statement does nothing to consider the safety of 70 cyclists crossing into busy Hollingdean Road from the industrial estate with a heavy goods entrance into a supermarket and then using the Vogue Gyratory, a recognised accident blackspot. It relies on the Council to resolve the dangers the developers are creating for students,
- Would be dangerous for students/staff accessing the site. The pavement is not wide enough by the entrance to be safe and there are no areas allowing vehicular waiting/unloading,
- The new parking scheme has not mitigated parking problems at night. The proposal would add to traffic/parking problems,
- The proposal to site the entrance to the building in an industrial estate may pose a danger from industrial traffic to potential residents,
- Parking standards SPGBH4, restricting motor vehicle use on the Centenary Industrial Estate to "operational" makes it an unsuitable site for any residential development,
- The proposal does not make sufficient provision for disabled parking or for the ambulant disabled,
- The Sainsbury's access road is privately owned by the Estate, it has a legally binding covenant that requires the road to remain clear at all times. Whilst the developers acknowledge the issue of the road, they have no solution to the problem of not being able to use the road. The site has no access from the slip road that runs parallel to the development; this means that the proposed development would need to be accessed through a small area on the corner of Hughes Road.

#### 5.8 Other

- Will decrease values of house in area,
- It is not clear what age the students will be,
- Will impact upon the communication infrastructure of this already extremely densely populated area,
- It is not clear who will be staying in the development, short-term or long-term students,
- The proposal does not meet draft policies CP21 or CP12 of the City Plan,
- Will reduce the central commercial and business space available to small and medium-sized businesses needed by the City for increased employment as the recession fades. Richmond House has only been empty since December 2012 and has been allowed to degrade for several years, reducing interest from potential users,
- The building work will be incredibly disruptive,
- The development does not replace any of the trees protected by TPO's it plans to uproot on the southern side of the site. These are recognised to be of poor quality but blackbirds, robins and wood peckers have all been seen nesting here,

- The site would be better used for small craft workshops with living accommodation over or for small scale car-free housing that fits with the surrounding environment,
- Although the two buildings in the previous application comprised 6 more rooms the internal floorspace in the unsuccessful application was less than the current,
- Round Hill is not identified in the emerging city plan as an area which can accommodate this scale of development (policy CP12),
- Would set a precedent for similar development in the area,
- Insufficient refuse and recycling facilities. The collection of the proposed facilities would cause noise disturbance,
- Although the developer states that they are contributing to local nature conservation by installing green walls and vegetated banks, the actual contribution of this to local biodiversity is negligible,
- Argument that the development will reduce the number of HMOs in the area and return these properties to family homes is a specious and facile argument as it presupposes that landlords who currently operate HMOs in the area will somehow have a change of heart when they see the development and voluntarily remove themselves from the HMO rental market. The limit for converting residential properties should be applied to these kinds of development,
- Seems to be very little differences to the previously submitted and rejected scheme,
- Why demolish Richmond House. Cannot something more suitable be found for this building?,
- It is an enormous amount of people to move into a residential area. There are much more suitable places on the Lewes Road like Preston Barracks,
- Brighton & Hove City Council has made excellent provision for its student population and has already approved student developments in other parts of the City, and another development is proposed in Falmer near the football stadium. This should surely go a very long way to satisfying requirements for this type of development without using an architecturally beautiful industrial building for a purpose other than job creation,
- By moving the building access to the industrial estate the building immediately becomes part of an estate that has been ear-marked to remain as a dedicated industrial area and therefore would immediately breach this undertaking.

5.9 **25 Richmond Road: Comment** The proposal is far better than the original design. Having the entrance relocated to Hughes Road, should alleviate concerns about overuse of Richmond Road and D'Aubigny Road by traffic and pedestrians. However, there needs to be some means to prevent students from coming down Richmond Road and using the grassed slope to get home, a safety issue and an annoyance factor to nearby residents. The claim that there will be 24 hour attendance by security staff to ensure that the students do not cause any anti-social behaviour or excessive noise after midnight sounds good in theory, but

will it work in practice with such large number of young people present? Will these staff have sufficient authority and clout to prevent any problems for the neighbours? It is unlikely that this student accommodation will release current HMOs in student use for family occupation. A far better use would have been for flats for the elderly.

- 5.10 **International House, Yarmouth Place, London:** Comment Mortar Developments recently developed a property on Caledonian Road, London. This property won the 2013 Carbuncle Cup award for the ugliest new building in Britain. Does Brighton need another carbuncle?
- 5.11 **Conservation Advisory Group (CAG):** The group has no objections on conservation grounds to the application. Whilst concerns were raised about the lack of detail in the proposals and that the building design was too solid and sombre, it was acknowledged that the existing building was detrimental and ugly.
- 5.12 **County Archaeologist:** The current building replaced a Victorian railway station, so there is likely to have been considerable past disturbance on this site. It is therefore unlikely significant archaeological remains will be disturbed by these proposals.
- 5.13 **County Ecologist:** Comments. 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.
- 5.14 **Councillor West and Deane:** Objects to the proposal. Letter Attached
- 5.15 **Environment Agency:** No comment.
- 5.16 **East Sussex Fire and Rescue Service:** No comment.
- 5.17 **Round Hill Society:** concerned about the possible age of students occupying the planned building. Kaplan seems to bring over younger students, secondary school age, to give intensive English lessons in order to prepare them for degree courses when they are older. 138 16 to 18 year olds would have a different impact compared to mature foreign students. It is unclear how many weeks a year students will occupy the building and who will be using it the rest of the year, again it could affect noise and traffic generation. It seems that universities never build such isolating accommodation for students, preferring to have common cooking facilities to aid socialisation, why are these units so cell-like? Perhaps for cheap hotel-lets in the summer?
- 5.18 **Southern Gas Networks:** Comment. Note the presence of Low/Medium/Intermediate Pressure gas main in the proximity to the site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system. Where required the position of mains should be confirmed using hand dug trial holes.

- 5.19 **Southern Water:** Comment. Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvement to existing sewers, will be required to provide sufficient capacity to service the development.
- 5.20 Should the application receive planning approval, request that a condition is attached requiring details of the proposed means of foul and surface water sewerage disposal to be submitted to and approved in writing.
- 5.21 **Sussex Police:** Comments.  
The location has low levels of crime and no concerns regarding the proposal are raised.
- 5.22 Previous comments regarding the lighting of the development and the cycle security arrangements remain extant.
- 5.23 **UK Power Network:** No objections.

**Internal:**

- 5.24 **Arboriculturist:** The proposal includes the loss of trees covered by Tree Preservation Order, however, they are mostly all diseased or structurally defective and should be felled on the grounds of safety regardless of whether the development proceeds. Overall the Arboricultural section has no objection to the proposals in the application subject to replacements being planted as part of a landscaping scheme.
- 5.25 **City Clean:** Comment Using data from other student residential developments. Would estimate that 0.17 of an 1100L bin is needed for student for a weekly collection of refuse and recycling. For the student units 25 x 1100L bins would be needed of which around 50% can be recycled, needing 80m<sup>2</sup> of floor space. Would estimate that 13 refuse bins, 8 mixed and 4 glass bins are used to suit the Councils 2 stream co-mingled collections service.
- 5.26 The Council does not collect general waste from privately managed student residential accommodation, however will collect the recycling if requested. Operations Team is happy with collecting from the service road to Sainsbury's off Hughes Road. If any collection points are to be used they need to be agreed before hand to ensure suitability, minimal obstruction and no gradients greater than 1:12 (collection point to kerbside).
- 5.27 Currently the plan allows for 8 bins, of which 7 is for refuse and 1 for recycling, This only allows for 7700L of refuse and 1100L of recycling, which is very low and is not sufficient for a weekly collection. Would expect 27,500L of waste created per week and the current proposal does not give enough capacity.
- 5.28 **Economic Development:** Comment. Has no adverse economic development comments but requests a contribution through a S106 agreement for the

payment of £8,030 towards the Local Employment Scheme in accordance with the Develop Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

- 5.29 **Environmental Health:** Comment. It is noted that there is a large plant room at ground floor, opposite some of the bedrooms. However, there are neither details about the type of plant that will be placed into this room nor the mitigation methods that will be introduced to ensure that noise and vibration from this plant room will not affect the occupiers of the nearest bedrooms.
- 5.30 An acoustic assessment to show that this will not be the case would be suitable. Without such an assessment, there is insufficient information with which to comment.
- 5.31 This site has had a long history of development, including as Lewes Road Station, a Goods Station and a manufacturing chemist. Such uses may have resulted in localised land contamination. It is also close to other potentially contaminated land sites. Therefore, the submission of contaminated land report would have been suitable. Consequently, a full contaminated land condition is recommended for the development.

**5.32 Heritage:**

(Original comments 07/10/2013) Comment. Richmond House lies immediately outside the Round Hill Conservation Area. It fronts on to Richmond Road (the remainder of which is within the Conservation Area) at its junction with D'Aubigny Road (also in the Conservation Area). The site is prominent in views down Richmond Road, where the topography is such that it is viewed against a backdrop of the houses and downland on the other side of the valley. It is also visible in views along D'Aubigny Road.

- 5.33 The current building consists of a 2 storey white office building, of a 1920s/1930s style. The building is not in keeping with the predominant character of the Conservation Area, which consists of rendered terraced houses with pitched roofs, set behind small forecourted gardens with rendered boundary walls. Although it is of a larger floorplate than the surrounding buildings, its height is in keeping with the surroundings.
- 5.34 A steep embankment is set to the rear of the site, and is part of a number of similar embankments. These (in the general area of the former railway line) create an important distinction between the Conservation Area and the more varied character of the area to the north. The area to the north is at a much lower level, and includes large modern warehouse style buildings, a new block of flats and the service road to Sainsbury's, as well as more historic terraced buildings.
- 5.35 The Conservation Area character statement describes the surviving railway line as 'Round Hill's green corridor'. Indeed, this line, other embankments in the area and ribbons of green formed by the large back gardens to the dwellings are prominent in views, particularly from Bear Road and Race Hill Road. The character statement states that 'There are few visible trees, as most of the

houses have no front gardens and the private gardens behind are largely screened from close public view. However there are some notable trees on land just outside the Conservation Area at the north-east end of Richmond Road' (ie the development site).

- 5.36 The proposal is for the demolition of the existing building and construction of student accommodation. This follows a previous application, which was refused earlier this year.
- 5.37 There is insufficient information regarding the detailing of the elevations. The submitted drawings appear to be visualizations. These are useful for placing the proposed development in context; however face-on elevational drawings of each individual elevation in full are also required. Notwithstanding this:
- 5.38 The overall massing and bulk of the building is still much greater than that of the existing building. The design reduces the perceived bulk through particularly the set-back and materials to the top floor. The dormers, slope and set back of the roof also work to break-up the uniform height of the roofline. The features of the south west elevation (C) remain however somewhat heavy and overbearing in the Conservation Area. The design requires further development to provide greater relief and further reduce the bulk, in order to reduce its impact on the Conservation Area. This would appropriately include slimmer detailing, particularly to the dormers. The quality and choice of materials will also be particularly important to the success of the scheme, and further information should be provided on this.
- 5.39 The loss of the embankment will erode the distinction between the Conservation Area and surrounding less cohesive streetscape to the north, which is regrettable. It will also likely lead to a loss of green in both views from within the Conservation Area and longer views. Although it appears green walls have been incorporated within the scheme, the proposed landscaping scheme is unclear. Further details should be provided of this.
- 5.40 The green wall to the west end of the southwest corner in particular risks locating a blank brick wall prominently in the conservation area before the green wall becomes established and should the green wall fail. This wall is particularly prominent in terminating views along both D'Aubigny Road and Richmond Road. The wall should be appropriately detailed to allow for these circumstances. Details will also be required of the proposed planting and maintenance plan for the green walls.
- 5.41 (Additional comments 21/10/2013 following receipt of amendments) The revised bay detail is an improvement on the previous, although it does not address all of the original concerns. It is unclear what the materials are; it would be appropriate to have full details (including ideally samples) of the proposed materials in order to assess this. In any case, the change of material to the copper colour risks drawing disproportionately high levels of attention to the bays. It is likely more appropriate to retain the bay in the same colour/material as the roof. The slimming down on the bay is however appropriate. It is unclear how the junction of the glazed panel and the partition wall between the bedrooms would work. The amendments need to be looked at as part of the scheme as a whole.



- 5.42 Further detail is still required regarding materials, the planting scheme and the proposed alterations to the wall where the green wall is proposed (the submitted letter suggests the applicant is accepting of a decorative treatment to these walls; it is unclear what is proposed). Some further details of these are required at this stage to overcome the concerns, although it is acknowledged that some more detailed aspects could be left to condition.
- 5.43 **Planning Policy:** Comment Although the applicant has addressed some of the reasons for refusal of the previous application on the site (BH2013/00197) as the proposal under consideration now has the support of an education establishment in the City, the proposal for purpose built student accommodation remains contrary to policy CP21 in the submission City Plan as it is a site identified as having potential for housing in the SHLAA. Clear evidence should also be submitted to demonstrate that the premises has been marketed for employment uses for a period of a year in order to demonstrate compliance with policy EM3 in the Local Plan and CP3 in the submission City Plan Part 1.
- 5.44 **Public Art Officer:** Comment To make sure the requirements of policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement.
- 5.45 **Sustainability Officer:** Comment As a major new build non residential building this development is expected to achieve BREEAM excellent with 60% in energy and water sections. This level has been committed to in the checklist this level for BREEAM Multi Residential.
- 5.46 **Sustainable Transport:** Comment There are potential issues/problems with this application but these can be resolved by the S106 content and conditions.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

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

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD27	Protection of amenity
QD28	Planning obligations (likely contributions towards transport, education, open space, public art)
HO2	Affordable housing – ‘windfall’ sites’
HO3	Dwelling type and size
HO4	Dwelling densities

## PLANNING COMMITTEE LIST- 20<sup>TH</sup> NOVEMBER 2013

HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses.

### Planning Advice Note

PAN05	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
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### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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### Supplementary Planning Documents:

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

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

DA3	Lewes Road Area
CP1	Housing Delivery
CP3	Employment Land
CP16	Open Space
CP17	Sports Provision
CP21	Student Accommodation and Houses in Multiple Occupation

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the loss of the existing office accommodation, the demolition of the existing building and the suitability of the site to accommodate the proposed new building, the impact of the proposed development upon the character and appearance of the site and the wider area including the strategic views into and out of the adjacent Conservation Area, neighbouring amenity, the standard of accommodation proposed, transport and sustainability.

### **Planning Policy:**

#### Loss of Existing Office

- 8.2 The proposal includes the demolition of the existing two storey office building (Use Class B1). It is noted that there are discrepancies regarding the amount of existing internal office floor space provided within the various documentation submitted (stated to be 784m<sup>2</sup> in the application form, 803m<sup>2</sup> in the Application Form and Fludes Letter and 996m<sup>2</sup> in the Planning Statement), however such discrepancies do not prohibit the Local Planning Authority determining the application.

- 8.3 Policy EM3 of the Local Plan and CP3 of the Brighton & Hove City Plan Part One specifies that land in industrial use (Class B1, B2 and B8) or allocated for industrial purposes will not be released for other purposes unless the site has been assessed and found to be unsuitable for modern employment needs.
- 8.4 Policy EM5 of the Brighton & Hove Local Plan relates specifically to the change of use of redundant office floorspace and states planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant. This policy qualifies how redundancy is determined. If redundancy is established preference is given to alternative employment generating uses; followed by affordable housing.
- 8.5 The Council's Economic Development Officer comments that both floor levels of the property have been listed on the Council's commercial property database since 26 October 2012 but no serious interest has been raised, notwithstanding a rent reduction in April 2013. It is stated within the information submitted that the only interest of note was from a national publishing business which subsequently decided to pursue alternative premises, it is not stated when this interest occurred.
- 8.6 The letters submitted by Fludes sets out the marketing strategy for the property, namely a brochure, marketing boards, mailing, advertising and internet marketing. The marketing board viewed during the Case Officer's site visit refers only to the first floor offices being available. It is considered that anyone looking for large office premises would not raise an interest in the site if the marketing board only referred to the first floor.
- 8.7 Since submission of the application copies of commercial property press adverts and property particulars have been submitted. The copies of the marketing adverts placed in The Argus on the 10 January, 21 February, 22 May, 18 September, 25 September and 20 November 2012 however only refer to the first floor level of the building. It is noted that two Argus commercial adverts from the 5 February and 12 March 2013 have now been submitted which refer to the whole building however it does not appear that the availability of the whole building has been advertised in the press for at least 1 year.
- 8.8 Although the Council's Economic Officer has stated that the whole building has been listed on the Council's website for a year, it has not been demonstrated by the applicant that the availability of the entire building has been sufficiently marketed for such a time period. As such it is considered that the applicant cannot demonstrate that the use of the whole office space is no longer viable and demonstrated that the use is genuinely redundant, contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One.
- 8.9 It is noted that the Council's Economic Development Officer comments that the building's location is not best suited for modern business requirements as it is bordered by residential development and there is limited car parking available on site, which many business require. Whilst it is noted that better quality office

floorspace could be provided to increase the prospect of being let (although the location of the site cannot be improved) it is not considered that these views negate the requirements of policies EM3 and EM5 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One, with regards to demonstrating that the existing use is redundant and unsuitable for modern employment use, through a strategic marketing strategy of at least one year.

- 8.10 It should be noted that if the applicant had been able to demonstrate redundancy, student accommodation would not be the preferred use of the site.
- 8.11 It is acknowledged that the strategy of policy DA3 of Brighton & Hove City Plan Part One is to “further develop and enhance the role of Lewes Road as the City’s academic corridor”, as set out by the applicant, however part A3 of this policy indicates that one measure to achieve the overall strategy is by “encouraging the development of housing, employment floorspace ...”. The encouragement of the development of floorspace in the area is a local priority of policy DA3 and could be desirable for new modern business accommodation for business with links to the universities.

Principle of student accommodation

- 8.12 The 2005 Brighton & Hove Local Plan does not specifically address the issue of purpose built student accommodation. This matter is, however, addressed in the emerging Brighton & Hove City Plan Part One in the form of policy CP21. It is considered that in such a case, where the adopted Local Plan is silent on an issue, and the emerging City Plan provides specific policy, that this emerging policy should be given significant weight.

Policy CP21 seeks to support the provision of additional purpose built student accommodation across the city and is criteria based policy;

1. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;
2. High density developments will be encouraged but only in locations where they are compatible with the existing townscape (see CP12 Urban Design);
3. Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
5. Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;
6. Schemes should have the support of one of the city’s two Universities or other existing educational establishments within Brighton & Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;
7. Permanent purpose built student accommodation will not be supported on sites with either an extant planning permission for residential development or sites identified as potential housing sites.

- 8.13 Sites identified as potential housing sites will include those identified in other City Plan policies and those listed in the Strategic Housing Land Availability Assessment.
- 8.14 Issues regarding criteria 1 are discussed in detail below.
- 8.15 If overall the proposal was considered to be acceptable the Local Planning Authority would seek measures to ensure that the approved scheme would be occupied solely by students, through a S106 Agreement.
- 8.16 Securing a Management Plan for a student accommodation development is a nationally agreed appropriate method of monitoring and managing student accommodation particularly when the development is off campus and close to neighbouring private residences. Details of the submitted Management Plan are discussed in more details below.
- 8.17 A letter of support has been submitted as part of the application from Kaplan International Colleges, who operate in partnership with the University of Brighton and who have intentions for their students to occupy a large number of the rooms proposed within the development. As a result of the submission of this letter the proposal complies with part A6 of CP21.
- 8.18 With regard to criterion 7 the site is not subject to an extant planning permission for housing however it is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) (December 2012) with potential for 12 units to come forward in the next 6 to 10 years. The proposal for purpose built student accommodation is therefore contrary to criterion 7 of policy CP21.
- 8.19 It is noted that within the submission it is stated that the proposal would potentially enable a number of existing student HMO's in the City to be converted back to family dwellings however no evidence has been provided to support this assertion, and this is considered unlikely.

### **Design**

- 8.20 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, whilst policy QD2 requires new developments to take account of their local characteristics with regard to their proposed design. QD4 seeks to preserve or enhance strategic views, the setting of landmark buildings and views in and out of Conservation Areas. Whilst QD5 seeks to ensure new developments present an interesting and attractive street frontage particularly at ground floor.
- 8.21 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.22 The site is currently occupied by a two storey, white rendered, office building of 1920/30s style, known as Richmond House, which is sited immediately outside the Round Hill Conservation Area. The site fronts onto Richmond Road, the

reminder of which is located within the Conservation Area, at its junction with D'Aubigny Road, which is also located within the Conservation Area. The existing building is not in keeping with the predominant character of the Round Hill Conservation Area, which consists of rendered terraced houses with pitched roofs, set behind small forecourted gardens with rendered boundary walls, and therefore no objections are raised to its demolition in design terms.

- 8.23 The submitted elevational plans submitted are insufficient and lacking in details. The drawings appear to be visualisations rather than elevational plans although the agent disputes this and stated that they, although coloured, are true representative plans. Despite the insufficient elevational plans submitted it is considered that the Local Planning Authority can still assess the proposal.
- 8.24 As previously stated the proposal comprises of the demolition of the existing building and the construction of a new building which would be dug into the existing embankment. The proposed building would be 5 storeys fronting Hughes Road and 3 fronting D'Aubigny Road/Richmond Road, albeit with parts of the top floor level set back from the lower levels.
- 8.25 The proposed building has been designed to follow the curves of the roads to which it will front and has a triangular shape with an internal atrium.
- 8.26 Although of a larger floor plate than the surrounding terraced properties, the height of the existing building is in keeping with the surrounding residential properties located in Richmond Road and D'Aubigny Road.
- 8.27 Despite parts of the proposed building being excavated within the existing embankment, which reduces the amount of the northern section of the building visible from D'Aubigny Road/Richmond Road and the adjacent Round Hill Conservation Area, the proposed new building would be of an overall greater mass and bulk than the existing office building.
- 8.28 The western elevation would comprise 6 bays at first and second floor levels, with a mansard roof incorporated into the main roof of the proposed building. The centre section of the proposed north facing elevation comprises angled bays at first, second and third floor levels in order to mitigate impacts upon neighbouring properties, an issue discussed in more detail below. Angled bays are also incorporated into the proposed southern elevation of the building.
- 8.29 Although the proposed flat roof level would measure 46.20 AOD which is slightly lower than that of the existing office building (excluding the higher tower and chimney sections which protrude above the existing flat roof form) when viewed from within D'Aubigny Road/Richmond Road the proposed building would appear similar to the existing building with regards to overall height, thus intending also to be in keeping with the scale of the existing terraced residential buildings in the Conservation Area. However, due to the design and size of the proposed development, the proposal would appear as a greater mass and bulk than the existing building. The mass and bulk of the proposed scheme is considered to be excessive for the site, and would result in the development

being prominent in views along Richmond Road and D'Aubigny Road and views eastwards out of the Conservation Area

- 8.30 It is noted that the Council's Heritage Officer states that the proposed set back of the top floor level and the proposed mansard dormer windows helps to break up the uniform height of the proposed roofline and that the proposed top floor/roof materials also helps to break up the perceived bulk. However it is not considered that these bulk reduction design elements outweigh the overall harmful visual impacts of the proposed scale and bulk of the proposal upon the surrounding area.
- 8.31 Since submission of the application revised details regarding the proposed west facing bays have been submitted. Although the amendments to the proposed bays on the western elevation are an improvement compared to the details originally submitted, for example the slimming down of the bay, it is considered that the features remain heavy and overbearing. The proposed finish materials remain unclear. The change to a copper colour material risk drawing disproportionately high levels of attention to the proposed bays. It is not clear from the information submitted how the junction of the glazed panel and the partition wall between the bedrooms would work, it is noted that the proposed central glazed panel is not shown in the submitted 'elevational drawings'. The elevational plans have not been amended to reflect the amendments to the proposed west facing bays and therefore the Local Planning Authority is unable to assess such amendments as part of the scheme overall.
- 8.32 Despite the submission of the amendments to the west facing bay features it is considered that the overall design of the building requires greater relief and the bulk of the building requires further reduction, especially in respect of the proposed roof form and projection of the proposed mansard dormer windows, in order to reduce the visual amenity impacts upon of the proposal upon the surrounding area, including the adjacent Conservation Area. As such it is considered that the proposal would cause a harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road street scenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood.
- 8.33 Limited details of the proposed materials have been submitted however it appears that the proposed roof would comprise colour coated metal or resin board panels, the proposed windows would be powder coated aluminium windows, walls would be light cream polymer render and face brickwork. The quality and choice of materials is particularly important to the success of the proposed scheme.
- 8.34 Due to the topography of the area, the existing building is prominent in views from the west of the site, down Richmond Road, in addition to being viewed against a backdrop of the houses and downland on the other side of the valley.
- 8.35 A steep embankment currently separates the southern and northern parts of the site, the northern side being set at a much lower level. This existing embankment is part of a number of similar embankments within the area. These



embankments, which are located in the general area of the former railway line, create an important distinction between the Conservation Area and the more varied character of the area located to the north of the site, which includes large modern warehouse style buildings, a new block of flats, Sainsbury's Service road and more historic terraced houses.

- 8.36 Within the Round Hill Conservation Area Statement it is stated that "The Round Hill Conservation Area is notable for its hilly siting with long terraces of houses framing distant views of the sea to the south and of the downs to the east". As a result of the hilly nature of the Round Hill area and as a result of the abrupt land drop from the Conservation Area to Hughes Road "Views of the conservation area can therefore be found from other parts of Brighton, particularly from Bear Road to the east and Race Hill to the south-east...".
- 8.37 The Conservation Area Statement also describes the surviving railway line as "Round Hill's green corridor". This line and ribbons of green formed by the large back gardens to the dwellings are prominent in views into the Conservation Area from areas to the east, such as from Bear Road and Race Hill Road. It is stated that "There are few visible trees, as most of the houses have no front gardens and the private gardens behind are largely screened from close public view. However there are some notable trees in the land just outside the conservation Area at then north-east end of Richmond Road..", i.e. within the development site.
- 8.38 The proposal would result in the excavation of a majority of the existing embankment when viewed from areas to the north/north-east/east. The actual/visual loss of the embankment would erode the distinction between the Conservation Area and the surrounding less cohesive streetscape, located to the north of the site. In addition the loss of the embankment and the loss of the existing trees within the site would lead to the loss of greenery in both views from within the Conservation Area and views into the Conservation Area from areas to the north/east including from within longer views, such as from Bear Road or the Race Course. It is noted that the loss of the existing trees within the site, a total of 15 trees, is not objected to by the Council's Arboriculturist for reason discussed in more detail below. Although replacement trees could be provided and that the proposal includes the provision of two green walls, due to the constraints of the site, replacement/additional planting and landscaping would not compensate for the actual/visual loss of the existing embankment.
- 8.39 A green wall is proposed to the western side of the southern elevation and to the northern side of the western facing elevation. The proposed green walls to risks locating blank walls prominently in the Conservation Area, as they are particularly prominent in the terminating views along both D'Aubigny Road and Richmond Road, prior to establishment of the green walls or if the green walls fails. Following initial concerns raised by the Local Planning Authority the agent has confirmed that the proposed green walls would be of a proprietary system that is pre-planted with semi-mature evergreen plants at both base and head walls and would incorporate automatic irrigation and nutrient delivery to ensure rapid establishment and sustainability. It is also stated that the applicant would be willing to add a decorative treatment to the proposed green walls to add

interest and address any residual concerns regarding a blank wall if the proposed green walls fail. No details of such decorative walls have been submitted as part of the application for assessment. It is not considered that this issue could be dealt with via a condition if overall the proposal was considered acceptable.

- 8.40 Despite the lack of details provided regarding the elevations of the proposal and the proposed finish materials, overall it is considered that the proposal, by virtue of its design and its bulky roof form, mansard dormer features and projecting bay details represents a scale of development that is inappropriate and would represent a development that exceeds the carrying capacity of the site. The scheme would relate poorly to the terraced properties in D'Aubigny Road and Richmond Road, causing a harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road street scenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood. The mass, scale and bulk of the development is substantially larger than the existing office building and would appear out of scale and overly prominent in views into and out of the Round Hill Conservation Area. In addition the actual/visual loss of the existing embankment would result in the erosion of the distinct barrier between the Conservation Area and the less cohesive streetscape located to the north of the site, which would have a harmful impact upon the distinctive layout and predominance of green space of the area seen in longer views.

#### **Amenity**

- 8.41 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

#### **Neighbouring Amenity**

- 8.42 The Round Hill Area is currently a quiet and tranquil area, predominately residential in character, apart from the presence of the existing office building. It is noted that an industrial estate is also located to the north of the site however this estate is not accessible from the Round Hill Area.
- 8.43 The main entrance to the proposed development would be accessed from Hughes Road. No access points from the building would be provided onto D'Aubigny Road or Richmond Road which is closer to parts of the City centre, thereby mitigating noise disturbance impacts, created from increased footfall, upon the amenities of neighbouring properties within the Round Hill Area. It is noted that third party correspondence raises concerns to the use of an informal pathway up the embankment from Hughes Road to D'Aubigny Road/Richmond Road. In a letter from the agent received on the 30<sup>th</sup> September 2013 it is stated that a fence could be installed at the top of the embankment to prevent students transversing the embankment however such fencing is not shown on the plans submitted. It is considered that if overall considered acceptable methods preventing the use of the pathway could be required via a condition.

- 8.44 From the information submitted it is not apparent how the windows within the development would open or if any passive ventilation is proposed as part of the development. It is acknowledged that the provision of only part openable windows is preference for the City's two Universities, with regards to purpose built student accommodation, for reasons of safety and amenity. As previously stated the application is supported by Kaplan that work in partnership with Brighton University but it is not known if the preferences of this education establishment are the same as that of Brighton University and is therefore a further issue of student accommodation management that is not clarified in the submission.

Sunlight/Daylight/Over-shadowing

- 8.45 The proposal would result in a development with excessive bulk and massing, it is noted that the upper floor level would be set back from the lower levels of the building.
- 8.46 Due to the proposed development being located to the north/north-east of properties on Richmond Road and D'Aubigny Road it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties located on these roads with regards to loss of sunlight/daylight or overshadowing.
- 8.47 Windows, including a bay window, are located within the northern elevation of no. 14 D'Aubigny Road however it is considered that any loss to levels of daylight to this neighbouring property and other southern/south-western neighbouring properties would not be so significant as to warrant refusal.
- 8.48 Under application BH2010/00498 planning permission was granted for the redevelopment of the former Esso garage site, located between Hollingdean Road and the Sainsbury's Service road, comprising of a part 2, 3, 4 and 5 storey building to provide 24 residential units. This development, which has recently been occupied, comprises many windows in the southern elevations, some of which relate to flats with a single aspect. In addition this neighbouring development comprises external amenity spaces at ground floor/top floor levels and external balconies on the southern elevations.
- 8.49 Due to the topography within the vicinity of the Sainsbury's Service road the proposed building would be higher than this existing northern neighbouring development. Given the southern siting of the proposed development in respect of this neighbouring development, the orientation of the sun and the proposed height, bulk, scale and massing of the proposed development, it is considered that the proposal has the potential to cause significant harm to the amenities of the residents located in Diamond Court, especially those located in the lower levels, with regards to loss of sunlight/daylight and would create overshadowing to the outdoor amenity spaces. It is noted that within the Design and Access Statement a Daylight/Sunlight Assessment has been provided however this assessment does not accord with the requirements of a BRE Daylight/Sunlight Assessment. Overall it is considered that the applicant has failed to demonstrate that the proposal would not be an unneighbourly form of

development with regards to loss of levels of daylight and sunlight to windows and open spaces of the northern neighbouring property, Diamond Court.

- 8.50 The other northern neighbouring properties and associated garden areas are located further away from the site, are set at a lower level than the retaining wall located on the northern side of the Sainsbury's Service road (which increases in height as it progresses west to east) and in respect of nos. 1 to 6 May Cottages, Hollingdean Road, are set behind the built form of a commercial garage. It is considered that the existing retaining wall and built form of the garage would already affect the levels of daylight/sunlight received by the rear section of these northern neighbouring properties and therefore it is not considered that the proposal would have a significant adverse impact upon these neighbouring properties with regards to loss of sunlight/daylight.

Overlooking/Loss of Privacy

- 8.51 The built form of the building would follow the curve of the Service road. A minimum distance of approximately 14.2m would be located between the north/north-east facing elevation of the proposed development and the southern elevation of Diamond Court, the immediate northern neighbouring property. It is noted that the eastern section of the rear elevation of this property projects further to the south than the western side, the recessed elevation is located a minimum of approximately 19m from the proposed development. Windows relating to bedrooms/living rooms are located on the southern elevation of the neighbouring flat development at all floor levels in addition to external balconies being present at first, second and third floor levels both on the projecting and recessed rear elevations. A private terrace is also located on the eastern side of this neighbouring building at fourth floor level in addition to private amenity spaces being located at ground floor level facing onto the Service road, albeit slightly below the level of the Service road.
- 8.52 The proposed north facing windows at first, second and third floor levels would be angled to the north-east to prevent direct over-looking towards Diamond Court. Views from the ground floor windows which would face north towards Diamond Court would be obscured by the proposed cycle storage facilities. The windows at fourth floor level would be orientated directly north but the fourth floor level of the proposed building is set back from the lower floor levels by approximately 2.6m therefore increasing the distance to the northern neighbouring property. In addition the fourth floor level of the proposed development is set slightly higher than the upper level of Diamond Court and therefore any views towards the northern neighbouring property would be oblique. Overall it is considered that the proposal would not have a significant adverse impact upon the amenities of the occupiers of Diamond Court in respect of over-looking or loss of privacy.
- 8.53 It is not considered that the proposal would have a significant adverse impact upon the amenities of the occupiers of other properties on Hollingdean Road given the distances which would be located between the proposed development and these neighbouring properties.

- 8.54 No. 128 Richmond Road would be the nearest neighbouring property located to the south-western of the site. A distance of approximately 15m would be located between the western elevation of the development and the nearest elevation of no. 128 Richmond Road, which contains a window at ground and first floor level. Although it is likely that these windows relate to habitable rooms it is not considered that the proposed development would result in increased overlooking or loss of privacy to this neighbouring property given the existing relationship with Richmond House and existing windows.
- 8.55 The southern elevation of the proposed building would be located approximately 6m from the northern elevation of no. 14 D'Aubigny Road. The second and third floor windows of the development which would face this neighbouring property would be angled to prevent direct views towards this property whilst the fourth floor level windows would provide oblique views given the variation in height between the southern neighbouring property and the fourth floor level. It is noted that first and second floor corridor windows that would face no. 14 would contain obscure glazing.
- 8.56 Richmond House, which is located perpendicular to no. 14 and has a built form which extends along all but the western most part of the shared boundary between the two neighbouring properties, contains windows at ground and first floor levels which provide direct views towards this neighbouring property. Due to the existing relationship of windows in Richmond House and the positioning of the proposed south facing windows in the development overall it is considered that the proposal would not have a significant adverse impact upon the amenities of no. 14 D'Aubigny Road with regards to loss of privacy or overlooking.

#### Future Occupiers

- 8.57 Each of the 138 rooms would contain an en-suite and kitchenette area. Although the proposal would result in the provision of 138 self-contained units, all with double beds, as previously stated the occupancy of the building solely by students could be controlled.
- 8.58 From the plans provided it would appear that 1 room at first, second, third and fourth floor levels would be wheelchair accessible accommodation. These proposed units would be located adjacent to the lift, although it is noted that only one lift is proposed within the building which does not cater for periods of breakdown and/or maintenance, it is not considered that refusal on this basis could be sustained.
- 8.59 Based on the type of development as purpose built student accommodation, shared amenity space is considered acceptable rather than seeking private space for each unit. An external garden area and common room would be provided at second floor whilst a roof garden would be located at third floor level. It is disappointing that a common room is not proposed on each floor level of the building.
- 8.60 The quality of amenity spaces is important. It is noted that due to the positioning of the proposed amenity areas and the height of the proposed building the lower level amenity areas are likely to be over-shadowed for parts of the day.

- 8.61 Although the proposed external amenity areas would be located in the centre of the building, the proposed roof top garden area would potentially affect the amenities of neighbouring properties and amenities of the future residents of the building, in respect of noise disturbance, if being used by a high number of the students at anyone time. It is stated within the submitted Management Plan that the external amenity areas would be locked at dusk or 9pm, which ever is the earliest, unless for specific group functions which would be monitored by the Management Team. It is considered that access and use of the proposed external amenity areas should be controlled if overall the proposal was considered acceptable to protect the amenities of neighbouring residents.
- 8.62 Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. Such provision is not proposed as part of the application. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off-site improvements is therefore recommended to address the requirements of policy HO6. In this case the contribution required towards sport, recreation and open space is £166,088. Such a contribution could be secured by legal agreement were approval to be recommended.
- 8.63 The north-east facing elevation of the proposed building would face onto the Service road related to the adjacent supermarket. Comments regarding the impacts on the amenities of the future occupiers of the development from delivery lorries utilising this road are noted. Deliveries to Sainsbury's are current restricted to between 7am and 9pm Monday to Friday and only 2 deliveries are allowed between 10am and 4pm on Sundays' and Bank Holidays. As a result of the current restrictions on the delivery hours to the adjacent supermarket, it is not deemed that the amenities of the students would be significantly affected by the proximity of the rooms within the northern section of Building 1 with the existing Service road.
- 8.64 The ground floor units would face onto the proposed vertical cycle storage facility, which includes a shelter roof. A Vertical Sky Component is shown within the submitted Design and Access Statement in respect of the impact of the proposed cycle storage facilities on the levels of light the ground floor units would receive. However the image shown in the Design and Access Statement does not include the upper floors over-hang and it is not known what material the proposed cycle shelter roof would be constructed from. Within The Building Research Establishment (BRE) Report it is stated that if the angle of Visible Sky is less than 25° then it is often impossible to achieve reasonable daylight, the diagram provided shows a degree of 16. Overall it is not considered that the applicant has demonstrated that the proposed ground floor rooms would receive sufficient levels of sunlight/daylight as a result of the positioning of the proposed cycle storage facilities. Furthermore it is considered that the positioning of the proposed cycle storage facilities would have an adverse impact upon the amenities of future occupiers of these units in respect of poor outlook and noise

disturbance from people utilising the facilities. It is noted that in a letter from the agent received on the 21 October 2013 it is stated that the proposed cycle facilities could be altered to be horizontal or re-located internally but no details of such amendments have been submitted to the Local Planning Authority for assessment. It is not considered that this issue could be dealt with via a condition as the Local Planning Authority would need to fully assess the suitability of such amended facilities and impacts they would have on the future occupiers of the building.

- 8.65 Some of the upper floor north facing units would comprise a north-east angle window. No other windows would be provided for these units. These units would have a depth of between approximately 5.7m and 7.5m. No Average Daylight Factor (ADF) figures have been submitted as part of the application to demonstrate that the proposed accommodation with angled north facing windows would receive sufficient levels of sunlight and daylight.

#### Management Plan

- 8.66 A Student Management Plan has been submitted as part of the current application in which it is stated that Mortar Development Group have a proven track record in the management of student accommodation in the UK.
- 8.67 The submitted plan sets out the key principles of how the proposed student accommodation would be managed, such as the provision of an 'On-Site Team' consisting of a full-time building manager, a full-time assistant manager and a part-time assistant, who will be on duty between 8am to 8pm Mondays to Fridays and between 10am and 4pm at weekends. Out of hours would be covered by overnight security staff and retained resident student wardens.
- 8.68 If overall the proposal was considered acceptable it is considered that a number of matters should be added to the management plan such as the hours of use of the proposed shared amenity spaces, arrangements for the student accommodation including complaints procedure and management relationship between Mortar Developments and the educational facilities that the students would be attending and refuse and recycling collections.

#### Plant Room/Lift

- 8.69 A large plant room would be provided at ground floor level close to the entrance area in addition to a lift which would provide access to all floor levels. These proposed facilities would be located a couple of bedrooms. Neither details about the type of plant that would be located in the plant room nor any noise/vibration mitigation methods have been submitted as part of the application.
- 8.70 If the application was to be recommended for approval the Council's Environmental Health Officer has requested that conditions be imposed regarding a sound proofing scheme, in order to protect the amenities of future occupiers.

#### **Sustainable Transport**

- 8.71 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport,

walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

Car parking:

- 8.72 No on-site parking provision is proposed as part of the development. As SPG4 specifies maximum provision this is considered acceptable provided that no displacement parking occurs as a result of the proposal and acceptable provision is made for sustainable modes of transport.
- 8.73 On the 30 April 2013 the Council's Transport Committee approved an extension of Zone J of the Cities Controlled Parking Zone (CPZ) in order to include the Round Hill Area. With the implementation of such parking controls the Council can ensure that future residents of the proposed student accommodation are ineligible to buy resident parking permits. The extension to zone J does not cover Hughes Road/Service road, although it is noted that these roads are subject to Double Yellow Line Restrictions.
- 8.74 Within the submitted Management Plan it is stated that at registration stage the students will be asked to sign a declaration that they would not "bring or keep any motor vehicle owned or in the custody of the student to the City of Brighton other than a single trip at the beginning or at the end of term".
- 8.75 In order to ensure that the development remained car free it would be recommended that any consent, if overall the proposal was deemed acceptable, be accompanied by a legal agreement requiring the applicants to seek to amend the relevant TRO to remove the eligibility of residents for residents parking permits and that appropriate prohibition for cars is also secured.

Cycle Parking

- 8.76 76 cycle parking spaces would be provided to the north of the building. The number proposed is above the minimum requirements set out in SPG4. The proposed nature of the facilities is unclear and therefore further details would be required via a condition if permission was recommended for approval. If the facilities require bikes to be lifted into place a spring loaded or similar mechanism to assist such lifting should be provided in addition to display notices explaining use.

Disabled Parking

- 8.77 No disabled parking provision is proposed. There is no specific requirement within SPG4 for disabled parking in relation to student accommodation however some provision would be required. The measures identified in policy TR18 as alternatives to on site provision are not applicable in this case. The only means by which disabled parking could be provided for the development is via the provision of disabled bays on Hughes Road. The cost of such provision could be required via a S106 agreement if overall the proposal was considered acceptable.

Traffic Impact

- 8.78 In order to address the trip generation associated with the proposed development it is recommended that a financial contribution (£45,900) towards



sustainable transport infrastructure in the vicinity of the site, namely in and around Vogue Gyrotory, would be required. Such a contribution in addition to a travel plan could be secured by legal agreement were approval to be recommended.

Transport Management/Travel Plan

- 8.79 Only general information regarding the start and end of term arrangements have been provided as part of the application, for example specific areas for drop off/collection parking is not identified although it is assumed that the applicant intends to utilise Hughes Road. Detailed plans for the management of the start and end or term in transport terms could be obtained via condition.

Servicing/Deliveries

- 8.80 It is stated that all deliveries and refuse collections would take place via Hughes Road either via use of the existing double yellow lines, which can be used for unloading/loading where there is no loading ban, or via a dedicated loading bay, if such a bay is required.

**Sustainability**

- 8.81 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.82 As a major scheme, the development is expected to meet standards set out in the Council's SPD08 on Sustainable Building Design, of BREEAM 'excellent', to a minimum of 60% score in energy and water sections and a feasibility study on rainwater harvesting and grey water recycling systems.
- 8.83 A Sustainability Checklist has been submitted in which it is stated that the proposal would achieve BREEAM 'Excellent' with 60% in energy and water sections, which accords with SPD08.

Refuse Storage

- 8.84 Externally accessible refuse storage would be provided on the northern side of the building, accessible from Hughes Road/Sainsbury's Service road.
- 8.85 The proposed store would measure 18m<sup>2</sup>. The Council's City Clean Officer has stated that such storage facilities are not large enough to accommodate weekly collection refuse storage for a development of the size and scale proposed.
- 8.86 To meet the requirements based on a weekly collection the proposed bin store, for 138 residents, would need to be approximately 80m<sup>2</sup>. It is acknowledged that the applicant could arrange for private refuse and recycling collections but no details of such arrangements have been provided as part of the application.
- 8.87 The failure to provide adequate refuse and recycling facilities would have a harmful impact upon the amenities of future occupiers of the development and surrounding properties, contrary to policies SU9 and QD27 of the Brighton & Hove Local Plan and PAN 05.

**Landscaping and Ecology**

- 8.88 As part of the application a Tree Survey has been submitted. 15 trees would be removed as part of the proposed development, including 13 trees which are covered by a Tree Preservation Order (TPO), located on a linear formation at the top of the bank, on the eastern side of the site. The root system of the trees covered by the TPO have been severely undermined on the downward slope and above them is a concrete hardstanding area, which is a harsh environment and is unlikely to contain many roots.
- 8.89 Seven of the cluster of 13 trees are categorised in the report as “R” trees, trees which are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years (e.g. trees that have serious irremediable, structural defects, trees that are in decline and trees infected with pathogens). The other 6 trees covered by the TPO have been categorised as “C” trees, trees of low quality with an estimated remaining life expectancy of at least 10 years, unremarkable trees of very limited merit or impaired condition.
- 8.90 The Council’s Arboriculturist’s has reviewed the submitted document and agrees fully with its contents namely that the 13 trees within the site covered by the current TPO are now in such a condition that they do not warrant such a status and as a result there are no objections raised to their removal.
- 8.91 One of the trees not covered by the TPO is categorised as category “C” tree and therefore no objection to the loss of this tree is raised.
- 8.92 The other tree within the site not covered by the TPO has been given a “B” tree category, which is for trees of a moderate quality with a life expectancy of at least 20 years, trees of some significance with remedial defects or lacking that special quality. The Council’s Arboriculturist’s states that this Sycamore is of fine form but it has grown in a brick planter of some 2m diameter, meaning its root system is likely to be inadequate and is not sitting in the planter symmetrically, it is within 50cms of the brickwork on two sides. While this tree could be retained post-development, it is questioned whether its position in the planter is viable long-term and for this reason no objection is raised to its proposed removal.
- 8.93 The loss of 15 trees on one site is regrettable, however given that all but one of the trees within the site are diseased, rotten or have large areas of exposed heartwood, it is agreed that that they can be removed, subject to an exceptional and robust landscaping scheme for replacement trees a part of any development, an issue which can be ensured via a condition if overall the proposal is deemed acceptable.
- 8.94 In addition to the loss of the Sycamore trees mentioned above the proposal would also result in the loss of dense stands of Bramble covering approximately 400m<sup>2</sup>, chiefly in the area of the existing steep bank facing Hughes Road. However this is a habitat of relatively recent origin and it is of low species diversity. The County Ecologist states that the site has the potential to support

breeding birds but there is no evidence that the site supports roosting bats. It is recommended that, if overall the application is deemed acceptable, a condition is attached prohibiting the removal of the existing habitat during the bird nesting season (1<sup>st</sup> March to 31<sup>st</sup> July).

- 8.95 Policy QD17 of the Brighton & Hove Local Plan requires compensating and equivalent nature conservation features to be provided for any that are lost or damaged as part of a development. In addition to protecting existing nature conservation features, policy QD27 also requires development to incorporate new nature conservation features to enhance the nature conservation value of the site, a requirement supported by the NPPF (paragraph 118).
- 8.96 In this application green walls are proposed, for which further information would be required and wall-mounted bird nest boxes and bat boxes should be included in the development proposals to help compensate for the loss of potential bird nesting habitat and to enhance the biodiversity of the site, issues which could be resolved via a condition.

#### **Other Considerations**

- 8.97 It is noted that a letter from the agent received on the 21<sup>st</sup> October 2013 refers to a number of amendments to the scheme following a public exhibition of the development however the proposed amendments are not shown on the plans submitted for the Local Planning Authority to assess and it is not considered that some of the proposed amendments could be dealt with via conditions if overall the proposal was deemed acceptable, as suggested within the letter.

#### Land Contamination

- 8.98 The site has had a long history of development including Lewes Road Station, a Goods Station and a manufacturing chemist, such uses may have resulted in localised land contamination. In addition the site is located close to other potentially contaminated land sites. Matters relating to land contamination could be dealt with via condition if approval was recommended.

### **9 CONCLUSION**

- 9.1 The applicant has failed to demonstrate that the existing office building is no longer viable and therefore genuinely redundant.
- 9.2 The proposal for purpose built student accommodation on a site which is identified as having the potential for housing provision in the Council's Strategic Housing Land Availability Assessment would compromise the Council's ability to meet its housing targets and would set an unwelcome precedent for the approval of student accommodation on other comparable sites across the City in the future. For this reason the proposed development is considered to be unacceptable in principle.
- 9.4 It is considered that the proposed development would be an over-development of the site and by virtue of its design, scale, bulk and massing would have a harmful impact upon the visual amenities of the D'Aubigny Road and Richmond Road street scenes and the wider area including the Round Hill Conservation Area and longer views into the Conservation Area.

- 9.5 The applicant has failed to demonstrate that the proposed development would adequately address issues of refuse/recycling storage and protect the amenities of the neighbouring properties with regards to levels of loss of daylight/sunlight and overshadowing created. Furthermore the applicant has failed to demonstrate that all future occupiers of the proposal would be provided with an acceptable standard of accommodation regarding outlook and levels of sunlight/daylight received.
- 9.6 Overall it is considered that the scheme is unacceptable and contrary to policy. Refusal of planning permission for the reasons identified in Section 11 below is therefore recommended.

## **10 EQUALITIES**

- 10.1 The development should be designed to be fully accessible for residents and visitors alike.

## **11 REASON FOR REFUSAL / INFORMATIVES**

### **11.1 Reasons for Refusal:**

1. The submitted elevational plans lack detail and clarity. Notwithstanding the lack of detail the proposed development, by virtue of its design, which includes a bulky roof form, bulky mansard dormer features and projecting bay details, is unacceptable and would cause harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road street scenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood. The mass, scale and bulk of the development is substantially larger than the existing office building and would appear out of scale and overly prominent in views of the Round Hill Conservation Area. In addition the actual/visual loss of the existing embankment would result in the erosion of the distinct barrier between the Conservation Area and the less cohesive streetscape located to the north of the site, this in turn would have a harmful impact upon the distinctive layout and predominance of green space of the area when seen in longer views. The proposal is therefore contrary to development plan policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
2. Part of the proposed development would occupy a site which is identified as having potential for housing provision in the Council's Strategic Housing Land Availability Assessment, which would therefore compromise the Council's ability to meet its housing needs and set an unwelcome precedent for the approval of student accommodation on other housing sites across the City in the future. For this reason the proposed development is contrary to the National Planning Policy Framework, policy QD27 of the Brighton & Hove Local Plan and policies CP1 and CP21 of the Brighton & Hove City Plan Part One.
3. The applicant has failed to demonstrate that the existing B1 office use is no longer viable and genuinely redundant by failing to adequately market the ground floor/entire building on competitive terms for a period of at least twelve months. In the absence of such evidence, the proposal would involve

the unacceptable loss of employment generating floorspace. As such the proposal is contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and policy CP3 of the Brighton & Hove City Plan Part One.

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

#### 11.2 Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Topographical Plan	13856/PA/001	-	19 <sup>th</sup> August 2013
Existing Floor Plans	13856/PA/101	-	19 <sup>th</sup> August 2013
Existing Elevations Plans	13856/PA/102	-	19 <sup>th</sup> August 2013
Location and Site Plans as Prop	13856/PA/201	-	19 <sup>th</sup> August 2013

PLANNING COMMITTEE LIST- 20<sup>TH</sup> NOVEMBER 2013

Proposed Ground Floor Plan – Level 00	13856/PA/202	-	19 <sup>th</sup> August 2013
Proposed First Floor Plan - Level 01	13856/PA/203	-	19 <sup>th</sup> August 2013
Proposed Second Floor Plan - Level 02	13856/PA/204	-	19 <sup>th</sup> August 2013
Proposed Third Floor Plan – Level 03	13856/PA/	-	19 <sup>th</sup> August 2013
Proposed Fourth Floor Plan Level – 04	13856/PA/206	-	19 <sup>th</sup> August 2013
Proposed Roof Plan	13856/PA/207	-	19 <sup>th</sup> August 2013
Proposed Elevations 1 North/ East and South/East	13856/PA/208	-	19 <sup>th</sup> August 2013
Proposed Elevations 2 North/ West and South/West	13856/PA/209	-	19 <sup>th</sup> August 2013
Bay Studies [Materials] 1	13856/PA/210	-	19 <sup>th</sup> August 2013
Part of Bay Studies [Materials] 2	13856/PA/211	-	19 <sup>th</sup> August 2013
Proposed Sections	13856/PA/212	-	19 <sup>th</sup> August 2013
Proposed Bay Window Study	13856/PA/300	-	21 <sup>st</sup> October 2013



**Brighton & Hove  
City Council**

PLANS LIST – 20 NOVEMBER 2013

COUNCILLOR REPRESENTATION



Liz Arnold  
Senior Planning Officer  
Brighton & Hove City Council

**Councillor Pete West**  
**Chair of Environment &**  
**Sustainability Committee**

*Liz Arnold*

King's House  
Grand Avenue  
Hove  
BN3 2LS

Date: 2nd October 2013

Dear Ms Arnold

Re: Planning Application BH2013/02838, Richmond House, Richmond Road,

Councillor Deane and I have received a considerable amount of correspondence from local residents concerning the current application to redevelop Richmond House for student accommodation. As ward councillors we wish to register our objection to the proposal and express our support for the views of our constituents that this is an inappropriate development and that the application should be refused.

We do appreciate that the developers have sought to address a number of the issues that contributed to the clear decision of the planning committee to refuse the previous application earlier this year. However, some fundamental issues remain unaddressed and seem impossible to resolve and therefore show that this application to be no more acceptable than the former.

We note that the new application removes any access or servicing from the conservation area which is a very welcome improvement as it removes the concern of residents, living close by as well as further afield in the conservation area, over disturbance day and night by foot and vehicle traffic.

However, an issue most certainly unresolved is noise break out impact on residents living near the premises. While we understand there will be management policies in place to attempt to control noise, these will not be so effective as to bring it to an acceptable level as it would not be reasonable to so curtail tenants lives and access to fresh air to make it possible to contain noise sufficiently that it doesn't constantly disturb neighbours. Residents of D'Aubigny Road already have to suffer the on-going disturbance of the adjacent Sainsbury's goods yard, which has proved impossible to control given the obvious nature of the activity which is incompatible with residential living. That operation is blight on the lives of neighbours as no doubt the noise from this new student accommodation will be too.

Telephone: (01273) 296431  
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Blackberry: 07825 387 373



Green Party Councillor for St Peter's & North Laine Ward  
Chair of Environment & Sustainability Committee  
Green spokesperson for the South Downs National Park

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[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)  
Printed on recycled, chlorine-free paper

We also appreciate that some effort has been made to reduce the impact of the elevation fronting onto the conservation area with a reduction in height and attempt to pick up the rhythm of the heritage buildings, particularly with the introduction of the crescent. However, it cannot be said that the design is sympathetic, complementary and comfortable with the Victorian housing. Instead it jars and overwhelms its surroundings, bearing far too much mass and offering blunt and heavy features. This rather crude attempt to mimic some of elegant features of the street make it rather worse than if it tried to simply stand on its own architectural merit. This is not a good quality design and is inappropriate and inadequate in its proximity to the conservation area.

We appreciate that effort has been made to address overlooking; however, we are not sure that the resulting impact on the design of bedrooms and the way they will receive natural light is acceptable. Rooms would have a poor level of daylight and be oppressively enclosed. This is the same concern raised with the previous application, and suggests it is not possible in this location to marry the amenity of neighbours with well designed accommodation for students to live in. This is a fundamentally inappropriate location for this type of establishment.

We also remain very concerned about the change of use and loss of valuable employment space which we know is in short supply within the city. Moreover, the site is identified as having potential to meet the City's housing need, a critical issue given high demand for housing compared with supply and potential supply.

As you will also be aware, the adequacy of our allocation for housing in the City Plan is currently subject to examination by the government inspector. As the reasons for refusal of the previous application clearly state, approval of the application would compromise the Council's ability to meet its housing need and set an unwelcome precedent for the approval of student accommodation on other housing sites across the city in the future. Surely, for this reason alone, this application like the previous one, should be regarded unacceptable on this site. Coupled that with the problems the proposal presents to the residents and their environs, and one can surely only conclude this application must be completely ruled out.

With best regards,



**Councillor Pete West**  
**Chair of Environment, Transport and Sustainability Committee**



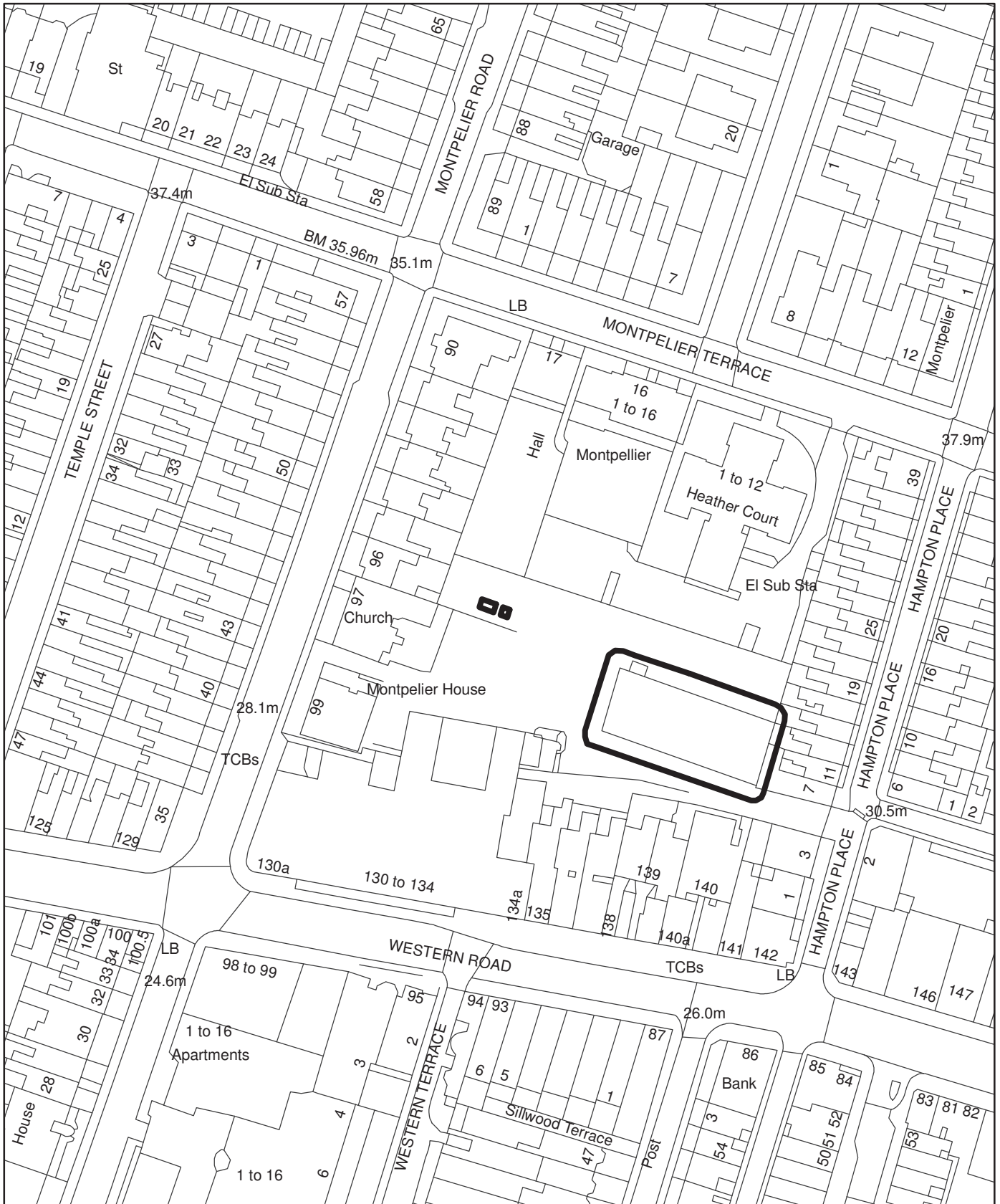
# **ITEM B**

**Waitrose Ltd, 130-134a Western Road,  
Brighton**

**BH2013/03146  
Full Planning**

**20 NOVEMBER 2013**

# BH2013/03146 Waitrose Ltd, 130-134a Western Road, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/03146</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Waitrose Ltd, 130-134a Western Road, Brighton.</b>		
<b><u>Proposal:</u></b>	<b>Removal of trolley bay and creation of 2no trolley shelters and creation of 2no cycle racks within rear car park.</b>		
<b><u>Officer:</u></b>	Steven Lewis Tel 290480	<b><u>Valid Date:</u></b>	19/09/2013
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	14/11/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Bamber and Reddan Architects, Suncourt House, 18-26 Essex Road London		
<b><u>Applicant:</u></b>	Waitrose Ltd, Partnership House, Carlisle Place, London		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **MINDED TO GRANT** planning permission subject to no adverse comment from the environmental Health team and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a Supermarket premises (A1 Retail) located on the north side of Western Road in Brighton. The unit corners Western Road and Montpelier Road.
- 2.2 The building is a composite modern design; with a curved three storey section rounding the corner and two storey part extending eastwards down Western Road towards Central Brighton. The three storey section has a render and glazed modern interpretation of a classical design, with the two storey section modern with a canopy and projecting box windows which transforms further east back to classical to meet the period buildings of the adjacent form to eastwards.
- 2.3 More specifically the application relates to two areas located within the car park at the rear of the store. The areas affected would be 1 parking bay located on the upper level of the dual level car park and an area of land located in the north west corner of the car park, behind a flint wall beside a pair of trees and currently occupied by cycle racks and tarmac surface.

## 3 RELEVANT HISTORY

**BH2013/02754** - Replacing existing signage currently installed on the building. New signage proposed to suit alterations to High Street elevation. Proposals intended to be as in keeping with existing signage as possible. – Under consideration

**BH2013/03309** - Non Material Amendment to BH2013/02287 to retain existing concrete finish on façade – Approved 21/10/2013

**BH2013/02259** - Replacement of 2no existing plant chiller units with 2no mechanical water cooled plant chiller units. – Approved 02/09/2013

**BH2013/02287** - Alterations to shopfront, extension of existing canopy and associated works. – Approved 02/09/2013

**BH2004/00265/FP** - Variation of condition 3 of planning permission BH1998/02056/FP to allow an increase in servicing times from between 07.00hrs and 22.30hrs Monday-Friday, to between 07.00hrs and 21.00hrs Saturdays and 10.00 and 12.30 on Sundays and Bank Holidays (Re-submission of withdrawn application BH2003/02304/FP). – Approved 08/04/2004

**BH2001/02916/FP** - Replace existing aluminium windows with white uPVC units. – Approved 14/02/2002

**3/93/0042/FP** - Installation of automatic stand-by generator. – Approved 09/03/1993

**80/1677** – Alterations to Western Road elevation and ground floor level – Approved 07/10/1980

**79/2339** – Extension to food store – Approved 09/10/1980

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the removal of a trolley bay and the creation of 2 no. trolley shelters and creation of 2 no cycle racks within rear car park.
- 4.2 The additional cycle racks are to be located to the east of the current cycle parking in the north west corner of the car park, the new trolley shelters would be sited adjacent to the cycle storage in the north west part of the car park and another upon within a central parking bay of the upper level of the dual level car park.
- 4.3 The proposed cycle racks would comprise of an additional 2 no stainless steel hoops of approximately 1m wide and 0.6m high. The proposed trolley shelters would have a curvature roof, be faced with Perspex material over a steel frame measuring approximately 2m wide, 4.25m long and up to 2.4m high

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

##### **External**

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **94, 95 Montpelier Road, 15, Montpelier Hall, Montpelier Terrace, F7 31 Regency Square, 11 Victoria Street** objecting the application for the following reasons:
  - The development would adversely impact upon the setting of listed buildings which surround the site
  - The shelters would add to the visual clutter
  - The trolley bays could be designed to reduce their visual impact
  - The trolley shelters would interfere and harm views of the Conservation Area
  - The trolley bay will be visible from views from windows of residential properties adjacent to the site
  - The trolley bays should remain uncovered; there are other ways of ensuring that trolleys can be kept or made dry for customer use
  - The use of structures such a trolleys bays could generate noise and attract rough sleepers
  - Despite complaints to the store for a number of years, the operation of the car park presently produces noise and disturbance, from both the daily operation of the customers and the delivery regime of the store

- The structures could affect the roots of nearby historic trees.
- The site is adjacent to a public highway
- The area and access from the car park is a hot spot of crime and disorder and the proposal would exacerbate this
- If in the event of approval, a conditions should be considered to closing off and gating the car park, limit lighting, use of low intensity lighting and accessed door is fitted with a silent closing fitting should be imposed to improve the operation of the car park and reduce impact to neighbours.

**5.2 Conservation Advisory Group (CAG):**

No objection on Conservation Grounds

**Internal**

**5.3 Environmental Health:**

Comments awaited.

**Heritage: Comment**

5.4 This site is partly within and partly adjacent to the Montpelier and Clifton Hill Conservation Area. It is used as a supermarket car park which neither sustains nor enhances the significance of the Conservation Area, however this use has been established for many years.

5.5 Due to their clear fabric coverings it is not considered that the proposed shelters, or the racks will have any significant further impact on the Montpelier and Clifton Hill Conservation Area and there is no objection

**Arboriculture: Comment**

5.6 Various trees within the car parking area of Waitrose are covered by Tree Preservation Order (No 2) 1967, however, they should remain unaffected by the proposed development.

5.7 There are no trees in the vicinity of the proposed new trolley park on the upper level.

5.8 The proposed ground level trolley park is between two fine Elms. They will both need to be pruned (light epicormic growth) to facilitate the development. The Arboricultural Section would have no objection to this.

5.9 The surface of the car park should remain as existing, this means any roots from the trees under the surface will remain safe and intact. If new surfacing is proposed, it should be the subject of an Arboricultural Method Statement.

5.10 Overall, the Arboricultural Section has no objection to the proposals in this application.

**6 MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise.”

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE3	Development affecting the setting of Listed Buildings

HE6 Development within of affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in favour of sustainable development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Matters relating to impact upon views from properties are not material planning considerations. The main considerations in the determination of this application relate to the impact of the changes upon the amenities of adjacent residential occupiers, the design of the alterations and their impact upon the appearance of the site, the visual amenity of the area and that of the Conservation Area and setting of nearby listed building.

### **Design and visual impact**

#### *Cycle parking*

- 8.2 The additional cycle racks by reason of their number, siting, size, height, materials and their context would not have an unduly harmful impact upon the impact character and appearance of the area, the Montpelier and Clifton Hill Conservation Areas or the setting of nearby Listed Buildings.
- 8.3 The development seeks to add an additional 2 cycle racks to the existing 4 racks. The designs of the racks are similar to and would be sited adjacent to the existing hoops. The racks are sited north of the flint wall within the north west part of the car park and largely concealed from view due to their height and siting.
- 8.4 The racks would be witnessed in the context of the existing and the current operation and appearance of the car park and would not have any significant further impact on the Montpelier and Clifton Hill Conservation Area or nearby Listed Buildings.

#### *Trolley Shelters.*

- 8.5 One of the proposed trolley shelters would be sited adjacent to the cycle storage in the north west part of the car park and another upon within a central parking bay of the upper level of the dual level car park.
- 8.6 The shelters by reason of their materials, siting, and their context would not have an unduly harmful impact upon the impact character and appearance of the area, the Montpelier and Clifton Hill Conservation Areas or the setting of nearby Listed Buildings.

- 8.7 The site is partly within and partly adjacent to the Montpelier and Clifton Hill Conservation Area. The site is used as a supermarket car park, which neither sustains nor enhances the significance of the Conservation Area. However this use has been established for many years.
- 8.8 Due to their clear fabric coverings, it is not considered that the proposed shelters would have any significant further impact on the Montpelier and Clifton Hill Conservation Area.
- 8.9 Comments with regards to the colour of the shelters are noted, but it is not considered that the shelters or their colouring would have a significant impact given the siting and context of the car park.

**Amenity**

- 8.10 The proposed cycle rack and trolley shelters by reason of their siting, intended use and the current operation of the retail store and car park would be unlikely to have an unduly harmful impact upon the amenities of adjacent residents.
- 8.11 The physical impact of the structures by reason of their size, scale and siting are sufficiently distanced from neighbouring buildings as to not have a significantly harmful impact upon light, daylight, privacy or outlook of the occupiers of nearby residential properties.
- 8.12 The new structures would not affect the time or access of the car park and would have minimal material impact upon its current operation.
- 8.13 The reports of noise and disturbance, light conditions, hours of opening and operation received from neighbouring residents are noted and have been forwarded to the Environmental Health team prior to consultation. The granting of planning permission in this case would not supersede the right of the Council to examine the site for potential investigation under other primary legislation, in this case the Environmental Protection Act 1990 (as amended). Notwithstanding, it is not expected that such new structures would further materially impact upon the amenity of neighbours. Subject to no adverse comment from the Environmental Health team there are no objections on amenity ground relating to noise and disturbance.

**Arboriculture**

- 8.14 The Arboriculturalist advises that there are various trees within the car parking area of Waitrose that are covered by Tree Preservation Order (No 2) 1967, but that they should remain unaffected by the proposed development.
- 8.15 There are no trees in the vicinity of the proposed new trolley park on the upper level and therefore this aspect of the development is acceptable.
- 8.16 The proposed ground level trolley park is between two fine Elms. They will both need to be pruned (light epicormic growth) to facilitate the development. The Arboricultural Section would have no objection to this.
- 8.17 The surface of the car park should remain as existing meaning that any roots from the trees under the surface will remain safe and intact. If new surfacing is



proposed, it should be the subject of an Arboricultural Method Statement and can be secured by planning condition.

**Transport:**

- 8.18 The development would result in the loss of a single car parking space and would create an additional 4 cycle parking spaces.
- 8.19 The development is considered to have a negligible impact upon parking provision in the context of the site and its use and would not materially affect the highway.

**Other issues**

- 8.20 Comments with regards to requests for conditions being placed to modify the operation of the store are noted. However, requests are not considered relevant to the development to be permitted, necessary or reasonable in all other respects. The new shelter and cycle racks would be unlikely to materially impact upon the operation of the car park or store. Furthermore, the likely additional impact as identified earlier in this report is negligible. Therefore, it is not considered that closing off and gating the car park, the limit lighting, changing to low intensity lighting and fitting the access door is fitted with a silent closing fitting are not relevant to the trolley store or cycle racks. Therefore imposing these changes via planning conditions would not be considered reasonable or necessary in this instance.
- 8.22 There is no evidence to suggest that the new structures would exacerbate crime and disorder. The new shelters would provide limited cover to potential rough sleepers given the open lower level and sides. Furthermore, the structures would not materially affect the other aspects or use of the car in the regard of public safety.

**9 CONCLUSION**

- 9.1 The development by reason of its siting, design, materials and nature of its use would be unlikely to have an unduly harmful impact upon the amenity of adjacent residential occupiers. The additional visual impact is not considered to cause material harm to the character and appearance of the site, Conservation Area or affect the setting of nearby listed buildings.

**10 EQUALITIES**

- 10.1 The proposal would not affect access into and around the store.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Regulatory Conditions:**

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

PLANNING COMMITTEE LIST- 20<sup>TH</sup> NOVEMBER 2013

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Map	13-024-AZ-(P)-003	-	19/09/2013
Site Block Plan	13-024-AZ-(P)-004	-	13/09/2013
Proposed Trolley Store	13-024-AG-(P)-100	-	13/09/2013
Proposed Car Park Layout	13-024-AZ-(P)-001	-	13/09/2013
Existing Car Park Layout	13-024-YZ-(P)-001	-	13/09/2013
Covered Trolley Point	NTP-2000	A	13/09/2013

11.2 Pre-Commencement Conditions:

- 3) Prior to the commencement of development on site an arboricultural method statement setting out any necessary tree works to facilitate the development including pruning works and/or root projection shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved method statement. **Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The development by reason of its siting, design, materials and nature of its use would be unlikely to have an unduly harmful impact upon the amenity of adjacent residential occupiers. The additional visual impact is not

PLANNING COMMITTEE LIST- 20<sup>TH</sup> NOVEMBER 2013

considered to cause material harm to the character and appearance of the site, Conservation Area or affect the setting of nearby listed buildings.



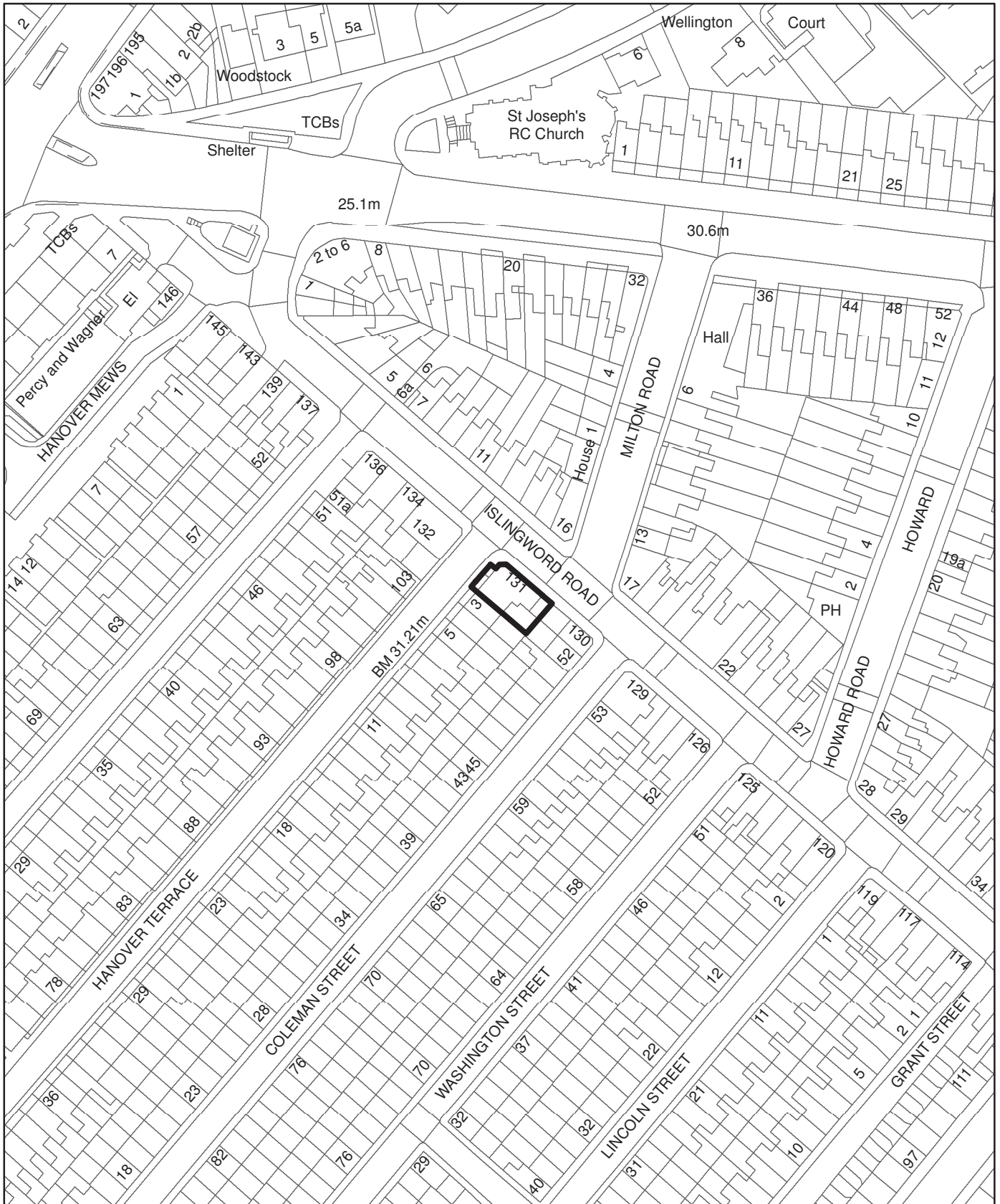
# **ITEM C**

**131 Islingword Road, Brighton**

**BH2013/02995  
Full Planning**

**20 NOVEMBER 2013**

# BH2013/02995 131 Islingword Road, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/02995</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>131 Islingword Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing public house (A4) to form 1no two bed and 1no three bed dwelling including erection of new front garden wall, formation of light wells to front and rear elevations, alterations to fenestration and associated works.</b>		
<b><u>Officer:</u></b>	<b>Wayne Nee Tel 292132</b>	<b><u>Valid Date:</u></b>	<b>05/09/2013</b>
<b><u>Con Area:</u></b>	<b>Valley Gardens</b>	<b><u>Expiry Date:</u></b>	<b>31/10/2013</b>
<b><u>Listed Building Grade:</u></b>	<b>n/a</b>		
<b><u>Agent:</u></b>	<b>ARCH-angels Architects Ltd, 128 Edward Street , Brighton BN2 0JL</b>		
<b><u>Applicant:</u></b>	<b>CIP (Hampstead) Ltd, Mr Lewis Davis, 51 New Cavenish Street, London W1G 9TG</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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a two storey building situated on the corner of Islingword Road and Hanover Terrace. The building is currently used as a public house, and the rear curtilage of the site is used as an outdoor yard area for patrons of the public house.
- 2.2 This application site lies on the edge of the Valley Gardens Conservation Area, which generally comprises the open spaces that run from the Old Steine to Park Crescent and the buildings that front onto those spaces, which are predominantly late 18<sup>th</sup> and 19<sup>th</sup> century. Hanover Terrace and Hanover Street were constructed at the same time as the grand houses of Hanover Crescent (1820s) as small scale terraced artisan housing to house the growing service workers. The lower end of Islingword Road was originally mixed commercial and residential uses but is now predominantly residential. This property is a typical corner public house of the period and has a typical and well preserved Victorian pub frontage.

## **3 RELEVANT HISTORY**

**90/1171/F:** Single storey rear extension to form new male and female toilets – granted 02/10/90

## **4 THE APPLICATION**

- 4.1 Planning permission is sought for the conversion of the existing public house (A4) to form 1no two bed and 1no three bed dwellings including erection of new front garden wall, formation of light wells to front and rear elevations, alterations to fenestration and associated works.

## 5 PUBLICITY & CONSULTATIONS

### 5.1 External

#### Neighbours:

**Thirty (30)** letters of representation have been received from **9, 29 & 37 Islingword Road, 6, 32, 78, 85 & 86 Hanover Terrace, 27 Hanover Street, 139 Elm Grove, 2 & 46 Hampden Road, 83 Southover Street, 8 Agnes Street, 54 & 91 Coleman Street, 1 & 9 Milton Road, 166 Upper Lewes Road, 19 Stanley Street, 22 Woodland Way, 57 Ewart Street, 17 Norman Road, 35 Carden Avenue, 6 Crown Close Palmeira Avenue, 12 Talbot Terrace Lewes, 2A City Road Norwich, 232 Burrage Road and 207 Massingberd Way (both London), and an unknown address, objecting to the application for the following reasons:**

- Would remove the social ad community benefits of the local pub;
- Too many public houses are being closed;
- Loss of employment;
- Loss of community facility is contrary to policy and there is case law to support this;
- The viability of the existing use should be fully assessed;
- Dwellings could be used as HMOs which the Council is trying to restrict;
- Poor proposed accommodation with insufficient amenity space and lack of light and privacy in basement level;
- Area is already over-populated;
- Would put pressure on parking situation;
- Noise and disturbance;
- Problems of fly-tipping, rubbish.

- 5.2 **Nine (9)** letters of representation have been received from **6, 9, 16, 20, 92, 96, 98, & 101 Hanover Terrace** with an identical format, and an individual letter from **73 Southover Street**, in support of the application.

#### Internal:

### 5.3 Environmental Health:

The historical maps have been viewed and in 1908 there was once a chemists and druggists at 131 Islingword Road, next door to the location of the proposed development. Such uses may have caused localised land contamination. Therefore, as a precaution, a contaminated land discovery strategy is recommended as an informative for this development just in case any previously unsuspected contamination is found during works.

### 5.4 Access: No objection

The clear width of the entrance doors should be 800mm. There should be 300mm clear space at the leading edge of all doors at entrance level. There should be an accessible WC at entrance level of both units.



**5.6 Heritage:**

The proposed change of use to residential and loss of the traditional corner commercial use is regrettable and would cause some minor harm to the character of the Conservation Area but it is noted that externally it is intended to retain the building largely as existing on the street frontages and therefore, in principle, the appearance of the Conservation Area would be largely preserved.

5.7 The main external alterations affecting the street scene would be the formation of two light wells on the Hanover Terrace frontage and the erection of a front boundary wall to serve the southern unit. These are to be covered light wells but it is not clear what material or finish it be used to form the covering and what the adjacent paved surface will be formed of. More detail is needed of this and could be secured by condition. The boundary wall should have a short pillar at each corner, with pillar caps, as can be seen elsewhere in Hanover Terrace.

5.8 It would also be a mitigating visual improvement if the existing high wall between the site and number 3 Hanover Terrace were to be reduced to the same height as the proposed front boundary wall. This wall was presumably raised in height in the past to form a privacy barrier to the pub forecourt but it should no longer be necessary.

**5.9 Planning Policy:**

The proposal would not be detrimental to the provision of community facilities in the area. Housing provision is an appropriate alternative use.

5.10 Policies HO20 of the Local Plan and SA6 of the City Plan seek the retention of community facilities; this includes public houses in accordance with the NPPF. The applicant has submitted a map showing 6 pubs within walking distance and 6 further pubs in the Hanover area; this shows that the area is adequately supplied with public houses. Given this local supply, the loss of this establishment – whilst regrettable in itself – would not be detrimental to the provision of community facilities in the area and would be in accordance with the aims of this policy.

5.11 Policy HO20 attaches a priority for former community facilities to be used as residential and mixed-use schemes. The proposal for residential units is therefore in accordance with this policy.

Policy HO3 seeks to ensure that proposals for residential conversions incorporate a mix of dwelling types and sizes that reflects Brighton & Hove's housing needs. The most recent Housing Requirements Study (Oct 2012) indicates that there is a particular need for 2 and 3 bedroom homes in the city. This conversion would make a small but welcome contribution to the housing needs of the city, set out in policy CP1 of the City Plan.

**5.12 Sustainable Transport:**

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.

5.13 Pedestrian & Mobility Impaired Access: Access is via Hanover Terrace and Islingword Road and is acceptable.

- 5.14 Cycle Parking: The applicant proposes a cycle parking space in the garden of each of the house that is shared with refuse storage and amenity space. Access to all of these is unclear especially when a cycle is parked in the indicated areas. It is also unclear how cycles are to be secured and if the length/ dimensions are adequate. The Highway Authority therefore requests that the applicant submits a drawing to the Planning Authority for approval that details dimensions of the space and access to the proposed cycle parking / refuse and amenity spaces. Ideally this should be submitted prior to determination, but if this cannot be the case the condition below should be attached. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 5.15 Disabled Parking: Parking standards SPG4 require applicants to provide 1 disabled parking space for developments that are 10 dwellings or more therefore the proposed level (nil) of disabled parking spaces is acceptable.
- 5.16 Car Parking: The applicant proposes no parking on site. If additional parking is generated by the proposed development this would occur on the highway. It is forecast that parking associated with this size of development is unlikely to be significant enough to warrant a recommendation for refusal. Therefore the Highway Authority does not wish to object on these grounds.
- 5.17 Trip generation/Highway Impact: The change of use from a public house to 2 dwellings is unlikely to generate additional trips to the site and in the vicinity.

## **6 MATERIAL CONSIDERATIONS**

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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD14 Extensions and alterations
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities
- HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD08 Sustainable Building Design
- SPD11 Nature Conservation & Development

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

- SS1 Presumption in Favour of Sustainable Development
- SA6 Sustainable Neighbourhoods

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of conversion, the impacts of the works on the character and appearance of the property and the Conservation Area, the standard of

accommodation to be provided, its impact on the amenities of adjacent occupiers, and sustainability and transport issues.

**Principle of conversion**

- 8.2 A proposal involving the loss of a public house use, which is defined as a community use by the NPPF, must be considered having regard to policy HO20 of the Brighton & Hove Local Plan which states that:
- 8.3 *'Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, including: hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls, theatres and cinemas.*
- 8.4 *Exceptions may apply when:*
- a. the community use is incorporated, or replaced within a new development; or*
  - b. the community use is relocated to a location which improves its accessibility to its users; or*
  - c. existing nearby facilities are to be improved to accommodate the loss; or*
  - d. it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.*
- Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.'*
- 8.5 A public house can serve an important community function and the loss of such a facility could be to the detriment of the community as a whole. In the case of the application site, the public house is one of many in the locality (the applicant has identified 6 other public houses within walking distance of the application site) and the locality is also well connected to the community facilities of the wider city. Therefore it is considered in this particular case that the loss of the public house whilst regrettable in isolation, would not be contrary to the objectives of policy HO20, City Plan Policy SA6 or the objectives set out in the NPPF in this case.
- 8.6 As a replacement use, the proposed residential use is considered to be in compliance with the preferred alternative uses set out in policy HO20. The proposed residential units would contribute to meeting the housing needs of the city and would be in keeping with the prevailing residential character of the immediate area surrounding the site. The principle of the proposed development is considered to be acceptable; detailed considerations relating to the proposed use are addressed below.

**Design and Appearance**

- 8.7 The application property is a typical corner public house of the period and has a typical and well preserved Victorian pub frontage. Although external alterations are proposed, it is intended to retain the building largely as existing on the street frontages and therefore, in principle, the alterations would not significantly detract from the appearance of the Conservation Area.

- 8.8 In terms of the street scene, the proposal includes the formation of two additional light wells on the Hanover Terrace frontage which are to be covered. It is not clear from the drawings what material or finish would be used for the covering and what the adjacent paved surface will be formed of. A condition is recommended to secure additional details.
- 8.9 The proposed erection of a low lying boundary wall on the eastern boundary should have a short pillar at each corner, with pillar caps, to match elsewhere in Hanover Terrace. This could be conditioned for further details.
- 8.10 The Heritage Officer has highlighted that a mitigating visual improvement would be if the existing high wall between the site and number 3 Hanover Terrace were to be reduced to the same height as the proposed front boundary wall. However this does not form part of the proposal and so cannot be conditioned.

**Standard of accommodation**

- 8.11 Policy HO13 requires residential units to be lifetime home compliant. When dealing with conversion of existing properties it is recognised that the existing building form of the property may restrict full compliance with the policy but compliance should be sought wherever possible. This enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. Applicants are expected to demonstrate that, wherever practical, the Lifetime Homes criteria have been incorporated into the design. The proposed units appear to meet many of the Lifetime Homes criteria. It should be noted that both units would have accommodation at basement and first floor level.
- 8.12 The size of the residential units is considered acceptable. The units would have good size rooms, and so would not form cramped accommodation. Currently, the basement has lightwell windows that provide light and ventilation. New covered lightwells are proposed to improve the light and ventilation in the basement area. The accommodation at this level would not benefit from additional windows providing outlook at the front. However, given that accommodation is provided at ground and first floor levels which is considered appropriate, it is not considered a refusal on this basis could be sustained.
- 8.13 Policy HO5 requires the provision of private useable amenity space in new residential development. The scheme includes rear garden space of a suitable size for each unit and is deemed to comply with the policy.

**Impact on Neighbouring Amenity**

- 8.14 The proposed residential units would result in comings and goings and some noise emanating from the building. Such noise and activity would be in keeping with the residential character of the surrounding area and would not cause harm to neighbouring amenity. Any potential noise or disturbance from the proposed use would not be significantly greater than what could occur from the existing public house use.
- 8.15 The proposed lightwells, replacement door and new garden wall would not result in any significant impact on the amenity of neighbouring properties.

**Sustainable Transport**

- 8.16 The Transport Officer has commented in detail upon the application. In regard to transport impact, having considered the likely trip generation associated with the existing public house use, it has been determined that the proposed use is unlikely to result in a significantly increased level of trip generation. A contribution towards sustainable transport infrastructure in the vicinity of the site is therefore not sought in this case.
- 8.17 No on-site car parking is proposed; this is in compliance with local plan policy and guidance which sets out maximum parking standards rather than minimum. There is no parking restriction on this street. It is considered that the proposal would not significantly increase parking demand, generate additional travel demand over the existing use, or materially impact on existing highway conditions compared to the existing use.
- 8.18 In regard to cycle storage, the proposed cycle parking is in the rear yard for Unit 2, and on the east elevation behind the proposed low lying front wall for Unit 1. The proposed cycle storage for Unit 1 is not ideal as it would be visible from the street; however given that there is no external access to the rear yard of Unit 1, it is considered that this is the most appropriate position. It is not clear that these spaces could be easily accessed and what they would consist of; therefore it is recommended that further details be secured by planning condition.

**Sustainability**

- 8.19 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. Furthermore, for a development of this scale SPD08 (Sustainable Building Design) recommends the proposal incorporates a sustainability checklist, an EST Home Energy Report and reduction in water consumption, and minimisation of surface water run-off. A sustainability checklist has been submitted stating that the proposal would include internal floor and roof insulation, and a boiler upgrade. Further information could be conditioned.
- 8.20 Policy SU2 requires all new developments to make provision for adequate refuse and recycling storage facilities. This is proposed to be stored in the rear yard for Unit 2 and on the east elevation behind the proposed low lying front wall for Unit 1. This can be conditioned.

**Environmental Health**

- 8.21 According to the Environmental Health Team, there was once a chemists and druggists at 131 Islingword Road. Such uses may have caused localised land contamination. Therefore, as a precaution, a contaminated land discovery strategy is recommended as an informative in case any previously unsuspected contamination is found during works.

**9 CONCLUSION**

- 9.1 The principle of the proposed development is considered acceptable in this case. The proposed external alterations would be of an appropriate appearance, no significant harm to future occupiers or neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport, sustainability, and potential land contamination would be successfully addressed. Approval is therefore recommended.

## 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
Existing site plan	E01		03 September 2013
Existing plans	E02		30 August 2013
Existing elevations	E03		30 August 2013
Proposed site plan	P01		30 August 2013
Proposed plans	P02	A	01 October 2013
Proposed elevations	P03		03 September 2013
Existing pubs	P04		10 October 2013

- 3) The reinstated entrance door to the northern unit (Unit 2) hereby permitted shall exactly match the design and detailing of the existing doors.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

### 11.2 Pre-Commencement Conditions:

- 4) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs to households and to comply with policy TL013 of the Brighton & Hove Local Plan.

- 5) No development shall take place until full details of the two additional light wells have been submitted to and approved in writing by the Local Planning Authority, including the material and finish for the covering and what the adjacent paved surface will be formed of. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

- 6) No development shall take place until full details, including a 1:20 drawing, of the boundary wall hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The boundary wall shall have a short pillar at each corner with pillar caps, to match exactly the street scene. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

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

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

- 8) The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall include an EST Home Energy Report, and how the development would reduce water consumption and minimise surface water run-off. The development shall be carried out in strict accordance with the approved details.

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

### 11.3 Pre-Occupation Conditions:

- 9) 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.



11.4 Informatives:

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

The principle of the proposed development is considered acceptable in this case. The proposed external alterations would be of an appropriate appearance, no significant harm to future occupiers or neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport, sustainability, and potential land contamination would be successfully addressed.
3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for: a method statement to identify, risk assess and address the unidentified contaminants.
4. 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)).



# **ITEM D**

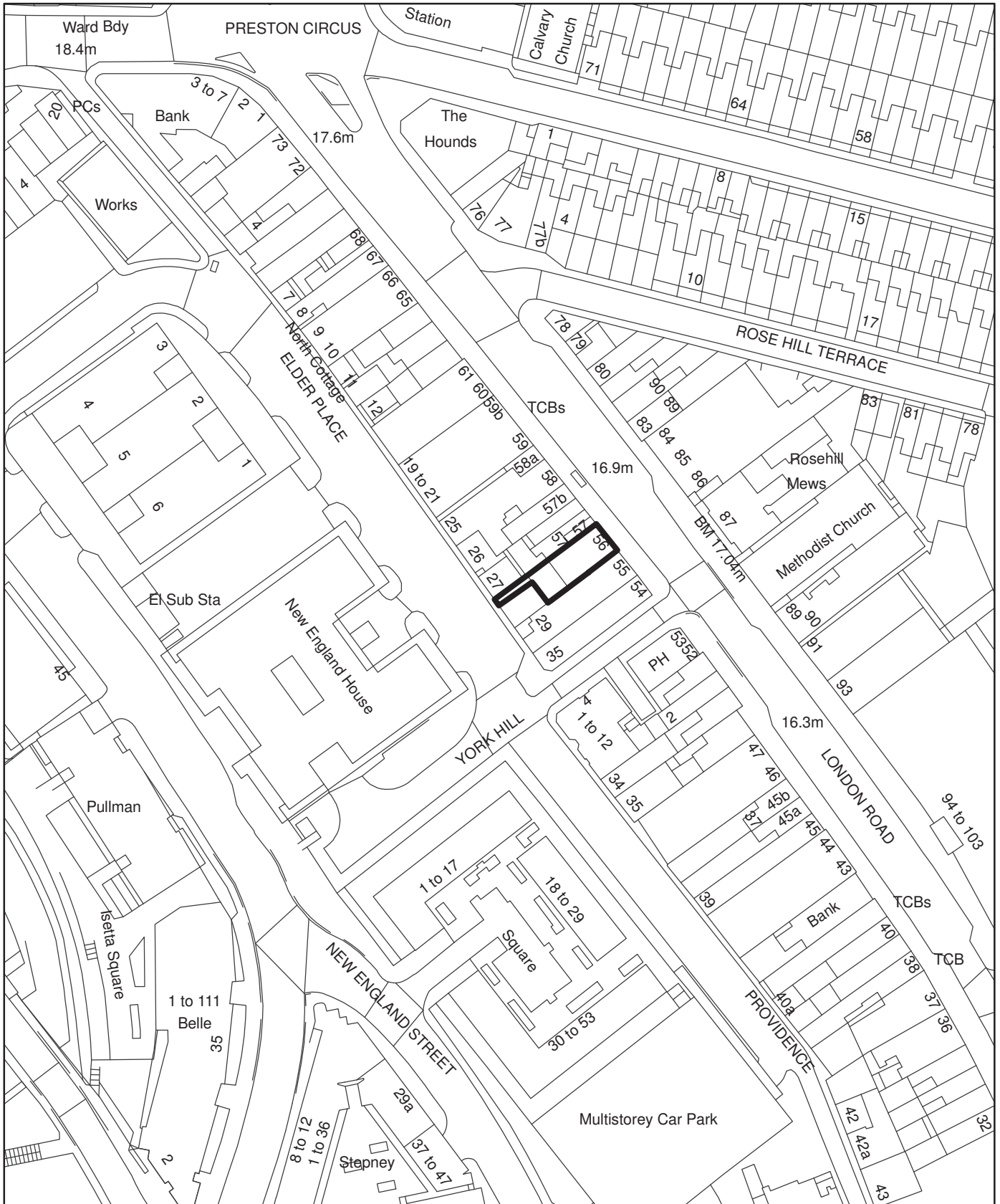
**56 London Road, Brighton**

**BH2013/03117**

**Removal or variation of condition**

**20 NOVEMBER 2013**

# BH2013/03117 56 London Road, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/03117</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>56 London Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 1 of application BH2011/02890 to permit the premises to be in use between the hours of 08.00 and 04.00 daily with counter sales to cease at 01.00.</b>		
<b><u>Officer:</u></b>	<b>Jonathan Puplett Tel 292525</b>	<b><u>Valid Date:</u></b>	<b>16/09/2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>11/11/2013</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Meeson Williams Phillips Ltd, Unit 7 Court Farm Barns Medcroft Road Tackley Oxfordshire OX5 3AL</b>		
<b><u>Applicant:</u></b>	<b>Dominos, 56 London Road Brighton BN1 4JE</b>		

**1 RECOMMENDATION**

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

**2 SITE LOCATION & DESCRIPTION**

The application relates to a hot food takeaway (Use Class A5) located on the western side of London Road.

**3 RELEVANT HISTORY**

**BH2011/02890:** Application for variation of condition 3 of application BH2010/02854 (Change of use from retail (A1) to hot food take-away (A5) incorporating new shop front and installation of extract duct). Approved 21/11/2011.

**BH2011/00657:** 'Application for Approval of Details Reserved by Condition 4 of application BH2010/02854.' Approved 05/05/2011.

**BH2010/03900** (Advertisement Consent): 'Display of internally illuminated fascia sign, projecting sign, internal sign and non illuminated window vinyls.' Approved 02/03/2011.

**BH2010/02854:** 'Change of use from retail (A1) to hot food take-away (A5) incorporating new shop front and installation of extract duct.' Approved 31/01/2011.

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the variation of Condition 1 of application BH2011/02890, which states that:
- 4.2 *The premises shall not be in use except between the hours of 08.00 and 24.00 Sunday to Thursday, between 08.00 Friday and 02.00 Saturday, and between 08.00 Saturday and 02.00 Sunday.*
- 4.3 The hours of use now sought are 08.00 to 04.00 daily with counter sales to cease at 01.00.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Fifteen (15)** letters of representation have been received from **nos. 1, 7 (5 letters) and 9 (2 letters) Chalvington Close, no. 19 Canfield Close, no. 64A Beaconsfield Road, no. 18 Lucraft Road, no. 26a Southover Street, no. 56 Ladies Mile Road, Flat 3 Level 2 The Hub Varley Park, Varley Park University of Brighton (full address not provided), supporting** the application for the following reasons:
  - It would be a good idea to have the shop open later so that we can order food at a later hour after a night out.
- 5.2 A letter has been received from the **North Laine Community Association** objecting to the application. It however appears that the comments submitted relate to a separate hot food takeaway outlet operated by the same company (Dominos) at the eastern end of Trafalgar Street. Therefore these comments do not relate to the application property.
- 5.3 **Councillor Lizzie Dean: Objects** and requests that the application goes before the Planning Committee. (Full comment appended)
- 5.4 **Sussex Police Crime Prevention Design Adviser:** The proposed hours of use in comparison to the existing would have an impact upon the amenity of residents of the immediate area. The proposals would impinge upon the objectives of policies SU10 and QD27 and would impact upon police resources.
- 5.5 Sussex Police would welcome Sunday to Thursday opening hours remaining at 08.00-24.00, and Friday and Saturday opening hours being 08.00 – 04.00 with counter sales ceasing at 01.00.

### Internal:

- 5.6 **Environmental Health: Comment.** No objections to the proposed hours which would accord with the current licensed hours of operation. As the application seeks a significant increase in hours of operation it is recommended that if approved permission should be granted for a temporary period of one year.
- 5.7 **Sustainable Transport: Comment.** The proposed hours of operation in comparison to the existing are unlikely to have a significant transport impact. It is recommended that a Delivery and Service Management Plan be secured by planning condition.

## **6 MATERIAL CONSIDERATIONS**

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel  
TR7 Safe Development  
SU9 Pollution and nuisance control  
SU10 Noise nuisance  
QD27 Protection of amenity

#### 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 are the potential impacts of the proposed increase in opening hours, primarily in regard to neighbouring amenity and transport considerations.
- 8.2 Condition 1 of application BH2011/02890 states that:
- 8.3 *The premises shall not be in use except between the hours of 08.00 and 24.00 Sunday to Thursday, between 08.00 Friday and 02.00 Saturday, and between 08.00 Saturday and 02.00 Sunday.*
- 8.4 The hours of use now sought are 08.00 to 04.00 daily with counter sales to cease at 01.00. This therefore represents an increase in counter sales of 1 hour on Sunday to Thursday, and a decrease in counter sales of 1 hour on Friday and Saturday. The proposed operation and deliveries until 04.00 represents an increase of four hours Sunday to Thursday, and an increase of 2 hours Friday and Saturday.

**Neighbouring amenity:**

- 8.5 Impact upon neighbouring amenity was considered at the time of the original application for the hot food takeaway use under application BH2010/02854 and the report stated:
- 8.6 *'The proposed use, located below residential properties, has the potential to cause significant nuisance by way of odours and noise caused by ventilation and refrigeration plant and machinery to be located to the rear of the property.*
- 8.7 *The submitted information demonstrates that the proposed extraction system would control odour expulsion and would include appropriate sound insulation.*
- 8.8 *It is however considered that a background noise survey at the premises should be undertaken adhering to guidance given in BS4142, to ensure that the operation of the proposed plant and machinery (specifically, the proposed air conditioning units, the fresh air intake and the extract system) does not cause a noise nuisance to the nearest receptors. The Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, should not exceed a level 5dB(A) below the existing L<sub>A90</sub> background noise level.*
- 8.9 *In terms of general activities and 'comings and goings', whilst the proposed use may not result in a significantly increased level of disturbance overall in comparison to the betting shop use, evening / night activity will be increased. Proposed opening hours are 09.00 to 23.00 Monday to Sunday. Whilst a takeaway use located in close proximity to residential properties is not an ideal scenario, such uses are to be expected in a commercial street. Any disturbance created would be unlikely to be beyond that expected in such locations. A condition is proposed to require that the takeaway is only in use between the hours proposed.*
- 8.10 *The arrival and departure of delivery vehicles will cause some noise; it appears likely that such vehicles will have to visit the rear of the unit as the section of*



*London Road to the front of the unit has double yellow lines and there is a bus stop in front of the property. Elder Place is a relatively well used route as it provides access to the Multistorey car park on Providence Place, furthermore the majority of properties facing onto Elder Place are in commercial use rather than residential. It is therefore considered that the increased number of vehicular movements the change of use would create would be unlikely to cause a significant disturbance in comparison to the existing situation.*

- 8.11 *The illumination of the proposed fascia and projecting signs would not cause significant harm to neighbouring amenity.'*
- 8.12 Thus based on the hours of use previously proposed by the applicant, 09.00 to 23.00 Monday to Sunday, the proposed use was considered acceptable having regard to neighbouring amenity.
- 8.13 Under application BH2011/02890 it was sought (as is sought now) to extend the hours of operation to 01.00 for counter sales and 04.00 for deliveries daily. This proposal was considered to be unacceptable previously as the proposed hours of operation were considered likely to cause noise and disturbance and harm to neighbouring amenity. A variation of hours of operation was granted, this was however restricted to between the hours of 08.00 and 24.00 Sunday to Thursday, between 08.00 Friday and 02.00 Saturday, and between 08.00 Saturday and 02.00 Sunday. These hours are consistent with a planning permission granted for a hot food takeaway use at no. 50 London Road in May 2011 under application BH2010/03813.
- 8.14 The current premises license for the application property permits operation until 04.00 daily. The applicant considers that it would be unreasonable for the Local Planning Authority to apply any more stringent restrictions. Section 4.10 of the applicant's supporting statement suggests:
- 8.15 *'There is no logical or justifiable reason for the planning department to restrict the opening hours in conflict with any control imposed by the Licensing Authority where the relevant considerations are the same.'*
- 8.16 This argument is flawed in that the considerations of a planning application are not the same as those of a licensing application. The planning system requires a broader approach to assessing impact upon local amenity than is provided under the Licensing Act 2003. The Courts have held that Councils and Planning Inspectors are entitled to use planning powers to limit opening hours. These may be more stringent than those authorised under the licensing acts, such restrictions must however serve a clear planning purpose in protecting amenities. Thus the imposition of planning conditions restricting the opening hours of licensed premises is not a duplication of the licensing regime; rather it is a separate regime with different considerations.
- 8.17 A relevant appeal decision is appeal ref. APP/D3830/A/06/2020298 which included the following statement from the Inspector:

- 8.18 *'The prevention of public nuisance under the Licensing Act 2003 is not the same as the protection of residential amenity which is a material planning consideration. What might harm neighbouring amenity may fall well short of constituting a public nuisance. It seems to me that in this respect the two systems of control are substantially different. In my view, the imposition of more restricted opening hours in a planning condition from those set out in the Premises Licence is justified in this case in order to protect the residents living in the vicinity of the appeal site from noise and disturbance.'*
- 8.19 There are residential properties above the ground floor units in London Road, some of which are set back from the ground floor frontage. Given the proximity of the nearest residential units, noise caused by activity within the application unit and in the rear yard area, the operation of plant and machinery, and comings and goings of customers and delivery drivers have the potential to cause harm to neighbouring amenity.
- 8.20 Neighbouring residents could reasonably expect that in night time hours, noise caused by pedestrians, traffic and commercial activities would be significantly reduced in comparison to daytime / evening activity. The proposal to operate a delivery function until 4am would involve noise caused by activity within the unit and in the rear yard area, the operation of plant and machinery, and the comings and goings of delivery drivers and vehicles. The proposal to extend counter sales by 1 hour to 01.00 Sunday to Thursday would also cause additional disturbance by way of comings and goings of customers. It is considered that this would cause unacceptable harm to neighbouring amenity.
- 8.21 It is noted that the Environmental Health Team do not object to the hours of operation sought by the applicant and that no complaints in relation to the current operation have been reported, it is however the case that the current operation is limited by Condition 1 of permission ref. BH2011/02890. The proposed increase in hours of operation are significant and it is considered would cause significantly increased disturbance and harm to amenity. It is not therefore considered appropriate to grant a temporary consent for such hours as even a temporary period is considered likely to cause significant harm.
- 8.22 The agent for the application has provided survey data from December 2011-January relating to outlets in Leicester and Sandhurst, indicating that a relatively small number of customer visits and deliveries took place after 00.00 (37 deliveries and 21 customer visits in Leicester which closes at 05.00, and 10 deliveries and 10 customer visits in Sandhurst which closes at 01.00). It is not demonstrated that these outlets are comparable to the likely level of trade at the application property, and furthermore even a small number of deliveries and customer visits late into the night in conjunction with the continued operation of the premises and associated plant and machinery would cause disturbance for neighbouring occupiers.
- 8.23 Part of the proposal is to reduce counter sales on Fridays and Saturdays to end at 01.00 rather than 02.00 which is currently permitted. 02.00 is considered an appropriate end time for counter sales on Fridays and Saturdays as these nights are generally busier in night hours, and there have been no complaints in relation

to these hours. It is not therefore necessary to restrict these hours to 01.00 as is proposed.

8.24 The current hours of use are consistent with the permission granted at no. 50 London Road and are considered to be appropriate in an area which is a mix of residential and commercial uses.

8.25 As at the time of application BH2011/02890, it remains the opinion of the Local Planning Authority that the proposed hours of operation would be likely to cause harm to neighbouring amenity.

**Transport:**

8.26 In regard to transport considerations, an increase in opening hours would be likely to result in increased visits to the unit by customers who may travel by private motor vehicle and an increased number of deliveries and arrivals to / departures from the unit by delivery drivers. The increased traffic impact would not be likely to cause a highway safety risk, but would impact upon neighbouring amenity as detailed above.

**9 CONCLUSION**

9.1 The hours of operation sought would cause harm to neighbouring amenity and are considered to be unacceptable. Refusal is therefore recommended.

**10 EQUALITIES**

10.1 No implications identified.

**11 REASON FOR REFUSAL / INFORMATIVES**

11.1 Reasons for Refusal:

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

11.2 Informatives:

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN			11/09/2013
PLANNING STATEMENT AND			11/09/2013

PLANNING COMMITTEE LIST- 20<sup>TH</sup> NOVEMBER 2013

APPENDIX			
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**From:** Lizzie Deane  
**Sent:** 21 October 2013 15:10  
**To:** Jon Puplett  
**Cc:**  
**Subject:** Re: BH2013/03117 Dominos: protect

Dear Jon,

I write in relation to the above and ask that, should officers be minded to grant this application, it is brought to Planning Committee?

I am concerned that the current application to stay open until 4.00am, with counter sales ending at 1.00am suggests they wish to continue with pizza delivery until the early hours. This will cause unacceptable noise and public nuisance to nearby residents, and I would formally object to such a proposal.

Yours sincerely,  
Lizzie

**Councillor Lizzie Deane**

**Green Party member for St Peter's and North Laine Ward**, Deputy Leader of the Council (external communications), Deputy Chair, Licensing Committee, Member, Audit & Standards Committee, Chair, West Hill Action Team (WHAT), Chair, North & East Housing Area Panel, Green Group representative to Whips' meetings, **Outside bodies:** Brighton & Hove Allotment Federation, Fair Trade Steering Group, Brighton Racecourse Trustees



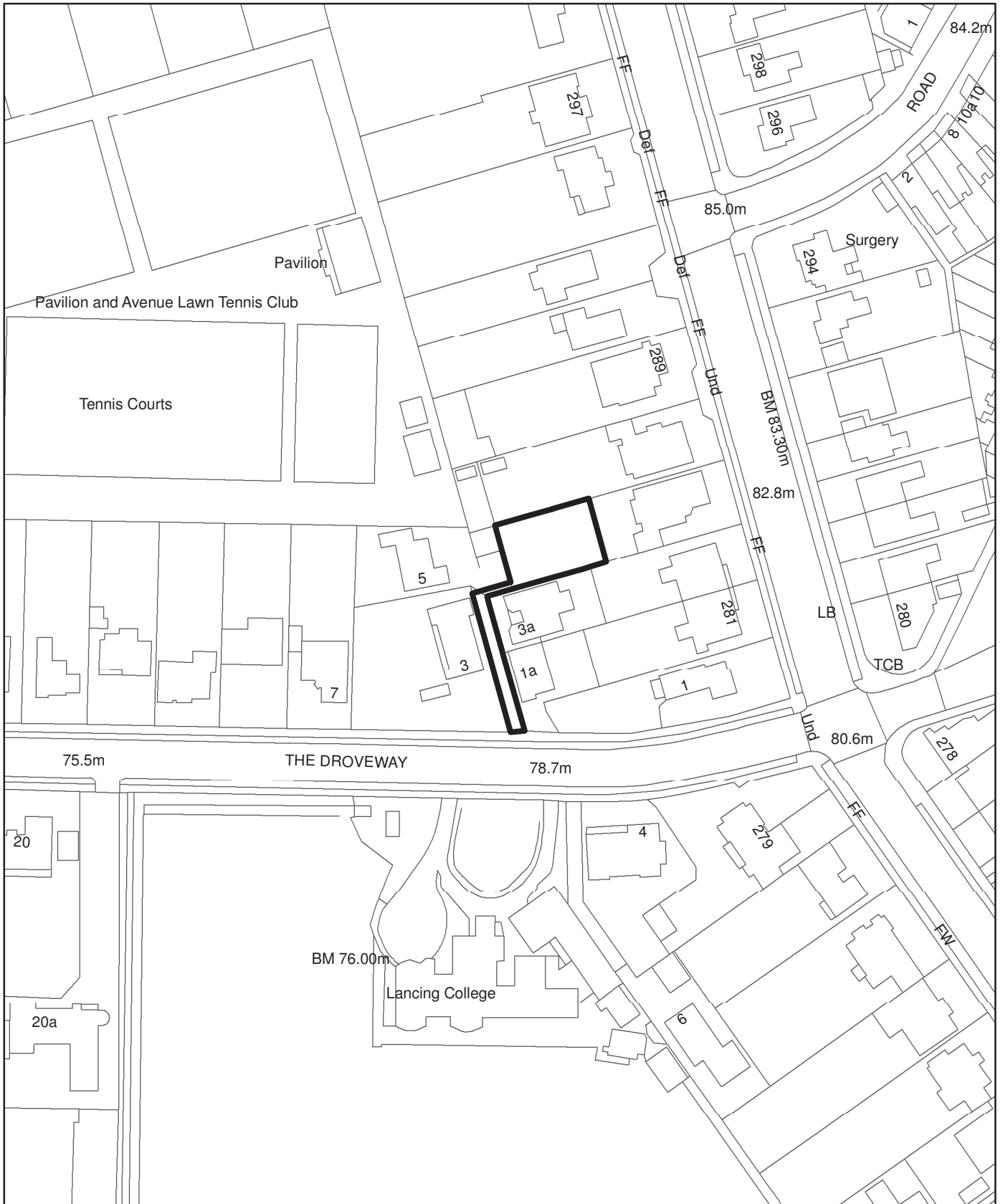
# **ITEM E**

**Land rear of 285 Dyke Road, Hove**

**BH2013/02616**  
**Full planning**

**20 NOVEMBER 2013**

# BH2013/02616 Land rear of 285 Dyke Road, Hove



**Brighton & Hove  
City Council**



Scale : 1:1,250



<b><u>No:</u></b>	<b>BH2013/02616</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land rear of 285 Dyke Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no three bedroom bungalow with access from The Droveaway.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	31/07/2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	25/09/2013
<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>	Lakeside Investments Ltd, C/O CJ Planning Ltd, 80 Rugby Road, Brighton, BN1 6ED		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to the land to the rear of 285 Dyke Road. 285 Dyke Road is a large three storey dwelling which is divided into flats. The top flat includes a large roof terrace at roof level overlooking the garden. The garden is approximately 32m long and 15m wide and can be accessed from an access road off The Droveaway. There is a garage and hardstanding directly adjacent to rear garden wall of no.285 which is owned and used by a different property. There are also two bungalows (3a and 5 The Droveaway) which are accessed from the access road. The bungalow at 3a The Droveaway is in the rear garden 283 Dyke Road.

## 3 RELEVANT HISTORY

**BH2013/01196:** Erection of 1 no three bedroom bungalow with access from The Droveaway. Refused on 20 June 2013 for the following reasons:

- The scheme, by reason of its scale, excessive footprint and positioning would represent an inappropriate and unsympathetic addition and would appear as an overdevelopment of the site. The scheme is therefore deemed contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
- Having regard to the close proximity of the proposed bungalow to the host property, the west facing windows and roof terrace at no.285 Dyke Road would directly overlook the east facing windows and garden of the proposed bungalow. This is not deemed an appropriate relationship and results in a loss of amenity and a poor standard of accommodation. The scheme is therefore deemed contrary to policy QD27 and HO5 of the Brighton & Hove Local Plan.
- The scheme retains the rear garden wall and three windows serving habitable rooms for the proposed bungalow would be directly facing this wall. The proposed windows would be within 1.5m of the wall. Due to their proximity to the wall, these windows would not benefit from adequate light or

outlook. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation that would provide inadequate living conditions for future occupiers. The scheme is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

- The bungalow is positioned within 1m of the boundary wall between nos.285 and 287 Dyke Road. Having regard to the low height of the wall and the lack of vegetation, the bungalow would stand out as prominent addition and would significantly impact on the enjoyment of the garden of no.287 resulting in an unneighbourly development and an increased sense of enclosure. The scheme is therefore deemed contrary to policy QD27 of the Brighton & Hove Local Plan.

**3/77/0245:** New dormer window to existing bedroom at rear of premises. Approved 1977.

**M/16586/72:** Widening vehicular access to Dyke Road from 9" to 18'0". Granted 1972.

**M/10903/64:** Outline application for chalet bungalow and garage. Refused 1964.

**M/2429/53:** Conversion into 3 flats & 1 maisonette. Approved 1953.

The following applications are also of relevance for this application:

**BH2005/01515/FP:** Land rear of 283 Dyke Road. Demolition of 3 garages and construction of one dwelling. Approved July 2005.

**BH2013/02778:** 287 Dyke Road. Erection of single storey detached building in rear garden. Approved October 2013.

**BH2013/03457:** 287 Dyke Road. Erection of single storey detached building in rear garden. Currently under consideration.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a detached bungalow to the rear of no.285. The bungalow would measure 12.5m x 12.1m and is proposed with a pitched roof. The south facing roofslope includes photovoltaic panels. The scheme includes a separate cycle store / shed and indicates that the land will be partly excavated to allow the new bungalow. The scheme also includes 2m high fencing along the north boundary which also separates the dwelling from the host property. No parking is provided for the proposed dwelling.

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

##### **External**

- 5.1 **Neighbours: One (1)** representation has been received from **5 The Drove** way objecting to the application for the following reasons:
- The garages of 5 The Drove way are just next to the tiny garden door which is their main entrance. It is not suitable for a house to be accessed this way.
- 5.2 **Five (5)** representations have been received from **Basement Flat, 8 Bath Street; 52 Mount Batton Court, Ingram Crescent East; South Cottage, The Mews, Lorna Road, Flat 48 Southdown Avenue and Flat 1, 285 Dyke Road** in support of the scheme on the following grounds:

- The garden is far too big for the small ground floor flat and it is hard and expensive to maintain. It makes more sense to build a new home on this land.
- The new bungalow has been well designed to fit with the area and will not adversely affect neighbours.
- The bungalow is similar to the existing bungalow at the back of 287.
- Brighton is short of housing and this application will allow a home for a family and reduce pressure on housing supply.

5.3 **Brighton & Hove Archaeological Society:** The society is unaware of any archaeological implications with regard to this application. The B&H Archaeological Society suggest that the County Archaeologist is contacted for his recommendations.

5.4 **East Sussex County Council Archaeologist:** The Archaeologist does not believe that any archaeological remains are likely to be affected by these proposals. No further recommendations.

**Internal:**

5.5 **Sustainable Transport:** No objection subject to the following conditions:

- 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.
- The development hereby permitted shall not be commenced until details of appropriate signage on the access have been submitted and approved in writing by the Local Planning Authority in order to improve road safety. 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.

5.6 **Environmental Health:** No objection.

## **6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations of this case relate to firstly, the design, siting and appearance of the proposed scheme; secondly, the impact on neighbouring properties; thirdly, the adequacy of living conditions provided for future occupiers; and finally, highway issues, and sustainability matters.
- 8.2 This scheme follows a recent refusal for a proposed bungalow in the garden of no.285. Whether the current scheme has addressed the reasons for refusal in the previous scheme is also a material consideration.

### **Siting & Design of Proposal**

- 8.3 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policies QD3 and HO4 require that new infill development, such as that proposed in this case, does not result in town cramming or be detrimental to the amenity of the surrounding area.
- 8.4 Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.5 Permission is sought for the construction of a detached bungalow to the rear of 285 Dyke Road. The proposal would divide the garden into two areas with a retained garden measuring 7.6m (measured from the rear bay window) and an area measuring 23.2 x 15m for the proposed house with a garden area. The plans indicate that the garden will be excavated to allow the proposed house. The scheme includes new fencing and retaining wall which divides the proposed bungalow from the host property. The bungalow is proposed in facing brick with plain clay tiles.
- 8.6 The proposed bungalow would be square shaped with a floor area of approximately 135m<sup>2</sup>. The bungalow is set 1m from the northern boundary, 1.5m from the rear boundary and 2m from the southern boundary. The bungalow has a pitched roof and has a total height of 7.2m. The bungalow includes a number of solar panels to the south facing roofslope.
- 8.7 A bungalow was approved to the rear of 283 Dyke Road in July 2005 (ref: BH2005/01515/FP) which is in place. The sites and two bungalows are comparable to some extent. For instance, the existing and proposed bungalows are of a similar size and scale. Drawing no.PL05/C was submitted which indicates that the proposed bungalow is similar in height to the adjacent bungalow at no.283. The height of the bungalow is deemed appropriate given the adjacent dwelling.
- 8.8 There is another bungalow (no.5 the Droveway) fronting the alleyway to the rear of 281-287 Dyke Road. The proposed alleyway is accessed from The Droveway in between nos.1 & 3 The Droveway. No.1 The Droveway is a two-storey dwelling and no.3 The Droveway is also a bungalow. An additional

single-storey building has also been granted recently to the rear of no.287 Dyke Road for the use of the care home at no.287.

- 8.9 With these buildings in place, the proposed dwelling to the rear of 285 Dyke Road would not be visible from the street scene and it could also be argued that the bungalow fits in with the character of the area given that there are existing bungalows and buildings fronting the alleyway. Notwithstanding the existing residential arrangement, there are concerns over the siting and overall appearance of the proposed dwelling as outlined below.
- 8.10 One of the key differences between the proposed bungalow and the adjacent dwelling at 3a The Droveaway is the location of the proposed bungalow and its relationship to the main dwelling. The garden of no.285 is significantly smaller than that of no.283 and no.287. The garden of no.285 is 3m smaller than that of no.283 and no.287. This means that the proposed dwelling at no.285 is closer to the host property when compared to the bungalow at no.285 and the building approved at no.287. The difference in size means that the remaining garden for the host property would be much smaller than that of no.283. The proposed dwelling is also in close proximity to the side and rear boundaries and the bungalow would stand out as prominent addition. It is also felt that additional fencing would add to the prominence of the development.
- 8.11 It is therefore felt that the proposed house is too large and out of proportion for this site and will appear as an incongruous and overdominant feature. The scheme is deemed an overdevelopment of the site. There are significant contrasts between the application site and the existing bungalows accessed off the alleyway in respect of positioning, scale and footprint and for the reasons outlined the scheme is therefore contrary to the above policies.

#### **Impact on Neighbouring Properties**

- 8.12 Brighton & Hove Local Plan policy QD27 requires new development to respect the existing amenity of neighbouring properties. The scheme most affects the flats within the host property to the east, the adjacent bungalow to the south, the adjacent property to the north and the adjacent bungalow to the west.
- 8.13 In respect of the host property, the proposed bungalow is set at a significantly lower level than the west facing windows on no.285. Given this relationship, the proposed bungalow would not result in significant impact on these windows in terms of loss of outlook, light or an increased sense of enclosure.
- 8.14 There are concerns that the east facing windows of the proposed bungalow and its garden area would be overlooked by the existing windows and roof terrace at the host property. The bungalow includes three windows facing east serving two of the three bedrooms and the lounge. These windows are within 17m of the west facing windows at no.285. The scheme includes a fence dividing the gardens. It is unclear whether this would stop overlooking from the rear raised terrace and ground floor windows at no.285.
- 8.15 There would also be clear views into the garden and bedroom and lounge windows from the extensive first floor windows and from the large second floor

roof terrace. Given the proximity of the proposed bungalow and the limited separation distances to the host property, it is felt that there will be a significant loss of privacy and overlooking of the proposed garden and east facing rooms for the bungalow. This is not deemed an appropriate relationship and result in a loss of amenity for the future occupiers of the proposed development.

- 8.16 There is also concern that the scheme would be a prominent addition in relation to no.287 (the adjacent property to the north). There is currently a low wall along this boundary with limited boundary vegetation and trees. The scheme includes 2m fencing along this boundary to mitigate the impact of the proposed bungalow. With the fencing in place, the scheme would not result in a significant impact on the amenity of no.287. It should also be noted that the proposed building to the rear of no.287 recently granted permission would mitigate the impact of the proposed bungalow to some degree and does not include any side facing windows which would be affected by the proposal.
- 8.17 In respect of the existing bungalow to the immediate south, the proposed bungalow is set 2m from the boundary. No.3a The Drove way includes obscure glazed windows facing north. There is also extensive screening in the form of plants and bushes along this boundary. Drawing no. PL04/C indicates the retention of the bushes and shrubs. The proposed bungalow is also single-storey. Having regard to the retained bushes and distance between the 3a The Drove way and the proposed bungalow, the scheme would not result in a significant impact on this property.

#### **Adequacy of Living Conditions**

- 8.18 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers.
- 8.19 The previous scheme was partly refused on the grounds that the scheme did not provide a suitable standard of accommodation. This was due to the retention of the rear garden wall. Three windows were proposed facing this wall. With this wall in place, it was felt that the windows would not benefit from adequate light or outlook. To overcome this concern, the current scheme proposes the lowering of the height of the rear wall by 1m. With this reduction in height in the boundary wall, the rear windows would receive adequate light and the scheme is deemed to provide a suitable standard of accommodation.
- 8.20 Policy HO5 requires suitable external amenity space to be provided for new residential development. The scheme includes a garden area for the proposed bungalow and retains a small garden for the ground floor in the host property. The retained garden area for the ground flat of no.285 is appropriate. There are however concerns that the garden for the bungalow would be significantly overlooked by the host property (as outlined above). Accordingly, the scheme does not offer a suitable private outside amenity space for the new bungalow and is contrary to policy HO5.
- 8.21 Brighton & Hove Local Plan policy HO13 requires new development to comply with Lifetime Homes standards. As new build, the scheme would be required to fully comply with the standards. Details of Lifetime Homes are outlined with an

accompanying statement. If recommended for permission, a condition would be recommended requiring the scheme to fully meet the standards.

**Transport Issues**

- 8.22 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.23 The applicant proposes no parking spaces on the site. The Transport Manager has commented that any such parking could either occur on the adjacent private land (that is not controlled/owned by the resident) via the existing crossover or on the surrounding highway network. There appear to be no significant circumstances on either of these areas that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an appeal to make a recommendation for refusal based upon a lower level of car parking than could be permitted by the Council's standards in SPG4.
- 8.24 In respect of cycle parking, the applicant proposes 2 cycle parking spaces with 'certified fixings for cycle stands' in a store in the rear garden. The Highway Authority requests that an amended drawing is submitted that details the exact type of fixings/stand(s) being proposed in the store. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. It is also noted that access to the store is via a proposed lawned area. This is not satisfactory and access should be via a tarmac/ paved path to ensure all year, convenient access. If recommended for permission, amended details or cycle storage could be secured by condition.
- 8.25 The applicant is proposing pedestrian access to the bungalow via the access road. This will mean that the access road will be used by both vehicles and pedestrians. This is not ideal and the Transport Manager has requested that signage is erected at the entrance on the Droveway to alert both pedestrians and motorists that the access road is a shared space. Details of signage could also be secured by condition, if recommended for approval.

**Sustainability**

- 8.26 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. The scheme does include some sustainability measures such as solar panels and a sustainability checklist.
- 8.27 As the scheme is deemed as greenfield development, the scheme is required to meet level 5 of the Code for Sustainable Homes as outlined in the SPD08: Sustainable Building Design. The applicant has stated they can achieve the minimum requirement of code level 5, which is in line with the above guidance.
- 8.28 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. Information has been submitted with the application to demonstrate how these requirements have been met. The information is acceptable and the scheme is compliance with the above policy and SPD.

## **9 CONCLUSION**

9.1 The scheme is deemed unacceptable and is recommended for refusal on the following grounds:

- The proposed dwelling is in close proximity to the side and rear boundaries of the garden and would be a highly prominent addition in this position. The bungalow also occupies a smaller area than the adjacent bungalow at 3A The Droveaway and is set closer to the host property than the adjacent bungalow. Given its scale and positioning, the proposed bungalow at no. 285 would stand out as an inappropriate and unsympathetic addition and would appear as overdevelopment of the site.
- Given the proximity of the proposed bungalow to the host property, the west facing windows and roof terrace at no.285 would directly overlook the east facing windows and garden of the proposed bungalow. This is not deemed an appropriate relationship and results in a loss of amenity. This also results in an overlooked amenity space for the proposed dwelling.

## **10 EQUALITIES**

10.1 The new house would be required to fully comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

## **11 REASON FOR REFUSAL / INFORMATIVES**

1.1 Reasons for Refusal:

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

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 COMMITTEE LIST- 20<sup>TH</sup> NOVEMBER 2013

Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PL01	A	31 <sup>st</sup> July 2013
Block Plan	PL02	A	31 <sup>st</sup> July 2013
Existing Plan	PL03		31 <sup>st</sup> July 2013
Proposed Ground Floor Plan & Plan	PL04	C	31 <sup>st</sup> July 2013
Proposed Elevations	PL05	C	31 <sup>st</sup> July 2013

# **ITEM F**

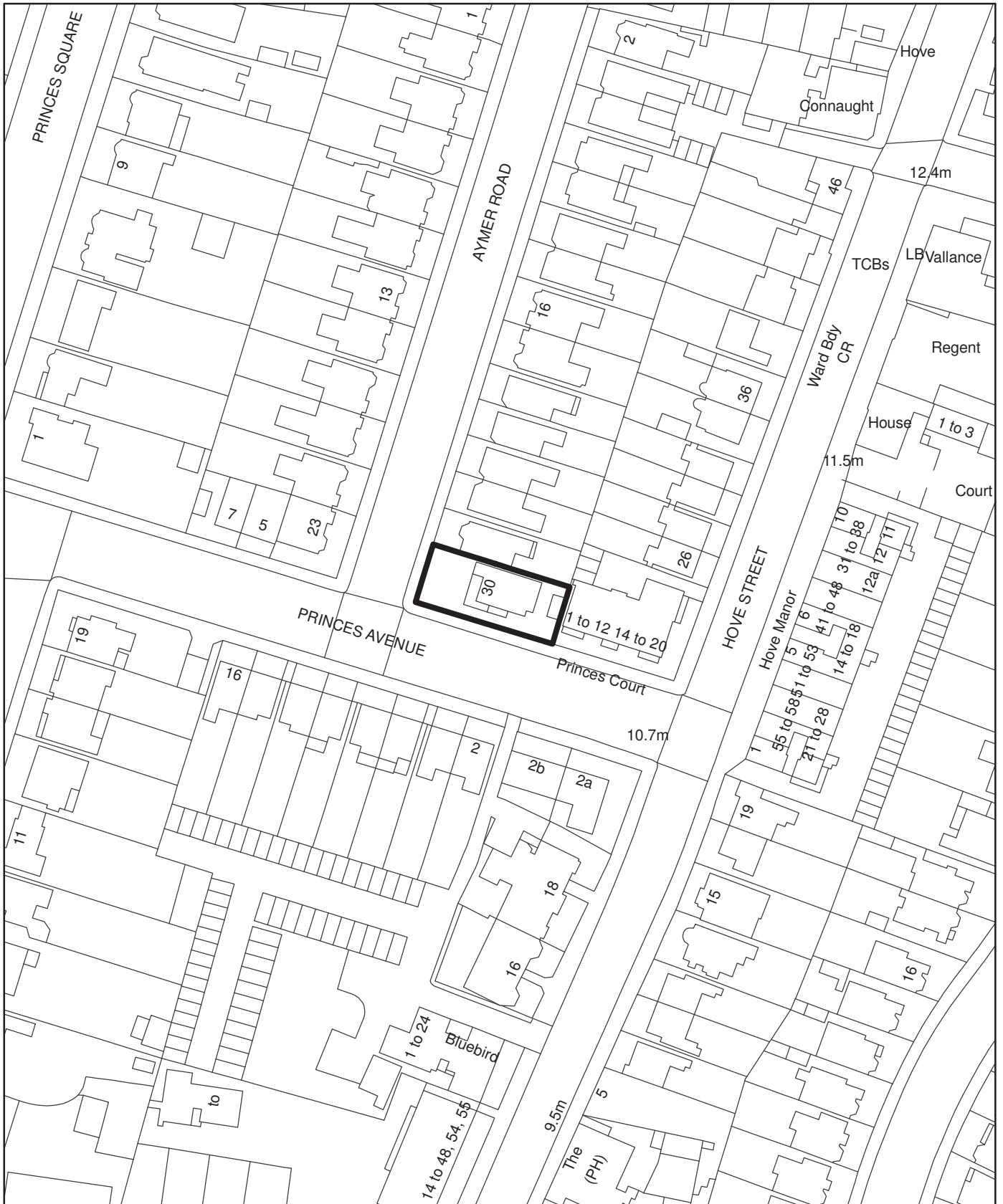
**30 Aymer Road, Hove**

**BH2013/03023**

**Householder planning consent**

**20 NOVEMBER 2013**

# BH2013/03023 30 Aymer Road, Hove



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/03023</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>30 Aymer Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of boundary fence. (Part retrospective)</b>		
<b><u>Officer:</u></b>	Mark Thomas Tel 292336	<b><u>Valid Date:</u></b>	04/09/2013
<b><u>Con Area:</u></b>	Pembroke & Princes	<b><u>Expiry Date:</u></b>	30/10/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis and Co Planning SE Ltd, 2 Port Hall Road , Brighton BN3 5PD		
<b><u>Applicant:</u></b>	Jeremy Hoye, 30 Aymer Road , Hove BN3 4GA		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a bungalow situated on the eastern corner of Aymer Road and Princes Avenue. The property is located within the Pembroke & Princes Conservation Area and is subject to an Article 4 Direction. The area is typified by low boundary walls, some with fencing over. There are examples of higher fencing to street fronting boundaries in the vicinity, notably at no. 19 Princes Crescent which features a vertical close boarded fence to a height of approximately 1.8m.

## 3 RELEVANT HISTORY

**BH2013/02053** Erection of new 1.83m high boundary fence (Retrospective)- Refused

**BH2010/03264** Erection of new build double garage to replace existing and widening of existing crossover and dropped kerb- Approved

**BH2007/00014** 2 rooflights to south elevation (retrospective)- Approved

## 4 THE APPLICATION

- 4.1 Planning permission is sought part retrospectively for the erection of a 1.36m high boundary fence to the western and southern boundaries adjacent the public footways on Aymer road and Princes Avenue and a gate to the western boundary. A 1.83m fence has been erected, and the proposal seeks to retain this fence, albeit with a reduction in height.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours:** Ten (10) letters of representation have been received from **Flat 1, 28 Aymer Road; Flat 2, 28 Aymer Road; 58 Pembroke Crescent; 60**

**Pembroke Crescent; 2 Princes Avenue; 51 Hove Manor, Hove Street; 13 Hove Street; 35 Whittingehame Gardens** supporting the application for the following reasons:

- The new fence would be more presentable than the previous hedge
- The new fence would be in keeping with the area
- The fence represents an improvement to the street scene
- The new fence would not be excessively high
- The reduction in height of the fence would be an improvement
- There are larger fences and walls in the area

## **6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

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

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD27 Protection of Amenity

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD9 Architectural features

SPD12 Design Guidance for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the development upon the character and appearance of the recipient property and the wider conservation area, and the impact on the amenity of occupiers of neighbouring properties.

### **Planning Policy:**

8.2 Policy HE6 of the Brighton & Hove Local Plan states that proposals within or affecting the setting of a Conservation Area should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, and should use building materials and finishes which are sympathetic to the area.

8.3 SPD9 and SPD12 state that the design and height of boundary walls should relate to the character of the street/surrounding area, and that inconsistency in form and height can be harmful to a street scene.

### **Design:**

8.4 The current application follows the refusal of application BH2013/02053. This application sought (retrospectively) to retain a 1.83m high fence and an entrance gate. The current application seeks to retain the fence, but with a reduction in height to 1.36m. Application BH2013/02053 was refused for the following reason:

1. The fence and entrance gate by virtue of their heavy and bulky appearance, its excessive height and its considerable extent has resulted in significant harm to the character and appearance of the recipient property, and the character, appearance and setting of the conservation area. As such, the development is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

8.5 Whilst the current application address the issue relating to height, by lowering it to more closely reflect the characteristic height of street-fronting boundary treatments in the locality, it does not address the reason for refusal which relates to the heavy and bulky appearance of the fence. The fence would retain the bulky horizontal timbers which would relate poorly to the over riding character and appearance of the Conservation Area, where lighter weight vertical open boarded have been utilised where present.

- 8.6 For the reasons outlined, the proposed development would result in significant harm to the character and appearance of the recipient property and the wider Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan and SPD12.

**Impact on Amenity:**

- 8.7 The proposed fence and gate is situated a sufficient distance from windows serving habitable rooms at neighbouring properties so as not to result in significantly increased levels of overshadowing, loss of outlook and increased sense of enclosure.

**9 CONCLUSION**

- 9.1 The proposed timber fence and gate by virtue of its heavy and bulky appearance would result in significant harm to the character and appearance of the recipient property, and the character, appearance and setting of the conservation area.

**10 EQUALITIES**

- 10.1 None identified

**11 REASON FOR REFUSAL / INFORMATIVES**

Reasons for Refusal:

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

Informatives:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location and block plan	A.03	Rev. P1	4 <sup>th</sup> September 2013
Existing plans and elevations	A.01	Rev. A	4 <sup>th</sup> September 2013
Proposed plans and elevations	D.01	Rev. B	4 <sup>th</sup> September 2013



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 107</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

City College, Wilson Avenue, Brighton – additional accommodation

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
19 <sup>th</sup> Nov 13	<b>BHASVIC 205 Dyke Road, Hove</b>	Hove Park Ward	Construction of a new 3no storey teaching block located on the existing upper car park between College House and the main building on Dyke Road and associated works.
29 <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
20 <sup>th</sup> November 2012	<b>City College, Pelham Street</b>	St Peters & North Laine	Demolition of all buildings. Redevelopment of the site to provide a 11,800 sqm educational building, a building accommodating 501 student units, 22 townhouses, two buildings containing 72 residential flats and a public square.
30 <sup>th</sup> October 2012	<b>Brighton &amp; Hove Bus Depot, Industrial House, Gill House, Tecore House &amp; The Builder Centre all on Conway Street, Units 1 – 3 Ellen Street &amp; The Agora, Ellen Street</b>	Goldsmid	Demolition of all buildings expect for The Agora, Ellen Street. Redevelopment of the site to comprise the following: A1 retail unit (food) of 3,716 square metres and an A1 retail unit (non food) of 4,650 square metres; 4 No. A1 (non food) retail units (but could also be A3/A4 restaurant/bar uses) totalling

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

			1,716 square metres; 8 No. A3/A4 restaurants/bars totalling 2730 square metres; Exhibition space 232 metres; B1 office units totalling 8,820 square metres; 9 screen D2 cinema of 3,875 square metres. 400 Residential units to be mainly provided at upper levels including 5 tower blocks ranging in height of between 10 and 25 storeys. Car parking for 800 vehicles.
9 <sup>th</sup> October 2012	<p><b>1. Hannington Lane</b></p> <p><b>2. Brighton Square</b></p>	<p>1. Regency</p> <p>2. Regency</p>	<p>1. Creation of new retail shopping lane behind the former Hanningtons Store connecting Meeting House Lane with Brighton Place, with new links to North St and Brighton Square. Accommodation comprising 9 new residential units (approx 900 sqm) and office accommodation (approx 520 sqm) over 21 new/refurbished/extended retail units (A1/A3 mix TBA) (approx 1,300 sqm). Please note that approximately half of the retail area is to be within existing building envelopes. Relocation of sub-station.</p> <p>2. Remodelling facades of Brighton Square. New 50 bedroom hotel and reception (approx 1,500sqm) fronting Brighton Place with rooftop café/restaurant (approx 75sqm) and roof terrace and 5 new residential units (approx 500 sqm), office accommodation (approx 300 sqm) over 7 new/refurbished/extended retail units (A1/A3 mix TBA) (approx 300 sqm).</p>
28 <sup>th</sup> August 2012	<b>Infinity Foods, Norway Street</b>	South Portslade	<p>An office block (Class B1) of 743sqm, served by 15 parking spaces accessed from Franklin Street to the north of the site.</p> <p>1 2, 3 and 4 bed dwellings</p>

			including 12 affordable housing units served by 50 parking spaces access from Norway Street and Franklin Road.
15 <sup>th</sup> May 2012	<p><b>1. Brighton Station, Block J</b></p> <p><b>2. Woolards Field, Lewes Road</b></p>	<p>1. St Peters &amp; North Laine</p> <p>2. Moulsecomb &amp; Bevendean</p>	<p>1. The commercial and residential blocks will be developed separately. An amended 6/8 storey mixed use commercial building, plus basement, comprising hotel, office and retail uses, is proposed at the southern end of the site.</p> <p>2. A 1-3 storey building to be used as a make ready ambulance centre including cleaning, maintenance and preparation of ambulances with office, staff facilities, training and education facilities. Associated landscaping car parking (158 spaces) and cycle parking.</p>
24 <sup>th</sup> April 2012	<p><b>PortZed,</b> <b>9-16 Aldrington Basin,</b> <b>Land south of Kingsway,</b> <b>Basin Road North,</b> <b>Portslade</b></p>	Wish	Demolition of business unit to east of Magnet showroom. Erection of new five and a half storey building at Kingsway level and a further one and half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises with associated new access and car parking at Kingsway level and 52 residential units in 6 blocks.
21 <sup>st</sup> February 2012	<p><b>Anston House,</b> <b>137-139 Preston Road,</b> <b>Brighton</b></p>	Preston Park	Demolition of existing building and proposed mixed scheme. Exact details of the scheme are not finalised. The presentation is to show Cllrs the concept of the scheme and how they have come to the point that they are now at.



**PLANS LIST 20 November 2013****BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED BY THE HEAD OF PLANNING & PUBLIC PROTECTION UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION****PATCHAM****BH2013/02621****Mill House Overhill Drive Brighton**

Non material amendment to BH2012/03233 for addition of 2no bedrooms and bathroom to roof space with the addition of 4no rooflights to southern elevation and 1no rooflight to northern elevation.

**Applicant:** Alan Maysey

**Officer:** Anthony Foster 294495

**Refused on 24/10/13 DELEGATED**

**1) UNI**

The proposed revisions to the scheme approved under application BH2010/03233 are considered material and warrant the submission of a further application for planning permission to enable the Local Planning Authority to fully assess the revised proposals in respect of the impact on the design and appearance of the host building and impact on neighbouring properties.

**BH2013/02633****42 Ridgeside Avenue Brighton**

Application for approval of details reserved by conditions 3 and 4 of application BH2013/01607.

**Applicant:** Mr & Mrs Rowland

**Officer:** Wayne Nee 292132

**Approved on 10/10/13 DELEGATED**

**BH2013/02760****4 Wilmington Parade Brighton**

Erection of single storey rear extension.

**Applicant:** Mr P Vigneswaran

**Officer:** Chris Swain 292178

**Approved on 16/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			9 August 2013
Existing and proposed floor plans	AD/13/WIL4/P L01		21 August 2013
Existing elevations	AD/13/WIL4/P L01		21 August 2013
Proposed ground floor plan and elevations	AD/13/WIL4/P L01		21 August 2013

### **BH2013/02884**

#### **200 Mackie Avenue Brighton**

Erection of rear infill extension to ground floor, extension of existing rear dormer and installation of 3no dormers to front.

**Applicant:** Mr & Mrs Gareth Handley

**Officer:** Andrew Huntley 292321

**Refused on 22/10/13 DELEGATED**

#### 1) UNI

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

### **BH2013/02906**

#### **39 Craginair Avenue Brighton**

Demolition of existing garage and erection of new garage to rear.

**Applicant:** Mr Jeremy Snelling

**Officer:** Emily Stanbridge 292359

**Approved on 21/10/13 DELEGATED**

#### 1) BH01.01

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

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

#### 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			22.08.2013
Block Plan			22.08.2013
Existing rear elevation			30.08.2013
Front elevation existing			30.08.2013
Existing side elevation			30.08.2013
Existing plan			30.08.2013

Proposed rear elevation			30.08.2013
Proposed front elevation			30.08.2013
Proposed plan			30.08.2013
Proposed side elevation			30.08.2013
Proposed floor plan			30.08.2013

**BH2013/02925**

**New Priory Vets Brighton The Deneway Brighton**

Display of non-illuminated free standing sign.

**Applicant:** New Priory Vets Brighton

**Officer:** Liz Arnold 291709

**Approved on 16/10/13 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

**BH2013/02939**

**170-172 Carden Hill Brighton**

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

**Applicant:** Goassets Ltd

**Officer:** Christopher Wright 292097

**Prior approval not required on 18/10/13 DELEGATED**

**BH2013/03000**

**68 Wilmington Way Brighton**

Erection of single storey rear extension.

**Applicant:** Laura Turner

**Officer:** Emily Stanbridge 292359

**Approved on 23/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Rear Extension Proposals	13B-PA-01		02.09.2013

**BH2013/03011**

**10 Sanyhills Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.4m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.6m.

**Applicant:** Mr Richard Olney

**Officer:** Chris Swain 292178

**Prior approval not required on 14/10/13 DELEGATED**

**BH2013/03040**

**1 Rotherfield Crescent Brighton**

Erection of single storey front, side and rear extension incorporating raised decking to rear.

**Applicant:** Mr Steven Porter

**Officer:** Andrew Huntley 292321

**Refused on 23/10/13 DELEGATED**

**1) UNI**

The proposed side/front extension, by virtue of its design, size and roof form would result in a visually intrusive and awkward addition to the property, which is unsympathetic to the design of the existing dwelling and as a result would be of



detriment to the visual amenities of the parent property and the wider area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

**BH2013/03105**

**123 Mackie Avenue Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable end roof extension, front rooflight, side window and red dormer with Juliet balcony.

**Applicant:** Greg Perry

**Officer:** Emily Stanbridge 292359

**Approved on 16/10/13 DELEGATED**

**BH2013/03148**

**156 Cuckmere Way Brighton**

Removal of existing side outrigger and erection of two storey side and rear extension.

**Applicant:** Abbie Collins

**Officer:** Andrew Huntley 292321

**Approved on 28/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plans	001		13.09.2013
Existing Plans	002	A	15.10.2013
Existing Elevations and Section	003	A	15.10.2013
Proposed Plans	004	A	15.10.2013
Proposed Elevations and Section	005	A	15.10.2013

**PRESTON PARK**

**BH2013/02701**

**Ground Floor Flat 107 Preston Road Brighton**

Erection of single story rear extension.

**Applicant:** Mr & Mrs Bennett

**Officer:** Jonathan Puplett 292525

**Refused on 28/10/13 DELEGATED**

**1) UNI**

The proposed extension would take up the majority of the main garden area and is not of a form and footprint which would result in the appearance of a sympathetic addition to the main building. The proposed extension is contrary to policy QD14 of the Brighton & Hove Local Plan and the guidance set out in SPD12 'Design guide for extensions and alterations.'

**2) UNI2**

The proposed extension would be sited alongside the boundary between nos. 107 and 109 Preston Road and would project over the boundary wall. The extension would have an overbearing and enclosing impact upon the occupiers of no. 109 when viewed from the side and rear windows and garden of this property, would result in increased overshadowing of this property, and overall and would represent an neighbourly form of development. The proposed extension is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/02942**

**42 Florence Road Brighton**

Erection of single storey rear extension. Loft conversion incorporating rear dormer and 1no rooflight to the front roof slope.

**Applicant:** Jon Wilson

**Officer:** Sonia Gillam 292265

**Approved on 22/10/13 DELEGATED**

**1) UNI**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site and block plans	A.03		27/08/2013
Existing plans	A.01		27/08/2013
Existing elevations and section	A.02		27/08/2013
Existing side elevation and section	A.01		27/08/2013
Proposed plans	D.01	A	27/08/2013
Proposed elevations and section	D.02		27/08/2013
Proposed side elevation and section	D.03	A	27/08/2013

**3) UNI**

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

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

**4) UNI**

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

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

**5) UNI**

The 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.*

**6) UNI**

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

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

**7) UNI**

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

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

**8) UNI**

The dormer window hereby approved shall be painted softwood, double hung vertical sliding sash with concealed trickle vents and shall be retained as such thereafter.

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

**BH2013/02991**

**7 Lucerne Road Brighton**

Erection of single storey rear infill extension and landscaping to rear.

**Applicant:** Howard & Susan Kidd

**Officer:** Wayne Nee 292132

**Approved on 17/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed plans	13.01.01/4B		30 August 2013
Plans and elevations	12.01.01/3		30 August 2013
Proposed sections	13.01.01/6A		30 August 2013
Site plan and block plan			30 August 2013

**3) UNI**

Report from: 10/10/2013 to: 30/10/2013

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

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

**BH2013/03134**

**70 Ashford Road Brighton**

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

**Applicant:** Lesley Burgess

**Officer:** Emily Stanbridge 292359

**Refused on 23/10/13 DELEGATED**

**1) UNI**

The plans submitted demonstrate that the glazed guarding to the proposed rear does not sit flush against the walls of the dormer. Consequently this creates a platform between the rear wall of the dormer window and the proposed glazed guarding. Therefore the proposal does not come under permitted development rights.

**2) UNI2**

Whilst the plans submitted demonstrate the rear dormer is to be set back 20cm from the eaves, the glazed guarding to the rear is situated within 20cm of the eaves of the original roof. Therefore the proposal does not come under permitted development rights.

**REGENCY**

**BH2013/01845**

**The Lion & Lobster 24 Sillwood Street Brighton**

Formation of external seating terraces at first and second floor level incorporating external staircase & retaining wall at second floor level. (Retrospective)

**Applicant:** Mr Gary Whelan

**Officer:** Christopher Wright 292097

**Refused on 14/10/13 DELEGATED**

**1) UNI**

The first and second floor roof terraces proposed would have a significant adverse impact on neighbour amenity by way of noise and disturbance due to the proposed hours of use late at night within an area which is predominantly residential and set away from the busier nearby streets such as Western Road where late night drinking and eating establishments are less out of character. For these reasons the proposal is contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan 2005.

**BH2013/02319**

**39/40 Old Steine Brighton**

Removal of existing mansard roof and creation of additional floor incorporating mansard roof to match existing and other associated works.

**Applicant:** Mr Adam Lacey

**Officer:** Christopher Wright 292097

**Refused on 25/10/13 DELEGATED**

**1) UNI**

The proposed development would, by reason of the additional height, bulk and scale of the building, increase the prominence and dominance of the building in relation to neighbour buildings such that the setting and views of the adjacent listed buildings would be compromised, to the detriment of visual amenity and the historic character and appearance of the Valley Gardens Conservation Area. As such the proposal is contrary to policies HE3 and HE6 of the Brighton & Hove Local Plan.

## **2) UNI2**

The proposed external balcony railings would, by reason of their position and design, detract from the character of the building and appear unsympathetic with the decoration and detailing of the adjacent listed buildings, to the detriment of visual amenity and the historic townscape of the Valley Gardens Conservation Area. As such the proposal is contrary to policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan.

## **3) UNI3**

The proposed development would, by reason of the additional height and bulk created together with the close proximity of the development to adjacent buildings, result in increased overshadowing, overlooking and a generally overbearing impact that would be detrimental to the amenities of the occupiers and users of adjacent buildings, contrary to the requirements of policy QD27 of the Brighton & Hove Local Plan.

### **BH2013/02380**

#### **211 Western Road Brighton**

Display of internally illuminated fascia signs, hanging sign and lettering.

**Applicant:** Mr Adam Marshall

**Officer:** Emily Stanbridge 292359

**Approved on 22/10/13 DELEGATED**

#### **1) UNI**

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

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

#### **2) UNI**

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

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

#### **3) UNI**

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

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

#### **4) UNI**

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.*

#### **5) UNI**

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

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

#### **6) UNI**

No advertisement shall be sited or displayed so as to -

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

### **7) UNI**

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

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

## **BH2013/02381**

### **211 Western Road Brighton**

Installation of new shopfront.

**Applicant:** Mr Adam Marshall

**Officer:** Emily Stanbridge 292359

**Approved on 22/10/13 DELEGATED**

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

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

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

#### **2) UNI**

No development shall take place until 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 QD10 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	EP-3M-006		15.08.2013
Standard projecting sign	55140-A		16.07.2013
Existing shop front	EP-3M-001A		16.10.2013
Proposed shop front	EP-3M-005		07.10.2013
Proposed shop front	EP-3M-005A		07.10.2013
Proposed shop front	EP-3M-005B		07.10.2013
Proposed shop front	EP-3M-005C		07.10.2013
Proposed sections	EP-3M-006		27.08.2013
Existing plans	EP-3M-001		15.08.2013
Proposed set out and GA plans	EP-3M-002		15.08.2013

## **BH2013/02544**

### **19 Clifton Terrace Brighton**

Erection of two storey rear extension at lower ground and ground floor levels with associated external alterations including demolition of conservatory and alterations to fenestration. Internal alterations to layout of house.

**Applicant:** Mr & Mrs Walter

**Officer:** Jason Hawkes 292153

### **Refused on 28/10/13 DELEGATED**

#### **1) UNI**

The rear extension is deemed inappropriate for this building in respect of its scale, siting and design. The construction of the extension would result in the loss of three historic rear windows, original York stone, garden steps and balustrade and result in the removal of the side wall of the outrigger at ground floor level. The scale and design of the new sets of doors to the rear outrigger and the proposed extension are also considered inappropriate and relate poorly to the fenestration above. The extension and these alterations would therefore be detrimental to the historic character and appearance of the listed building and the scheme is contrary to policy HE1 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed double glazed sliding sash windows would not match the original windows on the building and would detract from the historic character and appearance of the listed building. The scheme is contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Document 9: Architectural Features.

#### **3) UNI3**

The proposal results in substantial alterations to the layout of the basement level which would significantly affect its plan form and detract from the character and appearance of the listed building. The scheme is contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11: Listed Building Interiors.

## **BH2013/02545**

### **19 Clifton Terrace Brighton**

Erection of two storey rear extension at lower ground and ground floor levels with associated external alterations including demolition of conservatory and alterations to fenestration.

**Applicant:** Mr & Mrs Walter

**Officer:** Jason Hawkes 292153

### **Refused on 28/10/13 DELEGATED**

#### **1) UNI**

The rear extension is deemed inappropriate for this building in respect of its scale, siting and design. The construction of the extension would result in the loss of three historic rear windows, original York stone, garden steps and balustrade and result in the removal of the side wall of the outrigger at ground floor level. The scale and design of the new sets of doors to the rear outrigger and the proposed extension are also considered inappropriate and relate poorly to the fenestration above. The extension and these alterations would therefore be detrimental to the historic character and appearance of the listed building and the Montpelier & Clifton Hill Conservation Area. The scheme is contrary to policies HE1 & HE6 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed double glazed sliding sash windows would not match the original windows on the building and would detract from the historic character and appearance of the listed building and the Montpelier & Clifton Hill Conservation Area. The scheme is contrary to policies HE1 & HE6 of the Brighton & Hove

Local Plan and Supplementary Planning Document 9: Architectural Features.

### **3) UNI3**

Due to the position and bulk of the rear extension, the proposal would result in a loss of outlook, light, overshadowing and a heightened sense of enclosure to 18 Clifton Terrace. The proposal would therefore lead to an unacceptable material loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and SPD: Design Guide for Extensions and Alterations and Alterations.

#### **BH2013/02678**

##### **41 Middle Street Brighton**

Replacement of existing timber windows and rooflights with UPVC windows and rooflights. (Retrospective).

**Applicant:** Mr Martin Friel

**Officer:** Adrian Smith 290478

**Refused on 28/10/13 DELEGATED**

### **1) UNI**

The windows and rooflight as installed, by virtue of their unsympathetic material finish with thick UPVC frames and non-original opening arrangements to the rear, have significantly harmed the appearance of the building and its important historical significance in the wider Old Town Conservation Area, contrary to policies QD14 & HE6 of the Brighton & Hove Local Plan and guidance within SPD08 'Architectural Features'.

#### **BH2013/02742**

##### **Friends Meeting House Ship Street Brighton**

Alterations to two internal and one external doors to create automatic door opening systems for disabled access.

**Applicant:** Sussex West Area Quaker Meeting

**Officer:** Jason Hawkes 292153

**Approved on 25/10/13 DELEGATED**

### **1) BH01.05**

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

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

### **2) UNI**

The proposed mounting plate above the double door, as shown on drawing mb/02/brighton meeting house, shall be painted or colour finished to match the colour of the doors and thereafter retained as such.

*Reason: To preserve the character and appearance of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.*

#### **BH2013/02755**

##### **23A Sussex Heights 14 St Margarets Place Brighton**

Replacement of existing steel patio doors with UPVC patio doors and enclosure of balcony with UPVC windows (retrospective).

**Applicant:** Kenny Munnely

**Officer:** Mark Thomas 292336

**Approved on 16/10/13 DELEGATED**

#### **BH2013/02768**

##### **St Mary Magdalen School Spring Street Brighton**

Installation of ventilation extract on flat roof and replacement door with louvers above to West elevation.

**Applicant:** St Mary Magdalen School

Report from: 10/10/2013 to: 30/10/2013



**Officer:** Christopher Wright 292097

**Approved on 16/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The inlet and extraction machinery and plant hereby approved shall be used only between the hours of 08.00 and 14.00 on Mondays to Fridays inclusive, and shall not be used on Saturdays, Sundays or 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.*

**3) UNI**

Noise associated with the inlet and extraction 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.*

**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	1276-P-10		12 Aug 2013
Block Plan	1276-P-11		12 Aug 2013
Existing and Proposed Roof Plans	1276-P-12		12 Aug 2013
Elevations	1276-P-13		12 Aug 2013

**5) UNI**

The external extract vent above the flat roof hereby permitted shall be finished externally in Traffic Grey colour, RAL 7043, and shall be retained as such thereafter.

*Reason: In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies HE6 and QD14 of the Brighton & Hove Local Plan 2005.*

**BH2013/02832**

**73 Upper North Street Brighton**

Erection of single storey rear extension and alterations including external front and rear restoration works, revised rear fenestration, excavations at basement level with associated access changes, installation of railings to steps and rear landscaping.

**Applicant:** Mr & Mrs P Sharp

**Officer:** Jason Hawkes 292153

**Approved on 18/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

**4) UNI**

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

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

**5) UNI**

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

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

**6) UNI**

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

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

**7) UNI**

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

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

**8) UNI**

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

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

Plan Type	Reference	Version	Date Received
As Existing Basement and Ground Floor Plan	205UNS74/01	A	19th August 2013
As Existing First Floor and Roof Plan	205UNS74/02	A	19th August 2013
As Existing Elevations	205UNS74/03	A	19th August 2013
As Existing 'Actual' Site Views, Sections Block and Location Plans	205UNS74/04	A	19th August 2013
Proposed Basement and Ground Floor Plan	205UNS74/05	A	19th August 2013

Proposed First Floor and Roof Plan	205UNS74/06	A	19th August 2013
Proposed Elevations	205UNS74/07	A	19th August 2013
Proposed 'Actual' Site Views, Sections, Railing and Gate Designs	205UNS74/08	A	19th August 2013
Details Sections / Elevations	205UNS74/09	A	19th August 2013

### 9) UNI

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

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

### **BH2013/02848**

#### **7A Western Terrace Brighton**

Replacement of casements and sashes to 5no windows.

**Applicant:** Mr William Allen

**Officer:** Helen Hobbs 293335

**Approved on 11/10/13 DELEGATED**

#### 1) BH01.05

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

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

### **BH2013/02866**

#### **53-54 North Street Brighton**

Display of internally illuminated fascia and projecting signs.

**Applicant:** Freshmex (uk) ltd

**Officer:** Emily Stanbridge 292359

**Refused on 23/10/13 DELEGATED**

#### 1) UNI

The proposed advertisements by reason of their size, design and illumination would be unsympathetic to the existing building and would harm the character and appearance of the building and the wider Old Town Conservation Area. The advertisements would harm the visual amenities of the area and are also contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07, Advertisements.

### **BH2013/02920**

#### **29 Western Road Brighton**

Display of non-illuminated painted elevations. (Retrospective).

**Applicant:** The Pie and Mash Shop Ltd

**Officer:** Adrian Smith 290478

**Refused on 14/10/13 DELEGATED**

#### 1) UNI

The advertisement as installed represents an incongruous and harmful addition to the building to the detriment of the architectural and historic character and appearance of the building, Regency Square Conservation Area, and its setting, contrary to policy HE9 of the Brighton & Hove Local Plan.

### **BH2013/02934**

#### **37 Sillwood Road Brighton**

Replacement of timber beam with galvanised steel beam between lower ground floor and ground floor flats.

**Applicant:** 37 Sillwood Road (Brighton) Ltd

**Officer:** Emily Stanbridge 292359

**Approved on 30/10/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

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

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

**BH2013/02990**

**Churchill Square Western Road Brighton**

Application for approval of details reserved by condition 3 of application BH2012/03350.

**Applicant:** Keinwort Benson (Channel Islands) Corporate Se

**Officer:** Jason Hawkes 292153

**Approved on 25/10/13 DELEGATED**

**BH2013/02994**

**12 Norfolk Terrace Brighton**

Removal of existing external fire escape and installation of UPVC rainwater downpipe to replace existing to rear elevation.

**Applicant:** Mr Peter Mullarky

**Officer:** Mark Thomas 292336

**Approved on 28/10/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

Any damage to the renderwork of the rear elevation following the removal of the fire escape shall be made good and the repaired areas shall match in material colour, style, bonding and texture those of the existing building.

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

**3) UNI**

The rainwater down-pipe hereby approved shall be painted to match the colour of the elevation to which it would be affixed, and shall be permanently retained as such thereafter.

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

**BH2013/02999**

**Land Adjoining West Pier Kings Road Brighton**

Installation of temporary telecommunication mast until 10th October 2013. (Part Retrospective)

**Applicant:** Telefonica O2

**Officer:** Christopher Wright 292097

**Refused on 30/10/13 DELEGATED**

**1) UNI**

The design, siting, height and appearance of the development would be prominent and starkly alien within the historic context of the seafront and would detract from the setting of the adjacent Grade I listed West Pier, important views from within the Regency Square Conservation Area and along the seafront, to the detriment of visual amenity and the historic character and appearance of the locality and the Regency Square Conservation Area. As such the proposal is contrary to the requirements of policies QD23 and QD24 of the Brighton & Hove Local Plan 2005.

**BH2013/03309**

**130 - 134A Western Road Brighton**

Non Material Amendment to BH2013/02287 to retain existing concrete finish on facade

**Applicant:** Waitrose Ltd

**Officer:** Steven Lewis 290480

**Approved on 21/10/13 DELEGATED**

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

**BH2012/03859**

**25 Oxford Street Brighton**

Conversion of first and second floors from offices (B1) to maisonette.

**Applicant:** Anthony Seigne

**Officer:** Andrew Huntley 292321

**Refused on 28/10/13 DELEGATED**

**1) UNI**

The development would result in the loss of a small business unit (Use Class B1(a)) for which insufficient justification has been given, contrary to policies EM5 and EM6 of the Brighton & Hove Local Plan which seeks to retain small industrial, business and warehouse premises (Use Classes B1, B2 and B8) for employment purposes.

**BH2013/01162**

**Site J New England Quarter Fleet Street Brighton**

Application for approval of details reserved by condition 18Av of application BH2012/01627.

**Applicant:** The Hyde Group

**Officer:** Maria Seale 292232

**Approved on 21/10/13 DELEGATED**

**BH2013/01826**

**Site J New England Quarter Brighton**

Application for Approval of Details Reserved by Condition 25a of application BH2012/01627.

**Applicant:** The Hyde Group

**Officer:** Maria Seale 292232

**Approved on 14/10/13 DELEGATED**

**BH2013/01926**

**Site J New England Quarter Fleet Street Brighton**

Application for Approval of Details Reserved by Condition 24a of application BH2012/01627.

**Applicant:** The Hyde Group

**Officer:** Maria Seale 292232

**Approved on 14/10/13 DELEGATED**

**BH2013/02147**

**(Former Co-op Department Store) 94-103 London Road and 6-11 & 12 Baker Street Brighton**

Application for variation of condition 2 of application BH2012/02675 (Partial demolition of former Co-Operative building allowing for the retention of the existing façade. Erection of a new building ranging from 3 to 6 storeys providing 351 units of student accommodation (sui generis) and 3no retail units (A1) at ground floor level) to allow for a minor material amendment to change the ground floor unit on Baker Street from retail unit No. 3 (A1) to a student management office (sui generis)/retail unit (A1) and to create a larger retail unit No. 1 on London Road where the student management suite was previously proposed.

**Applicant:** Watkin Jones Group

**Officer:** Kathryn Boggiano 292138

**Approved after Section 106 signed on 21/10/13 DELEGATED**

**1) UNI**

The windows within the east elevation of the north rear wing at first, second and third storey levels, which serve the communal kitchens/living rooms shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

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

**2) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until a scheme for the soundproofing of the floors and walls between plant rooms and the student accommodation and between the commercial units and the student accommodation, as recommended by submitted report, 'WYG Environmental: Former Co-op Building, London Road, Brighton, Proposed Mixed Retail and Student Residential Development, November 2012, A069178-3, revision 3 08/11/12', has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**3) UNI**

The angled windows servicing the bedrooms on the north elevation of the Baker Street frontage block, on the upper ground, first, second and third storey floor level shall be glazed with obscure glazing and screens erected on the exterior of the window as shown on the floor plans - drawing number PL\_002 revision B received 8 November 2012, PL\_003 revision D received 20 November 2012, PL\_004 revision C and PL\_005 received 16 November 2012, and corresponding elevational drawing EL\_004 revision C received 12 November 2012, and as shown on drawing numbers PL\_003 revision F received 18 June 2013, PL\_004 revision D and PL\_005 revision C received on 20 May 2013 approved as part of non material amendment BH2013/01602, this element of the glazing should also be fixed shut and thereafter permanently retained as such. For clarity, this restriction does not relate to the glazing on the shorter aspect of the angled window.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply*

**4) UNI**

The angled windows servicing the ground and upper ground floor level bedrooms opposite London Terrace shall be glazed with obscure glazing and screens

erected on the exterior of the window as shown on the floor plans - drawing number PL\_001 revision J received on 24 June 2013, PL\_002 revision B received 8 November 2012 and corresponding elevational drawing EL\_002 revision C received 12 November 2012, and as shown on drawing numbers EL\_002 revision D received 20 May 2013 approved as part of Non Material Amendment BH2013/01602, and this element of the glazing should also be fixed shut and thereafter permanently retained as such. The angled bay window to communal kitchen/living rooms associated with these bedrooms should also be obscure glazed as shown on the aforementioned drawings, fixed shut and thereafter permanently retained as such. For clarity, this restriction does not relate to the glazing on the shorter aspect of the angled window.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply*

#### **5) UNI**

The London Road retail units hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 10:00 and 16:00 on Sundays and Bank/Public Holidays.

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

#### **6) UNI**

No deliveries to or from the retail development and student management and marketing unit hereby approved, shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and between 10.00 and 16.00 Sundays, Bank or Public Holidays. All deliveries to the larger retail units which front onto London Road shall be made from the loading by on London Road and not to the rear of the development.

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

#### **7) UNI**

No servicing for collection of refuse/recycling at the site shall occur except between the hours of 08:00 and 19:00 on Mondays to Saturdays not at all on Sundays or Bank/Public Holidays.

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

#### **8) UNI**

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

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

#### **9) UNI**

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

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

#### **10) UNI**

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the

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

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

#### **11) UNI**

Access to flat roof areas across the development hereby approved, other than those areas which are expressly defined as amenity space as shown on drawing number PL\_003 revision D received 20 November 2012 and shown on PL\_003 revision F received on 18 June 2013 and approved as part of Non Material Amendment BH2013/01602 and labelled 'North and South Garden' and 'North and South Courtyard', shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

#### **12) UNI**

The development shall be carried out in accordance with the details contained the Nesting Bird Mitigation and Enhancement Strategy which was submitted and approved as part of application BH2013/00787.

*Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.*

#### **13) UNI**

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

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Retail Shell and Core and a Design Stage Assessment Report showing that the retail development will achieve a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the retail development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

#### **14) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the junction between the retained façade and the new build at each end, including the formation of the short returns of the retained stone façade, 1:10 scale, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and HE10 of the Brighton & Hove Local Plan.*



### **15) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the privacy screening as shown on drawing number PL\_003 revision D received 20 November 2012 and EL\_007 revision B received 14 November 2012, and shown on PL-003 revision D received on 18 June 2013 and approve as part of BH2013/01602, shall be erected prior to first occupation of the student accommodation hereby approved. The screen shall then be retained as such at all times.

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

### **16) UNI**

The development hereby permitted shall not be occupied until the cycle parking facilities shown on drawing number PL\_001 revision J received 24 June 2013 located in front of the management office have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

### **17) UNI**

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

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

### **18) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, non of the residential development hereby approved shall be occupied until a Multi Residential BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant Multi Residential BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

### **19) UNI**

The Baker Street A1/student management and marketing unit hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 9:00 and 19:00 on Sundays and Bank/Public Holidays.

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

### **20) UNI**

Prior to the Baker Street ground floor unit being brought into A1 use, details of an alternative location for a student accommodation management office within the buildings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The student management office shall be brought into use in accordance with the approved details, prior to commencement of the Baker Street A1 use, and shall be retained as such thereafter.

*Reason: To ensure that appropriate facilities exist for the management of the student accommodation office and to comply with policies QD27 of the Brighton & Hove Local Plan and policy CP21 of the Brighton & Hove Submission City Plan.*

**21) UNI**

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

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

*Reason: To ensure that the development is sustainable and ma*

**22) UNI**

The provision of foul and surface water drainage shall be implemented in accordance with the details shown on WL\_407-061 Rev P1 and WL\_407\_060 Rev P1 which were submitted and approved as part of application BH2013/00787.

*Reason: To prevent the increased risk of flooding and to prevent the pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove City Plan.*

**23) UNI**

The development shall be carried out in accordance with the details shown on Tree Constraints Plan referenced 1400 11 Rev B which was submitted and approved as part of application BH2013/00787. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

**24) UNI**

(i) The development shall be carried out in accordance with the details contained within the Phase 1 Desk Top Study and a Phase 2 Site Investigation Report along with associated appendices and supporting information which were submitted as part of application BH2013/01410.

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

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or mate

**25) UNI**

The bird boxes shall be installed in accordance with the details contained within the Nesting Bird Mitigation and Enhancement Strategy which was submitted and

approved as part of application BH2013/00787. The scheme shall be retained as such thereafter.

*Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD17 and QD18 of the Brighton & Hove Local Plan.*

**26) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and the seed mix. The scheme shall then be carried out in accordance with the approved details.

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

**27) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the proposed green walling have been submitted to and approved in writing by the Local Planning Authority. These details shall include timescale for implementation and maintenance programme and irrigation system, substrate to be used and plant species. The scheme shall then be carried out in accordance with the approved details.

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

**28) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the final design and location of the proposed Photo Voltaic panels to be installed on the roof of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

**29) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the spring loaded or similar mechanism for the Josta cycle parking facilities and proposed signage with instructions for use (to be erected in the cycle parking store) to provide a total of 134 spaces in the basement as shown on drawing number PL\_009 revision E received 8 November 2012, and shown on PL-009 revision F received on 20 May 2013 and approved as part of Non Material Amendment BH2013/01602, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

**30) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include edible landscaping/food growing, hard surfacing, means of enclosure,

planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

### 31) UNI

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

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

Plan Type	Reference	Version	Date Received
London Road and Baker Street Elevations	EL_001	C	27 November 2012
London Terrace Elevations	EL_002	C	12 November 2012
Kingsbury Road Elevations and London Terrace back gardens	EL_003	C	12 November 2012
Wing Elevations	EL_004	C	12 November 2012
Existing Elevations	EL_005		30 August 2012
Existing Elevations	EL_006	A	10 September 2012
North Courtyard Section	EL_007	B	14 November 2012
24 Kingsbury Road Sections	EL_008	A	22 November 2012
Fire Escape Door Detail	EL_009	A	8 November 2012

### 32) UNI

Plan Type	Reference	Version	Date Received
Elevation Details_1 proposed	EL_010		15 November 2012
Elevation Details_2 proposed	EL_011		15 November 2012
Elevation Details_3 proposed	EL_012		15 November 2012
Elevation Details_4 proposed	EL_013		15 November 2012
Fire Strategy Plan Ground Floor	FS_001	A	8 November 2012
Fire Strategy Plan First Floor	FS_002	A	28 November 2012
Fire Strategy Sections	FS_003	A	8 November 2012
Ground Floor Plan	A1_PL_001	J	24 June 2013
Upper Ground Floor Plan Proposed	PL_002	B	8 November 2012
First Floor Plan Proposed	PL_003	D	20 November 2012
Second Floor Plan Proposed	PL_004	C	16 November 2012
Third Floor Plan Proposed	PL_005	B	16 November 2013
Fourth Floor Plan Proposed	PL_006	C	16 November 2012

### 33) UNI

Plan Type	Reference	Version	Date Received
Fifth Floor Plan Proposed	PL_007	C	28 November 2012
Roof Plan Proposed	PL_008	C	16 November 2012

Basement Plan Proposed	PL_009	E	8 November 2012
Site Location Plan Proposed	10_002	A	2 July 2013
Student Entrance and Management Office Plan	PL_012	B	14 November 2012
Existing Basement Plan	PL_013		30 August 2012
Existing Ground Floor Plan	PL_014		30 August 2012
Existing First Floor Plan	PL_015		30 August 2012
Existing Second Floor Plan	PL_016		30 August 2012
Existing Third Floor Plan	PL_017		30 August 2012
Existing Fourth Floor Plan	PL_018		30 August 2012
Proximity of Proposed Building to London Terrace	PL_019	A	18 September 2012
Block Plan	PL_027		10 September 2012
Block Plan - Existing	PL_028		10 September 2012
Typical 5 Bed Flat Cluster	PL_029		2 November 2012
Typical Studio Layouts	PL_030		2 November 2012
Typical Small Studio Layouts	PL_031		2 November 2012
Public Realm Improvements	PL_032	A	16 November 2012
Site Sections Sheet 1	SE_001	B	8 November 2012

### 34) UNI

Plan Type	Reference	Version	Date Received
3D Views 014	SK_014		15 November 2012
3D Views 010	SK_020		15 November 2012
Ground floor landscape proposals	03	D	30 August 2012
First floor landscape proposals	04	E	30 August 2012
Ground floor planting proposals	05	A	30 August 2012
First floor planting proposals	06	B	30 August 2012
Proposed delivery lay-by	2370-TR-23	B	2 November 2012
Proposed delivery lay-by	2370SK-21	H	26 October 2012
CGI Sheet-1	RE_001		30 August 2012
CGI Sheet - 2	RE_002		30 August 2012
CGI Sheet - 3	RE_003		30 August 2012
CGI Sheet - 4	RE_004	A	14 September 2012

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

### 35) UNI

Unless otherwise agreed in writing, demolition of the building and retention of the façade shall be carried out in strict accordance with the 'Westlakes Consulting Design Consultants Demolition & Façade Retention Strategy - ref: 407\_Struct\_001, issue 01' and drawing no. WEL\_407\_SK20\_P1 'Façade Retention - Assumed Sequence of Works'.

*Reason: To ensure the satisfactory preservation of the facade and to comply with policies QD1 and HE10 of the Brighton & Hove Local Plan.*

### 36) UNI

Report from: 10/10/2013 to: 30/10/2013

No work shall take place above the ground floor slab level of any part of the development hereby approved, unless or until a scheme for the storage of refuse and recycling for the retail units has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

**37) UNI**

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

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

**38) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until drawings illustrating the landscape features, including fencing, screening, the steps, walls and seating areas across the development, at a scale of 1:20 or greater, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**39) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until 1:20 scale elevations and sections of the detailed shop front and doors design and the design of the three external fire doors within the shop fronts, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD5 and QD10 of the Brighton & Hove Local Plan.*

**40) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until full details of the proposed replacement glazing within the retained façade including any opening mechanism, sections and the profiles of the glazing bars at 1:20 scale, along with a window sample, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 and HE10 of the Brighton & Hove Local Plan.*

**41) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

**42) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the proposed glazing and ventilation method to be installed to the bedrooms identified in the submitted report, 'WYG Environmental: Former Co-op Building, London Road, Brighton, Proposed Mixed Retail and Student Residential Development, November 2012, A069178-3, revision 3 08/11/12', which shall achieve a BS8233 'Good' standard, have been submitted to and approved in writing by the Local Planning Authority. The approved glazing and ventilation method shall then be installed to the bedrooms as per the aforementioned reports recommendations.

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

#### **43) UNI**

The windows within the east elevation at first storey level serving the 'Student Common Room' as shown on drawing numbers EL\_002 revision C received 12 November 2012, PL\_003 revision C received 20 November 2012 and PL\_012 revision B received 14 November 2012, and as shown on drawing numbers EL\_002 revision D received 20 May 2013 and PL\_003 revision F received 18 June 2013 approved as part of Non Material Amendment BH2013/01602, shall be fixed shut and thereafter permanently retained as such.

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

#### **BH2013/02148**

#### **(Former Co-op Department Store) 94-103 London Road and 6-11 & 12 Baker Street Brighton**

Application for variation of condition 2 of application BH2012/02675 (Partial demolition of former Co-Operative building allowing for the retention of the existing façade. Erection of a new building ranging from 3 to 6 storeys providing 351 units of student accommodation (sui generis) and 3no retail units (A1) at ground floor level) to allow for a minor material amendment comprising the following: Change to bedroom window positioning on all elevations of both proposed buildings; Replacement of glazing at third floor and central portico of retained façade with bird mesh on London Road elevation; Additional window proposed on London Terrace elevation (west) at fifth floor; change to grouping of oriel windows on rear of Baker Street elevation; installation of two dry riser recessed cabinets to London Road shopfront and changes to retail entrance points on London Road and Baker Street.

**Applicant:** Watkin Jones Group

**Officer:** Kathryn Boggiano 292138

**Approved after Section 106 signed on 22/10/13 DELEGATED**

#### **1) UNI**

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

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

#### **2) UNI**

No work shall take place above the ground floor slab of any of the development hereby approved until details of the finish of the dry risers have been submitted to and approved in writing by the Local Planning Authority. The works shall be

implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 and HE10 of the Brighton & Hove Local Plan.*

### **3) 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.*

### **4) UNI**

Access to flat roof areas across the development hereby approved, other than those areas which are expressly defined as amenity space as shown on drawing number PL\_003 revision G received 24 June 2013 and labelled 'North and South Garden' and 'North and South Courtyard', shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

### **5) UNI**

The development shall be carried out in accordance with the details contained the Nesting Bird Mitigation and Enhancement Strategy which was submitted and approved as part of application BH2013/00787.

*Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.*

### **6) UNI**

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

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Retail Shell and Core and a Design Stage Assessment Report showing that the retail development will achieve a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the retail development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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



## 7) UNI

Plan Type	Reference	Version	Date Received
Retained Façade Details	SE_004	B	4 June 2013
Façade retention assumed sequence of works	WEL_407_SK 20	P1	12 October 2012
Site Sections Sheet 3	SE_005	B	22 November 2012
3D Views 1	SK_005		15 November 2012
3D Views 2	SK_006		15 November 2012
3D Views 4	SK_008		15 November 2012
3D Views 5	SK_009		15 November 2012
3D Views 014	SK_014		15 November 2012
3D Views 010	SK_020		15 November 2012
Ground floor landscape proposals	03	D	30 August 2012
First floor landscape proposals	04	E	30 August 2012
Ground floor planting proposals	05	A	30 August 2012
First floor planting proposals	06	B	30 August 2012
Proposed delivery lay-by	2370-TR-23	B	2 November 2012
CGI Sheet-1	RE_001		30 August 2012
CGI Sheet - 2	RE_002		30 August 2012
CGI Sheet - 3	RE_003		30 August 2012
CGI Sheet - 4	RE_004	A	14 September 2012

## 8) UNI

Plan Type	Reference	Version	Date Received
Proposed delivery lay-by	2370SK-21	H	26 October 2012
CGI Sheet-1	RE_001		30 August 2012
CGI Sheet - 2	RE_002		30 August 2012
CGI Sheet - 3	RE_003		30 August 2012
CGI Sheet - 4	RE_004	A	14 September 2012

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

## 9) UNI

Unless otherwise agreed in writing, demolition of the building and retention of the façade shall be carried out in strict accordance with the 'Westlakes Consulting Design Consultants Demolition & Façade Retention Strategy - ref: 407\_Struct\_001, issue 01' and drawing no. WEL\_407\_SK20\_P1 'Façade Retention - Assumed Sequence of Works'.

*Reason: To ensure the satisfactory preservation of the facade and to comply with policies QD1 and HE10 of the Brighton & Hove Local Plan.*

## 10) UNI

The windows within the east elevation of the north rear wing at first, second and third storey levels, which serve the communal kitchens/living rooms shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

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

**11) UNI**

The windows within the east elevation at first storey level serving the 'Student Common Room' as shown on drawing numbers EL\_002 revision E, PL\_003 revision G and EL\_002 revision E received on 24 June 2013 and PL\_012 revision B received 14 November 2012 shall be fixed shut and thereafter permanently retained as such.

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

**12) UNI**

The angled windows servicing the bedrooms on the north elevation of the Baker Street frontage block, on the upper ground, first, second and third storey floor level shall be glazed with obscure glazing and screens erected on the exterior of the window as shown on the floor plans - drawing number PL\_002 revision C, PL\_003 revision G, PL\_004 revision E and PL\_005 revision D and EL\_004 revision D received 24 June 2013, this element of the glazing should also be fixed shut and thereafter permanently retained as such. For clarity, this restriction does not relate to the glazing on the shorter aspect of the angled window which face west.

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

**13) UNI**

The angled windows servicing the ground and upper ground floor level bedrooms opposite London Terrace shall be glazed with obscure glazing and screens erected on the exterior of the window as shown on the floor plans - drawing number PL\_001 revision J received on 24 June 2013, PL\_002 revision C, EL\_002 revision E received on 24 June 2013, and this element of the glazing should also be fixed shut and thereafter permanently retained as such. The angled bay window to communal kitchen/living rooms associated with these bedrooms should also be obscure glazed as shown on the aforementioned drawings, fixed shut and thereafter permanently retained as such. For clarity, this restriction does not relate to the glazing on the shorter aspect of the angled window.

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

**14) UNI**

The London Road retail units hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 10:00 and 16:00 on Sundays and Bank/Public Holidays.

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

**15) UNI**

No deliveries to or from the retail development and student management and marketing unit hereby approved, shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and between 10.00 and 16.00 Sundays, Bank or Public Holidays. All deliveries to the larger retail units which front onto London Road shall be made from the loading bay on London Road and not to the rear of the development.

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

**16) UNI**

No servicing for collection of refuse/recycling at the site shall occur except between the hours of 08:00 and 19:00 on Mondays to Saturdays not at all on Sundays or Bank/Public Holidays.

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

**17) UNI**

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

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

*Reason: To ensure that the development is sustainable.*

**18) UNI**

The provision of foul and surface water drainage shall be implemented in accordance with the details shown on WL\_407-061 Rev P1 and WL\_407\_060 Rev P1 which were submitted and approved as part of application BH2013/00787.

*Reason: To prevent the increased risk of flooding and to prevent the pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove City Plan.*

**19) UNI**

The development shall be carried out in accordance with the details shown on Tree Constraints Plan referenced 1400 11 Rev B which was submitted and approved as part of application BH2013/00787. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

**20) UNI**

(i) The development shall be carried out in accordance with the details contained within the Phase 1 Desk Top Study and a Phase 2 Site Investigation Report along with associated appendices and supporting information which were submitted as part of application BH2013/01410.

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

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or mate

**21) UNI**

The bird boxes shall be installed in accordance with the details contained within the Nesting Bird Mitigation and Enhancement Strategy which was submitted and

approved as part of application BH2013/00787. The scheme shall be retained as such thereafter.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD17 and QD18 of the Brighton & Hove Local Plan.

**22) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and the seed mix. The scheme shall then be carried out in accordance with the approved details.

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

**23) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the proposed green walling have been submitted to and approved in writing by the Local Planning Authority. These details shall include timescale for implementation and maintenance programme and irrigation system, substrate to be used and plant species. The scheme shall then be carried out in accordance with the approved details.

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

**24) UNI**

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

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

Plan Type	Reference	Version	Date Received
London Road and Baker Street Elevations	EL_001	F	24 June 2013
London Terrace Elevations	EL_002	E	24 June 2013
Kingsbury Road Elevations and London Terrace back gardens	EL_003	E	24 June 2013
Wing Elevations	EL_004	D	17 October 2013
Existing Elevations	EL_005		30 August 2012
Existing Elevations	EL_006	A	10 September 2012
North Courtyard Section	EL_007	B	14 November 2012
24 Kingsbury Road Sections	EL_008	A	22 November 2012

**25) UNI**

Plan Type	Reference	Version	Date Received
Fire Escape Door Detail	EL_009	A	8 November 2012
Elevation Details_1 proposed	EL_010		15 November 2012
Elevation Details_2 proposed	EL_011		15 November 2012
Elevation Details_3 proposed	EL_012		15 November 2012

Elevation Details_4 proposed	EL_013		15 November 2012
Fire Strategy Plan Ground Floor	FS_001	A	8 November 2012
Fire Strategy Plan First Floor	FS_002	A	28 November 2012
Fire Strategy Sections	FS_003	A	8 November 2012
Ground Floor Plan_A1	PL_001	J	24 June 2013
Upper Ground Floor Plan Proposed	PL_002	C	24 June 2013
First Floor Plan Proposed	PL_003	G	24 June 2013
Second Floor Plan Proposed	PL_004	E	24 June 2013
Third Floor Plan Proposed	PL_005	D	24 June 2013
Fourth Floor Plan Proposed	PL_006	E	24 June 2013
Fifth Floor Plan Proposed	PL_007	D	24 June 2013
Roof Plan Proposed	PL_008	C	16 November 2012
Basement Plan Proposed	PL_009	E	8 November 2012
Site Location Plan Proposed	10_002	A	A 2 July 2013
Student Entrance and Management Office Plan	PL_012	B	14 November 2012

## 26) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the final design and location of the proposed Photo Voltaic panels to be installed on the roof of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

## 27) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the spring loaded or similar mechanism for the Josta cycle parking facilities and proposed signage with instructs for use (to be erected in the cycle parking store) to provide a total of 134 spaces in the basement as shown on drawing number PL\_009 revision E received 8 November 2012, and shown on PL-009 revision F received on 20 May 2013 and approved as part of Non Material Amendment BH2013/01602, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

## 28) UNI

No work shall take place above the ground floor slab level of any part of the development hereby approved, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include edible landscaping/food growing, hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

**29) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, unless or until a scheme for the storage of refuse and recycling for the retail units has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

**30) UNI**

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

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

**31) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until drawings illustrating the landscape features, including fencing, screening, the steps, walls and seating areas across the development, at a scale of 1:20 or greater, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**32) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until 1:20 scale elevations and sections of the detailed shop front and doors design and the design of the three external fire doors within the shop fronts, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD5 and QD10 of the Brighton & Hove Local Plan.*

**33) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until full details of the proposed replacement window frames within the retained façade including any opening mechanism, sections and the profiles of the glazing bars at 1:20 scale, along with a window sample, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 and HE10 of the Brighton & Hove Local Plan.*

**34) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and

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

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

**35) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the proposed glazing and ventilation method to be installed to the bedrooms identified in the submitted report, 'WYG Environmental: Former Co-op Building, London Road, Brighton, Proposed Mixed Retail and Student Residential Development, November 2012, A069178-3, revision 3 08/11/12', which shall achieve a BS8233 'Good' standard, have been submitted to and approved in writing by the Local Planning Authority. The approved glazing and ventilation method shall then be installed to the bedrooms as per the aforementioned reports recommendations.

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

**36) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until a scheme for the soundproofing of the floors and walls between plant rooms and the student accommodation and between the commercial units and the student accommodation, as recommended by submitted report, 'WYG Environmental: Former Co-op Building, London Road, Brighton, Proposed Mixed Retail and Student Residential Development, November 2012, A069178-3, revision 3 08/11/12', has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**37) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the junction between the retained façade and the new build at each end, including the formation of the short returns of the retained stone façade, 1:10 scale, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and HE10 of the Brighton & Hove Local Plan.*

**38) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the privacy screening as shown on drawing number PL\_003 revision G received on 24 June 2013 and EL\_007 revision B received 14 November 2012, shall be erected prior to first occupation of the student accommodation hereby approved. The screen shall then be retained as such at all times.

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

**39) UNI**

The development hereby permitted shall not be occupied until the cycle parking facilities shown on drawing number PL\_001 revision J received 24 June 2013 located in front of the management office have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

**40) UNI**

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

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

**41) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, non of the residential development hereby approved shall be occupied until a Multi Residential BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant Multi Residential BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

**42) UNI**

The Baker Street A1/student management and marketing unit hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 9:00 and 19:00 on Sundays and Bank/Public Holidays.

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

**43) UNI**

Prior to the Baker Street ground floor unit being brought into A1 use, details of an alternative location for a student accommodation management office shall be submitted to and approved in writing by the Local Planning Authority. The student management office shall be brought into use in accordance with the approved details, prior to commencement of the Baker Street A1 use, and shall be retained as such thereafter.

*Reason: To ensure that appropriate facilities exist for the management of the student accommodation office and to comply with policies QD27 of the Brighton & Hove Local Plan and policy CP21 of the Brighton & Hove Submission City Plan.*

**44) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until a sample of the proposed retained façade replacement window frame, for both the attic level and the central portico, which contain the framing bars where necessary and the bird mesh installed within the frame sample, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 and HE10 of the Brighton & Hove Local Plan.*

**45) 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.*

**BH2013/02791**

**16 Kew Street Brighton**

Change of use from single dwelling (C3) to small house in multiple occupation (C4) and conversion of existing garage into habitable room with replacement of garage door with bay window.

**Applicant:** Paul Tomlinson

**Officer:** Jonathan Puplett 292525

**Approved on 17/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No development shall take place until a 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.*

**3) UNI**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			22/08/2013
Block Plan			22/08/2013
Existing and proposed floor plans and elevations	TKS/01	R2	22/08/2013
Existing and proposed floor plans	TKS/02	R2	22/08/2013

**5) UNI**

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

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

**BH2013/02933**

**58-62 Lewes Road Brighton**

Display of externally illuminated fascia signs and hanging sign.

**Applicant:** WM Morrison Supermarkets PLC

**Officer:** Andrew Huntley 292321

**Approved on 28/10/13 DELEGATED**

**1) UNI**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

**4) UNI**

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.*

**5) UNI**

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

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

**6) UNI**

No advertisement shall be sited or displayed so as to -

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

**7) UNI**

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

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

**BH2013/02971****13 Kew Street Brighton**

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

**Applicant:** Mr M Bailey

**Officer:** Emily Stanbridge 292359

**Approved on 23/10/13 DELEGATED**

**1) UNI**

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

**BH2013/02973****15 Pelham Square Brighton**

External alterations including replacement of roof materials, alterations to rear dormer and replacement of all windows and doors. Removal of window at lower ground floor level and creation of glazed roof over light well and installation of access door. Alterations and refurbishment to existing rear extension at ground floor level. External renovation and refurbishment works.

**Applicant:** Mr A Walker & Mr M Pepperell

**Officer:** Chris Swain 292178

**Approved on 30/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Plan Type	Reference	Version	Date Received
proposed plan roof	cmA124 GA 05	P3	28 October 2013
proposed elevation front	cmA124 GA 06	P3	28 October 2013
proposed elevation back	cmA124 GA 07	P2	21 October 2013
proposed section a-a west east	cmA124 GA 08	P2	21 October 2013
proposed section b-b east west	cmA124 GA 09	P2	21 October 2013
proposed section / back elevation c-c	cmA124 GA 10	P3	28 October 2013
proposed detail elevation / section 1	cmA124 DA 01	P2	21 October 2013
proposed detail elevation / section 1	cmA124 DA 02	P2	21 October 2013
proposed joinery details 1	cmA124 J 01	P2	28 October 2013
proposed joinery details 2	cmA124 J 02	P3	28 October 2013
proposed joinery details 3	cmA124 J 03	P2	28 October 2013
proposed joinery details 4	cmA124 J 04	P2	28 October 2013
proposed joinery details 5	cmA124 J 05	P3	28 October 2013

**3) UNI**

No development shall take place until large scale 1:1 joinery details of all the proposed external door types have been submitted to and approved in writing by

Report from: 10/10/2013 to: 30/10/2013

the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

#### 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 location plan	cmA124 LOC 01		4 September 2013
lower ground floor existing plan	cmA124 EX 01		4 September 2013
ground floor existing plan	cmA124 EX 02		4 September 2013
first floor existing plan	cmA124 EX 03		4 September 2013
Second floor existing plan	cmA124 EX 04		4 September 2013
Roof existing plan	cmA124 EX 05		4 September 2013
Front existing elevation	cmA124 EX 06		4 September 2013
back existing elevation	cmA124 EX 07		4 September 2013
west east-existing section	cmA124 EX 08		4 September 2013
existing joinery details	cmA124 SD 01		4 September 2013
proposed plan lower ground floor	cmA124 GA 01	P3	28 October 2013
proposed plan ground floor	cmA124 GA 02	P2	21 October 2013
proposed plan first floor	cmA124 GA 03	P2	21 October 2013

### **BH2013/02974**

#### **15 Pelham Square Brighton**

External alterations including replacement of roof materials, alterations to rear dormer and replacement of all windows and doors. Removal of window at lower ground floor level and creation of glazed roof over light well and installation of access door. Alterations and refurbishment of existing rear extension at ground floor level. Internal alterations including changes to layout, reopening of original fireplaces, damp proofing, external and internal renovation and refurbishment works.

**Applicant:** Mr A Walker & Mr M Pepperell

**Officer:** Chris Swain 292178

**Approved on 30/10/13 DELEGATED**

#### 1) BH01.05

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

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

#### 2) UNI

No works shall take place until large scale 1:1 joinery details of all the proposed door types have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter. Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

### **3) UNI**

All existing historic features to be retained, except where otherwise shown on plans or agreed in writing.

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

#### **BH2013/02983**

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

Replacement of existing timber framed double manual doors with new aluminum framed bifolding automatic doors.

**Applicant:** hiSbe

**Officer:** Andrew Huntley 292321

**Refused on 22/10/13 DELEGATED**

### **1) UNI**

The aluminium bi-folding door is of an unattractive utilitarian modern design, not in-keeping with the character and appearance of the host building and the wider Valley Gardens Conservation Area. As such, the proposal would be visually detrimental to the character and appearance of the host building and the Valley Garden Conservation Area, contrary to Policies QD5, QD10, QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Documents 02 Shop Front Design and 09 Architectural Features.

#### **BH2013/03003**

##### **The Shakespeare's Head 1 Chatham Place Brighton**

Application for Approval of Details reserved by Condition 2 of Application BH2012/02531.

**Applicant:** InnBrighton Ltd

**Officer:** Chris Swain 292178

**Approved on 28/10/13 DELEGATED**

#### **BH2013/03093**

##### **Brighton Dome Church Street Brighton**

Application for approval of details reserved by condition 5 of Application BH2012/01635.

**Applicant:** Brighton Dome & Festival Ltd

**Officer:** Jonathan Puplett 292525

**Approved on 30/10/13 DELEGATED**

#### **BH2013/03145**

##### **58-62 Lewes Road Brighton**

Installation of condenser unit to the roof plant area and installation of wall mounted air conditioning units.

**Applicant:** Wm Morrison Supermarkets PLC

**Officer:** Andrew Huntley 292321

**Approved on 22/10/13 DELEGATED**

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

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

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

### **2) UNI**

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level

and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.

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

### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plan	D/01		12.09.2013
Existing Roof Plan	D/03		12.09.2013
Existing South Elevation	D/06		12.09.2013
Proposed Roof Plan	D/13		12.09.2013
Proposed South Elevation	D/16		12.09.2013

## **WITHDEAN**

### **BH2012/02370**

#### **9 Hillbrow Road Brighton**

Erection of 2no dwelling houses with new access drive and associated parking.

**Applicant:** Mr Paul Newman

**Officer:** Adrian Smith 290478

**Approved after Section 106 signed on 11/10/13 COMMITTEE**

### **1) UNI**

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

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

### **2) UNI**

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 2005.*

### **3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses hereby permitted 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 2005.*

### **4) 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 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 2005.*

**5) 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 2005.*

**6) UNI**

No development shall not take place until samples of a pallet of proposed materials have been submitted to and agreed in writing by the Local Planning Authority. The materials are expected to reflect the materials in use in the vicinity of the development. The agreed materials shall be used in the implementation of the development.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 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) evidence that the development hereby permitted on Plot 1 (fronting Hillbrow Road) is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 5 have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development on Plot 1 will achieve Code level 5 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 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.*

**8) UNI**

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

- (a) evidence that the development permitted on Plot 2 (within the rear garden to 9 Hillbrow Road) is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 (scoring 76 points or more in the overall Code assessment) have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development on Plot 2 will achieve Code level 4 (scoring 76 points or more in the overall Code assessment) 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 2005.*

**9) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the 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 2005.*

**10) UNI**

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

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan 2005.*

**11) UNI**

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

*Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan 2005.*

**12) UNI**

No development shall commence until the translocation of all protected reptiles has been completed in accordance with the methodology set out in the Reptile Mitigation Strategy received on 30 August 2013, and satisfactory evidence has been submitted demonstrating that the translocation process has been completed in full.

*Reason: To ensure the protection of any protected species and to comply with Policy QD18 of the Brighton & Hove Local Plan 2005.*

**13) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved on Plot 1 (fronting Hillbrow Road) shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built on Plot 1 has achieved a Code for Sustainable Homes rating of Code level 5 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 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.*

**14) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved on Plot 2 (within the rear garden to 9 Hillbrow Road) shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built on Plot 2 has achieved a Code for Sustainable Homes rating of Code level 4 (scoring 76 points or more in the overall Code assessment) 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 &*



**15) 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 2005.*

**16) 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 2005.*

**17) 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 and block plan	TA617/01	A	31/07/2012
Existing plans	TA617/02		31/07/2012
	TA617/03		31/07/2012
	TA617/04		31/07/2012
	TA617/05		31/07/2012
	Proposed plans	TA617/10	G
	TA617/11	G	31/07/2012
	TA617/12	G	31/07/2012
	TA617/13	F	31/07/2012
	TA617/14	D	31/07/2012
	TA617/15	D	31/07/2012
	TA617/16		31/07/2012
	TA617/20		31/07/2012
	TA617/21		31/07/2012
	TA617/22		31/07/2012
	TA617/23		31/07/2012
	TA617/24		31/07/2012
	TA617/25		04/09/2012

**BH2013/01675**

**Land to the rear of The Roundhouse London Road Brighton**

Erection of two storey three bedroom dwelling (C3).

**Applicant:** Mrs Rose Dawes

**Officer:** Jason Hawkes 292153

**Refused on 14/10/13 DELEGATED**

**1) UNI**

The proposed dwelling incorporates a rear garden which would be significantly overlooked by the flats in the adjoining blocks at Cliveden Court and Grosvenor Court. This would result in a loss of privacy for future occupiers, resulting in

inappropriate outside private amenity space which would be detrimental to living conditions for future occupiers of the proposed dwelling. The scheme is therefore contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

**BH2013/02417**

**50 Withdean Road Brighton**

Erection of pitched roof side extensions at ground floor level and extensions and alterations to roof to facilitate loft conversion incorporating rooflights. Creation of enlarged garage space and other associated works.

**Applicant:** David Stevens

**Officer:** Jason Hawkes 292153

**Approved on 14/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

*Reason: To 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 QD14 and QD16 of the Brighton & Hove Local Plan.*

**3) UNI**

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

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 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
Block Plan, Location Plan and Proposed Site Layout Plan	1152013/01		12th July 2013
Existing Floor Plan, Section A-A and Elevations	1152013/02		12th July 2013
Proposed Lower Ground, Ground Floor Plans and Elevations	1152013/03		12th July 2013
Proposed Roof/ First Floor Plan and Proposed Sections	1152013/04		12th July 2013

B-B and C-C			
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**BH2013/02685**

**6 Cornwall Gardens Brighton**

Alterations to front boundary wall. (Part retrospective)

**Applicant:** Mr J Blackmore

**Officer:** Adrian Smith 290478

**Approved on 17/10/13 COMMITTEE**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan	CornG/02		05/08/2013
Block plan	CornG/01		05/08/2013
Existing plans	Cornwall/02		25/09/2013
Proposed plans	Cornwall/01		25/09/2013
Gate detail	03		25/09/2013

**2) UNI**

Within three months of the date of permission full details of the proposed gates shall be submitted to and approved in writing by the Local Planning Authority. The railings shall be painted black within three months of installation and shall be retained as such thereafter.

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

**3) UNI**

Prior to the installation of the flintwork panels, a sample panel of flintwork shall be submitted to and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel.

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

**BH2013/02898**

**17 Bates Road Brighton**

Erection of side and rear single storey extension.

**Applicant:** Simon Turner

**Officer:** Mark Thomas 292336

**Refused on 24/10/13 DELEGATED**

**1) UNI**

The proposed extension, by virtue of its height, depth, positioning and proximity to the shared boundary with no. 15 Bates Road, would have an overbearing impact on occupiers of this neighbouring property, resulting in a loss of outlook, overshadowing and an increased sense of enclosure. As such, the proposed development would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, and to guidance within Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

**2) UNI2**

The proposed extension would extend beyond the rear wall of the outrigger, detracting from the original plan of the building. The footprint of the extension in combination with its variable roof form, and its excessive height and projection would result in the recipient property having an overextended appearance,

detracting from the character and appearance of the recipient dwelling. As such, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan, and to guidance within Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

**BH2013/02899**

**7 Shepherds Croft Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable rear roof extension, 2no side dormers and 2no rooflights to front and side.

**Applicant:** Karin Yardy

**Officer:** Christopher Wright 292097

**Refused on 17/10/13 DELEGATED**

**1) UNI**

The proposed roof extensions and alterations are not permitted under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended, because the window proposed on the south facing side dormer would not be non-opening below 1.7 metres above the floor of the room in which the window would be installed.

**BH2013/02910**

**3 Stamford Lodge Cumberland Road Brighton**

Replacement of existing single glazed steel framed windows with double glazed white UPVC windows.

**Applicant:** Mr Anthony Osley

**Officer:** Emily Stanbridge 292359

**Approved on 22/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Map			20.08.2013
Annotated photos			20.08.2013
'Spectus' window systems			20.08.2013

**BH2013/02915**

**5 Friar Crescent Brighton**

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

**Applicant:** J Robson

**Officer:** Mark Thomas 292336

**Approved on 22/10/13 DELEGATED**

**1) UNI**

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

**BH2013/02931****8 Elms Lea Avenue Brighton**

Erection of single storey rear/side extension and conversion of existing garage to habitable space. External alterations including replacement of UPVC windows with timber windows, cladding to first floor with timber boards, installation of solar panels to roof and associated works. (Part Retrospective).

**Applicant:** Rick Gorst-Unsworth

**Officer:** Christopher Wright 292097

**Approved on 24/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The hereby approved accommodation within the single-storey side section of the dwellinghouse shall not be used other than for purposes incidental to the residential use of 8 Elms Lea Avenue.

*Reason: In order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			27 Aug 2013
Plans As Existing	5	A	27 Aug 2013
Elevations As Existing	6	A	27 Aug 2013
Sections As Existing	7	A	27 Aug 2013
Plans As Proposed	20		27 Aug 2013
Elevations As Proposed	22		27 Aug 2013
Elevations As Proposed	21		27 Aug 2013
Sections As Proposed	22		27 Aug 2013
Block Plans: Existing & Proposed	23		27 Aug 2013

**5) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed on the easterly facing flank wall of the side garage 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.*

**BH2013/02935****78 Wayland Avenue Brighton**

Hip to barn end roof extension incorporating installation of 8no rooflights and other roof alterations. Enlargement of existing conservatory to the rear and other associated works.

**Applicant:** Mr & Mrs Maguire

**Officer:** Christopher Wright 292097

**Refused on 29/10/13 DELEGATED**

**1) UNI**

The proposed roof extensions, by reason of the design, form, scale, bulk and massing, would relate poorly with and have an unduly dominant visual relationship with the scale and character of the original building. The proposal would have a detrimental impact on visual amenity and the character and appearance of the wider street. As such the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guidance for extensions and alterations.

**BH2013/03131****Land West of Redhill Close Brighton**

Application for approval of details reserved by conditions 8 and 9 of application BH2013/00293.

**Applicant:** Bellway Homes (South East) Ltd

**Officer:** Clare Simpson 292454

**Approved on 28/10/13 DELEGATED**

**EAST BRIGHTON****BH2013/02491****Brighton Racecourse Race Hill Brighton**

Use of land at Brighton Racecourse for car boot sales on each Sunday throughout the year and additionally on Wednesdays during the months of April to October.

**Applicant:** Brighton Racecourse Ltd

**Officer:** Jonathan Puplett 292525

**Approved on 17/10/13 COMMITTEE**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan and Layout	LCP/BR.01		23/07/2013
Planning Statement			23/07/2013
Transport Statement			23/07/2013

**2) UNI**

The car boot sale events hereby approved shall only operate on Sundays throughout the year and on Wednesdays during the months of April to October each year. Traders and visitors to the events shall only be on the site between the hours of 08.30 and 17.00.

*Reason: To protect the amenity of residents in the surrounding area and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

Within three months of the date of this approval and annually thereafter, a Schedule of Events, which shall include the dates and times of the days Brighton racecourse will be used as parking in connection with the car boot sales hereby approved, along with the full details of any other events which are to be held at the racecourse on these days (including a description of the event, times of the day of the event, the anticipated likely capacity of people attending such an event, and number of parking spaces available for such an event), shall be submitted to and approved in writing by the Local Planning Authority. The operation of the car boot sale shall be in accordance with the agreed schedule unless otherwise agreed in writing with the Local Planning Authority 7 days prior to any change, the parking for the car boot sales shall only be permitted in accordance with the approved Schedule of Events.

*Reason: To ensure that there is no clash of large scale events with the car boot sales hereby approved.*

#### **4) UNI**

Within three months of the date of this approval details of measures to erect and steward temporary barriers along both sides of the southern access to the car boot sale site from Manor Hill shall be submitted to and approved in writing by the Local Planning Authority. Following this written approval the car boot sales shall be carried out in accordance with the approved details. The barriers shall be erected on the day of all car boot sales prior to any vehicle entering this access and shall remain in situ until all vehicles have left the site. No vehicles shall travel over or park on the land to either side of the barriers; vehicles shall only travel along the metalled surface of the access track.

*Reason: To ensure that vehicles do not travel over or park upon the Whitehawk Camp scheduled Ancient Monument and to comply with policy HE12 of the Brighton & Hove Local Plan.*

#### **5) UNI**

Within three months of the date of this approval 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. Following this approval these facilities shall be made available for use prior to the commencement of each car boot sale event and shall remain available for the duration of each event.

*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**

Within three months of the date of this approval a detailed parking management plan shall be submitted to and approved in writing by the Local Planning Authority. Following this written approval the car boot sales shall be carried out in accordance with the approved management plan.

*Reason: To ensure that the car boot sale use does not cause on-street parking demand which could lead to obstruction of the public highway and to comply with policies TR1, TR2, TR19 and QD27 of the Brighton & Hove Local Plan.*

### **BH2013/02598**

#### **Chichester House Chichester Terrace Brighton**

Application for approval of details reserved by conditions 2, 3, 4 and 5 of application BH2013/00854.

**Applicant:** Gala Wright

**Officer:** Wayne Nee 292132

**Approved on 14/10/13 DELEGATED**

### **BH2013/02735**

## **1 Chesham Place Brighton**

External alterations including alterations to paving slabs to the front bottom step, replacement of existing valley and box gutter finishes and roof renovation, removal of existing external staircase to rear and creation of new staircase, replacement of existing timber fascias, alterations to fenestration, alterations to wrought iron railings to balcony and entrance/footpath, alterations to rear extension to extend roof, refurbishment works to the rear boundary walls. Internal alterations including refurbishment and renovation works to walls, ceilings and floors, damp proofing and strengthening of the roof and removal of oil tank and other external and internal alterations.

**Applicant:** John Brewer

**Officer:** Wayne Nee 292132

**Approved on 14/10/13 DELEGATED**

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

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

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

### **2) UNI**

The dimensions and profiles of any new parts to the cast iron railings and spindles of the new steps hereby approved shall match exactly the existing.

*Reason: For the avoidance of doubt; to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

## **BH2013/02879**

### **Flat 8 11 Chichester Terrace Brighton**

Internal alterations to layout of flat and erection of single storey front extension incorporating a new waste pipe. (Part retrospective.)

**Applicant:** Mr Chris Pitchford

**Officer:** Andrew Huntley 292321

**Approved on 30/10/13 DELEGATED**

## **BH2013/02886**

### **Out-Patients Dept Royal Sussex County Hospital Eastern Road**

Relocation and enlargement of entrance doors, installation of air conditioning units to north elevation and creation of external stairs to east elevation.

**Applicant:** Brighton & Sussex University Hospitals NHS Trus

**Officer:** Emily Stanbridge 292359

**Approved on 24/10/13 DELEGATED**

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

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

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

### **2) UNI**

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

*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 railings shown on the approved plans shall be painted black within two months of being installed and shall be retained as such.



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

**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
Ground floor: Proposed external works	OPP/BS/009	A	29.08.2013
Ground floor: Existing general arrangement plan	OPP/BS/005		29.08.2013
Existing elevations	OPP/BS/006	B	29.08.2013
Elevations	OPP/BS/003	B	29.08.2013

**BH2013/02952**

**Portland Mansions 134 - 136 Marine Parade Brighton**

Replacement of tiling to front entrance steps.

**Applicant:** Portland Mansions Residents Association Ltd

**Officer:** Liz Arnold 291709

**Approved on 21/10/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

No works shall take place until a 1:5 scale profile drawing of the proposed step nosings have been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in 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.*

**HANOVER & ELM GROVE**

**BH2013/00223**

**Brighton General Hospital Elm Grove Brighton**

External alterations incorporating removal of bridging walkways and replacement of existing single glazed metal, timber and UPVC windows and doors with UPVC.

**Applicant:** Mr Jim Vivian

**Officer:** Andrew Huntley 292321

**Approved on 14/10/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

The new UPVC windows shall have white spacer bars and gasket seals and shall not have visible trickle vents.

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

**3) UNI**

Windows 87, 88, 89 and 90 shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be retained as such.

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

**4) UNI**

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

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

**BH2013/00527**

**Brighton General Hospital Elm Grove Brighton**

External alterations to D block including removal of bridging walkways and replacement of existing single glazed metal, timber and UPVC windows and doors with UPVC units.

**Applicant:** Mr Jim Vivian

**Officer:** Andrew Huntley 292321

**Approved on 14/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Windows 87, 88, 89 and 90 shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be retained as such.

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

**3) UNI**

The new UPVC windows shall have white spacer bars and gasket seals and shall not have visible trickle vents.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	01		04.03.2013
Block Plan	02		04.03.2013
Existing Elevations A, B, G, H & I	03		18.02.2013
Existing Elevations C & J	04		18.02.2013
Proposed Elevations A, B, G, H & I	05		06.08.2013
Proposed Elevations C & J	06		06.08.2013
Window Styles 1 & 1B	21935/007		06.08.2013

Elevations & Sections			
Window Style 3 Elevation & Section	08D		18.02.2013
Window Styles 2, 6 & 11 Elevations & Sections	09D		18.02.2013
Window Styles 4 and 8 Elevations & Sections	10D		17.05.2013
Window Styles 4 and 8 Elevations & Sections	21935/011		06.08.2013
Window 4 Option C and Cross Section Detail	BH002		06.08.2013
Doors 81, 82 and 83			06.08.2013
Doors 61 and 65			06.08.2013

### 5) UNI

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

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

### **BH2013/02630**

#### **60 May Road Brighton**

Change of use from residential dwelling (C3) to small house in multiple occupation (C4).

**Applicant:** Miss Charlotte Levis

**Officer:** Wayne Nee 292132

**Approved on 18/10/13 DELEGATED**

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

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

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

#### **2) UNI**

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

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

#### **3) UNI**

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

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

#### **4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed floor plans			22 August 2013
Existing floor layout			01 August 2013
Site plan			27 August 2013
Location plans			27 August 2013

### **BH2013/02769**

#### **Maisonette 3 Hanover Place Brighton**

Installation of new window to side elevation.

**Applicant:** Mr A H Ahmed

**Officer:** Emily Stanbridge 292359

**Refused on 28/10/13 DELEGATED**

#### **1) UNI**

The proposed window has modern proportions with a strong horizontal emphasis and top opening mechanism, representing the introduction of a third window design to the north elevation of the property, which would relate poorly to the design and rhythm of the existing fenestration, having a harmful impact on the character of the building and the surrounding Valley Gardens Conservation Area. The proposal is therefore contrary to policies QD1 and HE6 of the Brighton & Hove Local Plan and the guidance set out in Supplementary Planning Document 09 - Architectural Features.

### **HOLLINGDEAN & STANMER**

#### **BH2013/00456**

#### **Attenborough Centre Gardner Centre Road Brighton**

Application for approval of details reserved by conditions 3, 5 and 6 of application BH2011/03621.

**Applicant:** University of Sussex

**Officer:** Anthony Foster 294495

**Approved on 16/10/13 DELEGATED**

#### **BH2013/00460**

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

Application for approval of details reserved by conditions 2, 4, 5, 7, 10 and 11 of application BH2013/00157.

**Applicant:** University of Sussex

**Officer:** Anthony Foster 294495

**Approved on 16/10/13 DELEGATED**

#### **BH2013/02456**

#### **Attenborough Centre for the Creative Arts Gardner Centre Road Brighton**

Application for approval of details reserved by conditions 3, 6, 8, 9, 12, 13 and 14 of application BH2013/00157.

**Applicant:** Ms Maureen Cherry

**Officer:** Anthony Foster 294495

**Approved on 16/10/13 DELEGATED**

#### **BH2013/02457**

#### **Attenborough Centre for the Creative Arts Gardner Centre Road Brighton**

Application for approval of details reserved by conditions 4, 7 and 8 of application BH2011/03621.

**Applicant:** Ms Maureen Cherry

**Officer:** Anthony Foster 294495

**Approved on 16/10/13 DELEGATED**

**BH2013/03014**

**University of Sussex (Arts D&E & Russell Building) Lewes Road**

Application for approval of details reserved by condition 16 of application BH2009/02941.

**Applicant:** Department of Estates and Facilities Management

**Officer:** Anthony Foster 294495

**Approved on 23/10/13 DELEGATED**

**MOULSECOOMB & BEVENDEAN**

**BH2013/02617**

**81 Newick Road Brighton**

Application for approval of details reserved by conditions 3 and 4 of application BH2013/01361.

**Applicant:** David Stanbrook

**Officer:** Andrew Huntley 292321

**Approved on 23/10/13 DELEGATED**

**BH2013/02711**

**Hazel Grove Lodge Nursing Home Heath Hill Avenue Brighton**

Erection of single storey conservatory to the front elevation.

**Applicant:** Mr Hudda

**Officer:** Sue Dubberley 293817

**Refused on 18/10/13 DELEGATED**

**1) UNI**

It is considered that the conservatory would appear as an incongruous and unsympathetic feature, both due to the poor design, form and use of materials. The proposal is situated on a highly prominent frontage and would therefore be detrimental to the character and appearance of the existing building and the visual amenities of the surrounding area, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12, Design Guide for Extensions and Alterations.

**BH2013/02727**

**108 The Avenue Brighton**

Application for Approval of Details Reserved by Condition 4, 5, 7a, 7b, 12, 13 and 15 of application BH2010/03550.

**Applicant:** Andy Ball

**Officer:** Andrew Huntley 292321

**Split Decision on 23/10/13 DELEGATED**

**1) UNI**

Approve the details pursuant to conditions 4, 5, 12 and 15 and subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to conditions 7 and 13 are Not Approved for the reason(s) set out in section 10. The details submitted pursuant to compliance with condition 7 are not acceptable because it shows a completed pre-assessment estimator predicting a Code level 4 under the Code for Sustainable Homes. However, Condition 7a of planning application BH2010/03550 states that no residential development should commence until the submission of a Design Stage/Interim Report showing that the approved 2 bed house will achieve the higher Code level 5 under the Code for Sustainable Homes. Therefore, the submitted details are not in accordance with condition 7. In addition, part b of condition 7 states that a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that

the development should achieve a Code level 5 should also be submitted to the Local Planning Authority. In addition, under part b of Condition 7 it states that a completed pre-assessment estimator will not be acceptable.

**2) UNI2**

The details submitted pursuant to compliance with condition 13 are not acceptable because there is insufficient information to be able to assess whether the development would have a detrimental impact on the existing trees, and therefore, the character of the area. Nor is there sufficient detail to ensure that the replacement planting is appropriate to mitigate for the loss of the existing tree to the detriment of the character of the area. Therefore, the proposal is contrary to QD16 of the Brighton & Hove Local Plan.

**BH2013/02802**

**7 The Crescent Brighton**

Change of use from a dwelling house (C3) to a small House in Multiple Occupation (C4).

**Applicant:** Sally Reeve

**Officer:** Jonathan Puplett 292525

**Refused on 16/10/13 DELEGATED**

**1) UNI**

The proposed change of use from dwellinghouse (Class C3) to small house in multiple occupation (Class C4) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/02831**

**1 Carlyle Avenue Brighton**

Demolition of existing garage and erection of two storey two bedroom house.

**Applicant:** Peter Pollard

**Officer:** Sonia Gillam 292265

**Approved on 29/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Class[es 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.*

**3) UNI**

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

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

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

**4) UNI**

Notwithstanding the submitted plans, and unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards as far is practicable prior to its 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, 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.*

**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.*

**7) 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.*

**8) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			19/08/2013
Existing block plan			19/08/2013
Proposed block plan			19/08/2013
Existing floor plan	03/0511		19/08/2013
Proposed floor plan	03/0511a		19/08/2013
Existing and proposed elevations	03/0511b		19/08/2013
Proposed side elevations	03-0511bb		19/08/2013

**9) UNI**

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

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

**BH2013/02893**

**35 Bevendean Road Brighton**

Insertion of new window to rear elevation.

**Applicant:** M Fitzsimons

**Officer:** Sonia Gillam 292265

**Approved on 25/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan and block plan			22/08/2013
Existing first and second floor plans	221400-02		30/08/2013
Existing lower ground and ground floor plans	221400-10		28/08/2013
Proposed first and second floor plans	221400-11		28/08/2013
Existing and proposed elevations	221400-12		28/08/2013

**BH2013/03161**

**46 Heath Hill Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.81m, for which the maximum height would be 3.3m, and for which the height of the eaves would be 2.45m.

**Applicant:** Mr D Brain

**Officer:** Jonathan Puplett 292525

**Prior approval not required on 14/10/13 DELEGATED**



## **QUEEN'S PARK**

### **BH2013/01649**

#### **Ground Floor Flat 18 St Georges Terrace Brighton**

Installation of doors to the rear and removal of door to side/rear elevation.

**Applicant:** Red Plateau Ltd

**Officer:** Anthony Foster 294495

**Approved on 28/10/13 DELEGATED**

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

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

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

#### **2) UNI**

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

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

#### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan & Ground Floor Plan			20/05/2013
Proposed Internal Alterations to Existing Ground Floor Flat			20/05/2013

### **BH2013/01723**

#### **46 Down Terrace Brighton**

Change of use from dwelling (C3) to either dwelling (C3) or small House in Multiple Occupation (C4).

**Applicant:** Mrs Juliet Evans

**Officer:** Andrew Huntley 292321

**Approved on 21/10/13 DELEGATED**

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

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

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

#### **2) UNI**

No development shall take place until a 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.*

#### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plan	P46/01		24.05.2013
Existing Plans and Elevations	P46/02/A		24.05.2013
Proposed Plans and Elevations	P46/02/A		24.05.2013

### **BH2013/02078**

#### **Flat 4 2 College Road Brighton**

Roof alterations consisting of removal of inner valley roof slopes and construction of a new flat roof with domed rooflight between the two ridges to create additional living space. Insertion of rooflights to front and rear roof slopes.

**Applicant:** Miss Amber Priestley

**Officer:** Liz Arnold 291709

**Approved on 18/10/13 DELEGATED**

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

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

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

#### **2) UNI**

The 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. The rear rooflight shall be of the size shown in drawing no. 2A Received on the 8th October 2013.

*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			19th June 2013
Existing Elevations and Floor Plans	1	A	4th October 2013
Proposed Elevations and Floor Plans	2	A	8th October 2013
Roof Section	3	A	19th June 2013
Semi-Detached Properties Roof Elevation	4	A	19th June 2013
Roof Plan	5	A	19th June 2013
Sight Line Section			16th September 2013
Sight Line Location Plan			16th September 2013
Sight Line Elevations			16th September 2013

### **BH2013/02532**

#### **Zylo Works Sussex Street Brighton**

Demolition of the buildings located centrally within the site.

**Applicant:** J & F Solutions Ltd

Report from: 10/10/2013 to: 30/10/2013

**Officer:** Jonathan Puplett 292525

**Approved on 18/10/13 DELEGATED**

**BH2013/02540**

**The Marlborough 4 Princes Street Brighton**

Formation of beer garden to replace existing garage incorporating blocking up of garage entrance, relocation of toilets and associated works.

**Applicant:** Mr P Bennett

**Officer:** Liz Arnold 291709

**Approved on 17/10/13 COMMITTEE**

**1) UNI**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan/Block Plan			25th July 2013
Existing Plans	01		25th July 2013
Existing Elevations	02		25th July 2013
Proposed Plans and Elevations	03	A	12th September 2013

**3) UNI**

No live or amplified music shall be played in the beer garden at anytime.

*Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

The beer garden hereby approved shall not be in use from 22:00 hours until 09:00 the following morning Monday to Sunday. The rear access door to the garden area from Princes Street shall remain closed and not be opened for any purpose, other than for removing refuse from the facilities and for emergency access.

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

**5) UNI**

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

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

**BH2013/02619**

**Pavilion Court Grand Parade Mews Brighton**

Replacement of existing aluminium windows with UPVC windows.

**Applicant:** Retirement Lease Housing Association

**Officer:** Emily Stanbridge 292359

**Approved on 22/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan	3179		08.08.2013
Total 70 casement details			29.07.2013
Bay Window			29.07.2013
Total 70 casement details			29.07.2013
Total 70 casement details			29.07.2013
Total 70 casement details			29.07.2013
North west elevation Proposed	3179		11.10.2013
South east elevation Proposed	3179		11.10.2013
North east elevation Proposed	3179		11.10.2013
South west elevation Proposed	3179		11.10.2013

**BH2013/02668**

**6 Marine Gardens Brighton**

Erection of single storey side extension.

**Applicant:** Kim Gordon

**Officer:** Emily Stanbridge 292359

**Refused on 16/10/13 DELEGATED**

**1) UNI**

1. The proposed extension by reason of excessive footprint, siting, scale, position and design in relation to the existing property is considered to form an uncharacteristic and inappropriate addition which would cause an overly extended appearance to the property. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guide for extensions and alterations.

**2) UNI2**

Notwithstanding the lack of proposed north and west elevations. The proposed extension by reason of its siting, height, scale and positioning in respect of neighbouring occupiers will result in an overbearing impact and loss of light to the occupiers of no. 7 Marine Gardens. The proposal is therefore contrary to policies QD14 and QD27 and Supplementary Planning Document 12: Design guide for extensions and alterations.

**BH2013/02728**

**56 Queens Park Rise Brighton**

Erection of single storey rear extension to replace existing conservatory.

**Applicant:** Mr Vasco Menezes

**Officer:** Sonia Gillam 292265

**Refused on 25/10/13 DELEGATED**

**1) UNI**

The proposed extension, by virtue of its inappropriate form, size and design would not respect the historic form, layout and design of the property, and therefore would fail to preserve or enhance its traditional character or 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 surrounding area and is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 - Design Guide for Extensions and Alterations.

**BH2013/02763**

**Cavendish House Dorset Place Brighton**

Application for Approval of Details Reserved by Conditions 2, 3, 4 and 6 of application BH2011/01852 (Appeal ref APP/Q1445/A/11/2165991)

**Applicant:** University of Brighton

**Officer:** Anthony Foster 294495

**Split Decision on 28/10/13 DELEGATED**

**1) UNI**

Insufficient information in relation to the location of the proposed refuse and recycling store has been submitted in order for the details pursuant to condition 2 of the consent to be approved.

**2) UNI2**

The information provided in relation to the proposed cycle parking facilities is considered unacceptable.

**3) UNI3**

The information provided in relation to the proposed disabled car parking is considered unacceptable.

**BH2013/02811**

**Flat 3 41-45 St James's Street Brighton**

Erection of an additional storey to facilitate the erection of 1no four bedroom flat with associated external alterations.

**Applicant:** Mr Art Stuart

**Officer:** Liz Arnold 291709

**Refused on 24/10/13 DELEGATED**

**1) UNI**

The proposed development, by virtue of its design, massing, scale, bulk and resultant height in comparison to neighbouring properties, represents an unacceptable and overly dominant form of development which is out of scale with its surroundings, causing harm to the visual amenities of the townscape, particularly when viewed from areas to the north in Chapel Street/Ardingly Street contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposal would result in overlooking and loss of privacy to the existing north facing external rooftop amenity areas thereby having a harmful impact upon the amenities of the existing occupiers of the property, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/02811**

**Flat 3 41-45 St James's Street Brighton**

Erection of an additional storey to facilitate the erection of 1no four bedroom flat with associated external alterations.

**Applicant:** Mr Art Stuart

**Officer:** Liz Arnold 291709

**Refused on 24/10/13 DELEGATED**

**1) UNI**

The proposed development, by virtue of its design, massing, scale, bulk and resultant height in comparison to neighbouring properties, represents an unacceptable and overly dominant form of development which is out of scale with

its surroundings, causing harm to the visual amenities of the townscape, particularly when viewed from areas to the north in Chapel Street/Ardingly Street contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposal would result in overlooking and loss of privacy to the existing north facing external roof top amenity areas thereby having a harmful impact upon the amenities of the existing occupiers of the property, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/02830**

**11 Wentworth Street Brighton**

Replacement of existing rear first floor timber sash window with timber French doors and creation of balcony with glass balustrading.

**Applicant:** Mark Powney

**Officer:** Emily Stanbridge 292359

**Refused on 16/10/13 DELEGATED**

**1) UNI**

The proposed French doors and balcony by virtue of their design, materials and location would result in a visually intrusive and unsympathetic addition to the property. Due to its close proximity to neighbouring properties, the balcony would result in noise disturbance, unacceptable levels of over looking and loss of privacy to 84 St James Street. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan (2005) and Supplementary Planning Document (SPD12): Design guide for extensions and alterations.

**BH2013/02861**

**Brighton College Eastern Road Brighton**

Application for Approval of Details Reserved by Condition 7 of application BH2012/02379.

**Applicant:** Brighton College

**Officer:** Anthony Foster 294495

**Approved on 22/10/13 DELEGATED**

**BH2013/02950**

**St Annes Court Burlington Street Brighton**

Replacement of timber framed windows to South and West elevations.

**Applicant:** St Annes Court (Burlington) Ltd

**Officer:** Emily Stanbridge 292359

**Approved on 30/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location Plan	Mb/04		27.08.2013
Existing Plans	Mb/01		27.08.2013
Proposed Plans	Mb/02		27.08.2013
Proposed Windows	Mb/03		27.08.2013

Proposed Windows/Sections	Mb/05		04.09.2013
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**BH2013/02987**

**32 Windmill 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 3.7m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.7m.

**Applicant:** Mr & Mrs Huelin

**Officer:** Jonathan Puplett 292525

**Prior approval not required on 14/10/13 DELEGATED**

**BH2013/03097**

**Flat 4 68 Marine Parade Brighton**

Internal alterations to layout of flat. (Retrospective).

**Applicant:** Neil Shah

**Officer:** Liz Arnold 291709

**Refused on 21/10/13 DELEGATED**

**1) UNI**

The replacement bathroom and cupboard doors, due to the inclusion of planted mouldings rather than recessed panels have had an adverse impact upon the architectural and historic character and appearance of the Listed Building, 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.

**ROTTINGDEAN COASTAL**

**BH2013/01224**

**Site of Rottingdean Swimming Pool Undercliff Walk Rottingdean Brighton**

Installation of new multisports play arena.

**Applicant:** Brighton & Hove City Council

**Officer:** Sonia Gillam 292265

**Approved on 17/10/13 COMMITTEE**

**1) UNI**

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

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

**2) UNI**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the 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 first use of the development hereby permitted and shall thereafter be retained for use at all times.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with 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 1:200	21497-12/E/002		16/04/2013
Site Location Plan 1:1250	21497-12/E/002	A	26/04/2013
Site Location Plan 1:500	21497-12/E/002	A	26/04/2013
Block Plan	21497-12/E/003		16/04/2013
Proposed Elevations	21497-12/E/001	B	09/05/2013
Proposed plan	21497/12/GA/001	B	09/05/2013

### **BH2013/02177**

#### **132 Longhill Road Brighton**

Demolition of existing bungalow and erection of new four bedroom chalet bungalow.

**Applicant:** Mr George Albrow

**Officer:** Anthony Foster 294495

**Refused on 28/10/13 DELEGATED**

#### **1) UNI**

The proposed development by reason of its siting, resultant gap in the street scene, and relationship with others in the area would appear out of context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area harmful to the overall character of the area and the Wanderdown Road street scene. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

### **BH2013/02304**

#### **41 Westfield Avenue North Saltdean Brighton**

Erection of a single storey side extension.

**Applicant:** Mr Dean Edwards

**Officer:** Jonathan Puplett 292525

**Refused on 16/10/13 DELEGATED**

#### **1) UNI**

The proposed development would result in a prominent over-enlarged appearance which would be out of keeping with the bungalows to either side of the application site. The roof form created would be out of keeping with neighbouring dwellings. The visual spacing between the roofs of nos. 39 and 41 Westfield Avenue North would be reduced and the consistency of roof design and spacing between roofs would be lost to the detriment of the street scene. The proposed development is therefore contrary to Policy QD14 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The bulk and visual impact of the proposed extensions would have an overbearing and enclosing impact upon the occupiers of no. 39 Westfield Avenue North and increased overshadowing would result. The proposed development is therefore contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan.

### **BH2013/02368**

#### **12 Court Ord Road Brighton**

Erection of extension to front and rear elevations to facilitate conversion of roof space, incorporating new front porch - juliet balcony to rear and dormers to south west and north east elevations.



**Applicant:** Mr Paul Daniels  
**Officer:** Andrew Huntley 292321

**Refused on 17/10/13 COMMITTEE**

**1) UNI**

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

**BH2013/02820**

**28 Gorham Avenue Rottingdean Brighton**

Erection of single storey rear extension with raised decking and steps to garden, single storey extension to North elevation and replacement of flat roof with pitched roof to South elevation.

**Applicant:** Mr Steve Oliver  
**Officer:** Andrew Huntley 292321

**Refused on 28/10/13 DELEGATED**

**1) UNI**

The raised terraced area would cause significant harm to neighbouring amenity by reason of overlooking and loss of privacy to 26 Gorham Avenue. Therefore, the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed trellis screen, by virtue of its design, size, height and positioning would result in visually incongruous addition to the property, which is unsympathetic to the design of the existing dwelling and as a result would be of detriment to the visual amenities of the parent property and the wider area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.

**BH2013/02836**

**Basement & Ground Floor Flat 14 Sussex Square Brighton**

Internal alterations to combine flats incorporating revised layout with staircase joining ground floor and basement level.

**Applicant:** Craig Jones  
**Officer:** Sonia Gillam 292265

**Approved on 18/10/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

The flue for the wood burning stove hereby approved, shall not project higher than the top of the chimney to the exterior of the building. Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

**3) UNI**

The airbricks to the external extracts shown on the approved plans shall sit flush to the external elevation, and be painted to match the colour of the adjacent external wall, and shall be retained as such thereafter. Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

**BH2013/02988****14A Sussex Square Brighton**

External alterations incorporating replacement windows and doors, resurfacing of lower rear courtyard and alterations to basement entrance screen. Replacement of rear fire escape ladder with external stairs.

**Applicant:** Mr Craig Jones

**Officer:** Sonia Gillam 292265

**Approved on 30/10/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

The timber windows and doors hereby approved shall be painted white within one month of installation and shall be retained as such thereafter. Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

**BH2013/02989****14A Sussex Square Brighton**

Alterations incorporating replacement windows and doors, resurfacing of lower rear courtyard and alterations to basement entrance screen. Replacement of rear fire escape ladder with external stairs.

**Applicant:** Mr Craig Jones

**Officer:** Sonia Gillam 292265

**Approved on 30/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The timber windows and doors hereby approved shall be painted white within one month of installation and shall be retained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing basement plan	S51		30/08/2013
Existing south elevation	S53		30/08/2013
Existing section	S54		30/08/2013
Existing rear elevation	S55		30/08/2013
Stair detail	P65	B	17/10/2013
Proposed basement plan	P81		30/08/2013
Proposed south elevation/ section	P83	B	08/10/2013
Proposed rear elevation	P85		30/08/2013
Proposed basement plan	P87		30/08/2013

Proposed basement plan	P88		30/08/2013
Window detail	P89	B	08/10/2013
Window detail	P90	B	08/10/2013
Window detail	P91	B	08/10/2013
Window detail	P92	C	08/10/2013
Rear door detail	P93	A	08/10/2013
Rear door detail	P94	A	08/10/2013
Rear door detail	P95	A	08/10/2013
Front door detail	P96	B	08/10/2013
Front door detail	P97	B	08/10/2013
Front door detail	P98	B	08/10/2013
External stair	P99	A	08/10/2013

### **BH2013/03027**

#### **23 Bazehill Road Brighton**

Erection of two storey side and rear extensions, single storey side extensions and associated alterations.

**Applicant:** Mr Rowland Myers

**Officer:** Wayne Nee 292132

**Approved on 30/10/13 DELEGATED**

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

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

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

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

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

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

#### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan and block plan	E01	A	04 September 2013
Existing floor plans	E02		04 September 2013
Existing elevations	E03		04 September 2013
Proposed floor plans	PL02	B	04 September 2013
Proposed elevations	PL03	B	04 September 2013
Roof plan	PL05	A	04 September 2013

### **WOODINGDEAN**

### **BH2013/02156**

#### **88 The Ridgway Brighton**

Report from: 10/10/2013 to: 30/10/2013

Certificate of lawfulness for proposed erection of single storey rear extension and conversion of garage into habitable living space.

**Applicant:** Mr Irvine  
**Officer:** Adrian Smith 290478  
**Approved on 16/10/13 DELEGATED**

**BH2013/02225**

**17 Channel View Road Brighton**

Extensions and formation of additional floor to create a two storey house. Creation of garage to front and other associated works.

**Applicant:** Angela Webb  
**Officer:** Anthony Foster 294495  
**Approved on 17/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

No development 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.*

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing floor plan			04/07/2013
Existing Elevation			04/07/2013
Location Plan			11/09/2013
Block Plan			11/09/2013
Proposed Ground Floor Plan			11/09/2013
Proposed First Floor Plan			11/09/2013
Garage Floor Plan			11/09/2013
Proposed Plot Layout			11/09/2013
Proposed Square on Elevations			11/09/2013
Ground Rise			11/09/2013

## **5) UNI**

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

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

## **BH2013/02676**

### **Tesco Express 10-18 Warren Road Brighton**

Display of internally illuminated fascia, hanging and totem signs, externally illuminated fascia signs and non illuminated ATM surround and graphics panel.

**Applicant:** Tesco Stores Ltd

**Officer:** Emily Stanbridge 292359

**Approved on 17/10/13 DELEGATED**

## **1) UNI**

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

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

## **2) UNI**

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

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

## **3) UNI**

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

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

## **4) UNI**

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.*

## **5) UNI**

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

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

## **6) UNI**

No advertisement shall be sited or displayed so as to -

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

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

**7) UNI**

No advertisement shall be sited or displayed so as to -

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

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

**8) UNI**

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

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

**BH2013/02786**

**81 Crescent Drive South Brighton**

Demolition of existing conservatory and erection of single storey rear extension.

**Applicant:** Mr Dale Moore

**Officer:** Andrew Huntley 292321

**Approved on 10/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			14.08.2013
Block Plan			14.08.2013
Existing Plan and Elevation	01		14.08.2013
Proposed Plan	02		14.08.2013
Proposed Rear Elevation	03		14.08.2013
Proposed Section AA	04		14.08.2013
Proposed Roof Plan	05		14.08.2013

**BH2013/02813**

**47 Channel View Road Brighton**

Conversion of existing garage into office and store.

**Applicant:** Mr Graham & Mrs Dunworth

**Officer:** Chris Swain 292178

**Approved on 11/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

The development hereby approved shall only be used as ancillary accommodation in connection with the use of the main property and shall at no time be converted into a self contained unit.

*Reason: In the interests of neighbouring amenity 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 plan			16 August 2013
Block plan			16 August 2013
Existing plan, elevation and roof plan			16 August 2013
Proposed plan, elevation and sectional detail			16 August 2013

**BH2013/03024**

**86 Crescent Drive South Brighton**

Certificate of Lawfulness for proposed single storey side extension and single storey rear conservatory.

**Applicant:** Dr Alex Ney

**Officer:** Sonia Gillam 292265

**Refused on 25/10/13 DELEGATED**

**1) UNI**

The development is not permitted development under Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 1995, as amended, by reason that the proposed extension would extend beyond the rear wall of the original dwellinghouse by more than 4 metres and the proposed stair would consist of the construction of a raised platform in excess of 300mm in height.

**BH2013/03034**

**Woodingdean Business Park Sea View Way Brighton**

Application for Approval of Details Reserved by Condition 11 of application BH2012/03050.

**Applicant:** GB Liners Ltd

**Officer:** Andrew Huntley 292321

**Approved on 17/10/13 DELEGATED**

**BRUNSWICK AND ADELAIDE**

**BH2013/02209**

**10 Upper Market Street Hove**

Change of use from mixed use retail (A1) and restaurant (A3) to restaurant only. (Retrospective).

**Applicant:** The Little Fish Market

**Officer:** Christopher Wright 292097

**Approved on 14/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No machinery or plant (e.g. kitchen extraction and odour control equipment) shall be used at the premises except between the hours of 9.30am and 11.00pm from Mondays to Saturday inclusive, and from 9.30am until 10.00pm 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.*

**3) UNI**

The use hereby permitted shall not be open to customers except between the hours of 9.30am and 11.00pm from Mondays to Saturdays inclusive, and from 9.30am until 10.00pm on Sundays, Bank or Public Holidays.

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with 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 Map			9 Jul 2013
Pre-Existing Plans			9 Jul 2013
Existing ('proposed') Plans			9 Jul 2013

**5) UNI**

No alcohol shall be served in the premises except to persons seated and consuming food prepared in, and purchased from, the premises.

*Reason: To safeguard the amenities enjoyed by neighbouring properties, in the interests of public order and crime prevention and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**BH2013/02576**

**66 Brunswick Place Hove**

Replacement of existing tiling to main entrance steps with limestone.

**Applicant:** Ms Wendy Carter

**Officer:** Mark Thomas 292336

**Approved on 29/10/13 DELEGATED**

**1) BH01.05**



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

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

**2) UNI**

No works shall take place until a sample of the material to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**BH2013/02577**

**66 Brunswick Place Hove**

Replacement of existing tiling to main entrance steps with limestone.

**Applicant:** Ms Wendy Carter

**Officer:** Mark Thomas 292336

**Approved on 29/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No works shall take place until a sample of the material to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**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	RP-01		30th July 2013
Block plan	RP-02		30th July 2013
Annotated photographs			3rd September 2013
Existing section			3rd September 2013
Proposed plan and section			3rd September 2013

**BH2013/02725**

**Ground Floor Flat 11 Adelaide Crescent Hove**

Insertion of new window to rear elevation.

**Applicant:** Mr Rory Connelly

**Officer:** Christopher Wright 292097

**Approved on 10/10/13 DELEGATED**

**1) UNI**

No works shall take place until full details of the proposed window including 1:20 scale sample elevations and 1:1 scale joinery profiles to include a section indicating the depth of the reveal that the window would be set into, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan 2005.*

**2) UNI**

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

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

**BH2013/02726**

**Ground Floor Flat 11 Adelaide Crescent Hove**

Insertion of new window to rear elevation.

**Applicant:** Mr Rory Connelly

**Officer:** Christopher Wright 292097

**Approved on 10/10/13 DELEGATED**

**1) UNI**

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

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

**2) UNI**

The window 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 the window shall be retained as such thereafter.

*Reason: To safeguard the privacy of the occupiers of adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location and Block Plan	2633/01		15 Aug 2013
Existing and Proposed Plans, Elevations and Details	2633/02		8 Aug 2013

**BH2013/02743**

**Flat 5 6 Cambridge Road Hove**

Installation of new rooflights to replace existing and replacement of timber window with UPVC window to rear elevation.

**Applicant:** Ms Karen Powell

**Officer:** Christopher Wright 292097

**Approved on 17/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan/Existing Plans	100-PA-EX		22 Aug 2013
Proposed Plans	101-PA-PRO		22 Aug 2013
Block Plan	102-PA-PRO		22 Aug 2013
OS Location Plan	103-PA-PRO		22 Aug 2013
Manual Access Rooflight Cross-Sections			13 Aug 2013

**BH2013/02785**

**19 Lansdowne Street Hove**

Replacement sash windows to first and second floor bay windows on front elevation.

**Applicant:** RML Properties (UK) Limited

**Officer:** Mark Thomas 292336

**Approved on 16/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			21st August 2013
Photograph			14th August 2013
Window schedule	2425/2013		3rd October 2013
Window section			3rd October 2013

**BH2013/02854**

**Ground Floor Flat 28 Selborne Road Hove**

Replacement of existing rear external staircase to garden.

**Applicant:** Thelma Leslie-Smith

**Officer:** Mark Thomas 292336

**Refused on 11/10/13 DELEGATED**

**1) UNI**

The proposed staircase, by virtue of its design, materials, scale, height and protrusion would result in a visually cluttered rear elevation, to the detriment of the character and appearance of the recipient dwelling and the wider Willett Estate conservation area. The proposed development would, therefore, be contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed upper landing on the staircase would be of sufficient size to provide additional amenity space which would lead to a greater level of

overlooking and loss of privacy to no. 26 Selborne Road having a harmful impact on amenity contrary to policy QD27 of the Brighton & Hove Local Plan.

## **CENTRAL HOVE**

### **BH2013/01795**

#### **214 Church Road Hove**

Change of use of part of basement from ancillary shop storage (A1) to tattoo studio.

**Applicant:** Mr M Stransky  
**Officer:** Clare Simpson 292454

**Approved on 14/10/13 DELEGATED**

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

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

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

#### **2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Plans and elevations existing and proposed	Jcr-01-01-10d 4		11th September 2013

### **BH2013/01972**

#### **First Floor Flat 10 Wilbury Grove Hove**

Replacement of existing windows with timber french doors and window to rear elevation and the provision of a patio to the rear.

**Applicant:** Wendy Bowman  
**Officer:** Mark Thomas 292336

**Refused on 28/10/13 DELEGATED**

#### **1) UNI**

The proposed development, by virtue of the increased levels of glazing to the rear elevation, and the provision of an elevated patio area in close proximity to neighbouring properties, would have an overbearing impact on occupiers of no. 13 Wilbury Road, with significantly increased and more harmful levels of overlooking and loss of privacy. As such, the proposed development would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, and Supplementary Planning Document (SPD) 12: Design guide for extensions and alterations.

#### **2) UNI2**

The proposed patio doors and patio would appear incongruous, being positioned in a location where such features would not be expected to be seen, at first floor level and at the top of a steep bank. As such the proposed development would have a significantly detrimental impact on the character and appearance of the recipient property and the wider conservation area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

### **BH2013/02329**

#### **48 Blatchington Road Hove**

Installation of new shopfront and creation of new entrance door to first floor.

**Applicant:** Weatherstone Properties Group

Report from: 10/10/2013 to: 30/10/2013

**Officer:** Christopher Wright 292097

**Approved on 30/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block and Site Location Plans	TA684/01	B	9 Jul 2013
Existing Ground Floor Plan	TA684/02	D	9 Jul 2013
Existing First Floor Plan	TA684/03	E	9 Jul 2013
Existing Front & Rear Elevations	TA684/04	C	9 Jul 2013
Existing Section AA & Elevation	TA684/05	D	9 Jul 2013
Existing Shopfront Section	TA684/06		9 Jul 2013
Proposed Ground Floor Plan	TA684/10	F	9 Jul 2013
Proposed First Floor Plan	TA684/11	F	9 Jul 2013
Proposed Front/North Elevation	TA684/13	E	9 Jul 2013
Proposed Section AA	TA684/14	E	9 Jul 2013
Proposed Shopfront Section	TA684/15		9 Jul 2013

**BH2013/02600**

**Second Floor 10 Grand Avenue Hove**

Replacement of existing window casements with double glazed units to all elevations.

**Applicant:** Mr Peter Papanichola

**Officer:** Emily Stanbridge 292359

**Approved on 29/10/13 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

The hereby approved windows shall be timber and shall be painted white and maintained in this colour unless any variation has been agreed in writing by the Local Planning Authority.

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

**BH2013/02601**

**Second Floor 10 Grand Avenue Hove**

Replacement of existing window casements with double glazed units to all elevations.

**Applicant:** Mr Peter Papanichola

**Officer:** Emily Stanbridge 292359

**Approved on 28/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The hereby approved windows shall be timber and shall be painted white and maintained in this colour unless any variation has been agreed in writing by the Local Planning Authority.

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

**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 layout	A.01		13.08.2013
Photos	A.02		30.07.2013
Existing and Proposed Second Floor plan	A.03	A	17.10.2013
Existing and Proposed South elevation	A.04	A	17.10.2013
Existing and Proposed North elevation	A.05	A	17.10.2013
Existing and Proposed East and West elevations	A.06	A	17.10.2013
Window Key	A.07	A	17.10.2013
Window type 1- Sash Existing	A.08		17.10.2013
Window type 1- Sash Proposed	D.01	A	17.10.2013
Window type 2- Casement Existing	A.09		17.10.2013
Window type 2- Casement Proposed	D.02	B	22.10.2013
Window type 3- Casement Existing	A.10		17.10.2013
Window type 3- Casement Proposed	D.03	B	22.10.2013
Window type 4- Sash Existing	A.11		17.10.2013
Window type 4- Sash Proposed	D.04		17.10.2013
Window type 5- Casement Existing	A.12		17.10.2013

**BH2013/02671**

**Flat 4 10 Eaton Road Hove**

Replacement of existing timber windows to the rear with UPVC.

**Applicant:** Maria Antoniou

**Officer:** Mark Thomas 292336

**Approved on 28/10/13 DELEGATED**

### 1) BH01.01

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

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

### 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			6th August 2013
Floor plan			5th August 2013
Photographs			6th August 2013
Window schedule			10th October 2013
Window details and sections 'evolvevs' by 'synseal'			6th August 2013

### **BH2013/02764**

#### **Flat D 63 Tisbury Road Hove**

Conversion of one 2 no. bedroom flat to form two 1 no. bedroom flats incorporating revised fenestration to side elevation.

**Applicant:** Alan & Dorothy Young

**Officer:** Adrian Smith 290478

**Refused on 22/10/13 DELEGATED**

#### 1) UNI

Policy HO9 of the Brighton & Hove Local Plan seeks to retain smaller family dwellings. The proposed subdivision of the basement to two units of accommodation would fail to meet the threshold set by policy HO9, would result in the loss of a unit of residential accommodation suitable for family occupation and would fail to provide a suitable unit of accommodation for family occupation. The scheme is therefore contrary to policy HO9 of the Brighton & Hove Local Plan.

#### 2) UNI2

The proposed development, by virtue of the uncharacteristic addition of a second entrance door to the south side elevation of the building, would have a harmful impact on the historic character and appearance of the listed building, contrary to policy HE1 of the Brighton & Hove Local Plan

### **BH2013/02835**

#### **44 Belfast Street Hove**

Erection of single storey side and rear extension.

**Applicant:** James Hunt

**Officer:** Steven Lewis 290480

**Refused on 16/10/13 DELEGATED**

#### 1) UNI

The proposed extension by reason of its form, siting and loss of original plan form would not positively reflect the wider character and appearance of the terrace and would harm the character and appearance of the area. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 (design guide for extensions and alterations).

#### 2) UNI2

The proposed extension would result in a tunnelling effect and have a detrimental harmful impact upon the amenities of the occupiers of 42 Belfast Street by reason

of a loss of daylight and outlook. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 (design guide for extensions and alterations).

**BH2013/02857**

**74 Osborne Villas Hove**

Installation of new front railings, gate, window pot guards and rear rooflights, replacement of existing windows and doors, removal of rear upper garden steps and associated landscaping.

**Applicant:** Dan Whittingham

**Officer:** Mark Thomas 292336

**Approved on 15/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No development shall take place until the following additional details 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.

- i) Large scaled drawings of the proposed railings showing their detailing and their height relative to the piers.
- ii) Large scaled details and sections of the proposed front bay windows showing their relationship to the masonry openings and the depths of the meeting and bottom rails.
- iii) Large scale sections of the proposed doors.
- iv) Confirmation that the proposed doors would be painted.
- v) Confirmation that the proposed pot guards would be produced in cast iron to match existing examples within Osborne Villas.

*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	WG 100/00	P1	20th August 2013
Block plan	WG 100/01	P1	20th August 2013
Existing floor and roof plans	WG 101/00	P1	20th August 2013
Existing elevations	WG 102/00	P1	20th August 2013
Proposed floor and roof plans	WG 103/00	P1	20th August 2013
Proposed elevations	WG 104/00	P1	20th August 2013

**BH2013/03012**

**2A Blatchington Road Hove**

Erection of single storey vertical extension at second floor to create additional dwelling area incorporating dormer to front and terrace area with balustrading to rear.

**Applicant:** SDA Perry

**Officer:** Steven Lewis 290480

**Approved on 30/10/13 DELEGATED**



**1) BH01.01**

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

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

**2) UNI**

No development shall take place until 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 development hereby permitted shall not be occupied until the sustainability measures Use of materials as per checklist, improved glazing, improved insulation, boiler upgrade, improve insulation of hot water and central heating, our door irrigation, rainwater butts, loft insulation and cycle parking detailed within the Sustainability Checklist received on the 03/09/2013 have been fully implemented, and such measures shall thereafter be retained as such.

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

**4) UNI**

Notwithstanding the approved plans no development shall take place until details of a screening balustrade (including materials and height) for the second floor balcony area have been submitted to and approved in writing by the Local Planning Authority. The balustrade shall be constructed in accordance with the agreed details prior to the second floor balcony being brought into use. The balustrade shall be retained in accordance with the agreed details thereafter.

*Reason: To protect the privacy and residential amenity of adjacent occupiers and in accordance with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

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

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

**6) UNI**

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.*

**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

Site and Block Plan	TA438/01	A	03/09/2013
Existing Ground Floor Plan	TA438/02	A	03/09/2013
Existing First Floor Plan	TA438/03	A	03/09/2013
Existing Roof Plan	TA438/04	A	03/09/2013
Existing Front elevation	TA438/05	A	03/09/2013
Existing Rear elevation	TA438/06	A	03/09/2013
Existing Section AA	TA438/07	A	03/09/2013
Existing Section BB	TA438/08	A	03/09/2013
Proposed Ground Floor Plan	TA438/10	A	03/09/2013
Proposed First Floor Plan	TA438/11	A	03/09/2013
Proposed Second Floor Plan	TA438/12	A	03/09/2013
Proposed Roof Plan	TA438/13	A	03/09/2013
Proposed Front elevation	TA438/14	A	03/09/2013
Proposed Rear elevation	TA438/15	A	03/09/2013
Proposed Section AA	TA438/16	A	03/09/2013
Proposed Section BB	TA438/17	A	03/09/2013
Sustainability Checklist			03/09/2013

### 8) UNI

No development shall take place until full details of the proposed dormer including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development, to preserve the setting of the Old Hove conservation area and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan and supplementary planning guidance Note 1 (SPGBH1 - roof extension and alterations).*

### GOLDSMID

#### BH2013/02775

##### **Blue Willow 7 Lansdowne Road Hove**

Application for Approval of Details by Conditions 4, 5, 8, 9, 10 and 11 of application BH2010/02475.

**Applicant:** Mark LeClerq

**Officer:** Clare Simpson 292454

**Split Decision on 28/10/13 DELEGATED**

#### 1) UNI

Insufficient information has been submitted to discharge the details required by condition 8, 9 and 11 of application BH2013/01811 in accordance with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

#### BH2013/02804

##### **15 Newtown Road Hove**

Replacement of 4no existing timber windows and 1no timber door rear with 2no aluminium folding doors and aluminium window.

**Applicant:** R Candler

**Officer:** Mark Thomas 292336

**Approved on 16/10/13 DELEGATED**

#### 1) BH01.01

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

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

## 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed floor plans and elevations and site location plan	285/04	P1	15th August 2013
Product specification and sections by 'Sunflex UK' System	SF45		21st August 2013

### **BH2013/02816**

#### **Flat 3 21 Davigdor Road Hove**

Replacement of existing timber bay window with UPVC bay window to front elevation.

**Applicant:** Miss Rebecca Miller

**Officer:** Mark Thomas 292336

**Approved on 17/10/13 DELEGATED**

#### 1) BH01.01

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

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

## 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			14th August 2013
Photograph			14th August 2013
Proposed 'side' bay windows			14th August 2013
Proposed 'front' bay windows			14th August 2013
Proposed window sections			14th August 2013

### **BH2013/02818**

#### **3A Cambridge Grove Hove**

Conversion of garage to habitable space with associated external alterations.

**Applicant:** Mr Rummery

**Officer:** Mark Thomas 292336

**Approved on 10/10/13 DELEGATED**

#### 1) BH01.01

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

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

## 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing floor plans and elevations	1496/1731		15th August 2013
Proposed plans, elevations and site location plan	1496/1732		15th August 2013
Proposed joinery sections	1496/1737		15th August 2013

**BH2013/02913**

**17 Wilbury Villas Hove**

Erection of single storey rear extension.

**Applicant:** Mr Adrian Marlowe

**Officer:** Emily Stanbridge 292359

**Refused on 16/10/13 DELEGATED**

**1) UNI**

The proposed extension by virtue of its design, roof form and layout in relation to the host dwelling, would result in a visually poor addition to the property which would relate poorly to the original plan form of the dwelling, resulting in an over extended appearance. The proposal would therefore be contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document (SPD12): Design guide for extensions and alterations.

**BH2013/02998**

**32 Shirley Street Hove**

Certificate of lawfulness for a proposed loft conversion incorporating a rear dormer and roof lights to the front elevation.

**Applicant:** Amy Gunter

**Officer:** Helen Hobbs 293335

**Approved on 28/10/13 DELEGATED**

**BH2013/03025**

**60 Highdown Road Hove**

Erection of single storey rear extension.

**Applicant:** Claire Tennant

**Officer:** Clare Simpson 292454

**Approved on 30/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location Plan	PBP13/004/02		4th September 2013

Block Plan	PBP13/004/03		4th September 2013
Plans and elevations	PBP13/004/01		4th September 2013

**BH2013/03028**

**Gill House Conway Street Hove**

Prior approval for change of use from offices (B1) to residential (C3) at first floor level to form 4no residential units.

**Applicant:** Harket Property LLP

**Officer:** Christopher Wright 292097

**Prior Approval is required and is refused on 29/10/13 DELEGATED**

**1) UNI**

In accordance with the provisions of paragraph N (8)(c) of Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, prior approval for the change of use from office to residential is required and hereby refused because it has not been demonstrated that the site will not be contaminated land. As such the proposal is contrary to policy SU11 of the Brighton & Hove Local Plan 2005.

**2) UNI2**

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Supporting Statement			3 Sep 2013
Floor Plans & Elevations	1184/13/P/01		3 Sep 2013
Floor Plans & Elevations	1184/13/P/02		3 Sep 2013
Location Plan and Block Plan	1184/13/P/03		3 Sep 2013

**BH2013/03029**

**63 Davigdor Road Hove**

Removal of existing conservatory and erection of single storey rear extension with associated alterations.

**Applicant:** Mr S Fairweather

**Officer:** Steven Lewis 290480

**Approved on 28/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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 window, dormer window, rooflight or door, other than those expressly authorised by this permission, shall be constructed in the walls or roof of the extension hereby permitted without first obtaining planning permission from the local planning authority.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan			03/09/2013
Proposals	SF/001/PLG		03/09/2013

**BH2013/03064**

**89 Holland Road Hove**

Loft conversion incorporating rooflights to side and rear elevations.

**Applicant:** Mr Lloyd-Evans

**Officer:** Adrian Smith 290478

**Approved on 21/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan	ADC566		06/09/2013
Block plan	ADC566		06/09/2013
Existing plans and elevations	ADC566/01		06/09/2013
	ADC566/02		06/09/2013
Proposed plans and elevations	ADC566/03	B	06/09/2013
	ADC566/04	B	06/09/2013

**HANGLETON & KNOLL**

**BH2013/02229**

**29 Dale View Hove**

Erection of single storey rear extension, hip to gable roof extension, front rooflights, rear dormer and revised fenestration.

**Applicant:** Ms Lucille Le Shirley

**Officer:** Adrian Smith 290478

**Refused on 14/10/13 DELEGATED**

**1) UNI**

The proposed roof enlargements and alterations, by virtue of their excessive scale and bulk, represent poorly designed additions that would harm the appearance of the property and unbalance the appearance of the semi-detached pair, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 design guidance.

**BH2013/02669**

## **226 Hangleton Road Hove**

Erection of single storey rear extension.

**Applicant:** Mr Tony Biggs

**Officer:** Jason Hawkes 292153

**Approved on 21/10/13 DELEGATED**

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

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

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

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

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

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

### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block Plan and OS Extract			5th August 2013
Existing Plans & Elevations	00001-002		5th August 2013
Proposed Alterations & Extensions	00001-003	B	19th September 2013

## **BH2013/03239**

### **32 Lark Hill Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.165m, for which the maximum height would be 3.7m, and for which the height of the eaves would be 2.5m.

**Applicant:** Mr Claude Deaud

**Officer:** Jonathan Puplett 292525

**Prior approval not required on 17/10/13 DELEGATED**

## **NORTH PORTSLADE**

### **BH2013/02635**

#### **356 Mile Oak Road Portslade**

Creation of new crossover and hard standing with alterations to front boundary wall.

**Applicant:** Mrs Susan Johnston

**Officer:** Helen Hobbs 293335

**Approved on 10/10/13 DELEGATED**

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

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

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

### **2) UNI**

Report from: 10/10/2013 to: 30/10/2013

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

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

### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan			22nd August 2013
Block plan			1st October 2013
Proposed crossover			29th July 2013

### **BH2013/02824**

#### **283 Mile Oak Road Portslade**

Formation of hard standing to facilitate creation of vehicle parking space to front (retrospective).

**Applicant:** Mr John Duggan

**Officer:** Mark Thomas 292336

**Approved on 11/10/13 DELEGATED**

### **SOUTH PORTSLADE**

### **BH2013/02455**

#### **Store Between 67 & 67A St Andrews Road Portslade**

Conversion of ground and part first floor to form self-contained residential unit including demolition of single storey rear extension, alterations to fenestration to rear and installation of solar panels to rear roofslope.

**Applicant:** Brighton & Hove City Council

**Officer:** Jason Hawkes 292153

**Approved on 28/10/13 DELEGATED**

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

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

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

### **2) UNI**

An historic building record (including research into the history and original plan form of the building as well as a photographic record to compliment drawn plans and elevations) shall be undertaken and deposited with the East Sussex Historic Environment Record. Evidence of this submission is to be submitted for the approval of the Local Planning Authority prior to commencement of works.

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

### **3) UNI**

The outline of the retained internal cell door opening, as shown on drawing no.67-StAR-02, shall remain visible by recessing the proposed blocking.

*Reason: To preserve the internal arrangement of the building and in accordance with policy HE10 of the Brighton & Hove Local Plan.*

### **4) UNI**



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

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

#### **5) UNI**

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

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

#### **6) UNI**

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

#### **7) UNI**

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

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

#### **8) UNI**

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.*

#### **9) 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.*

**10) UNI**

Notwithstanding the submitted plans no development shall take place until details of Lifetime Homes standards to be incorporated in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and shall be retained as such thereafter.

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

**11) UNI**

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

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

**12) UNI**

No development shall take place 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 WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**13) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Layouts Basement, Ground & First Floors & Site Location	67-StAR-01		22nd July 2013
Proposed Layouts Basement, Ground & First Floors	67-StAR-02		22nd July 2013
Existing Elevations and Proposed Rear Elevation	67-StAR-03		22nd July 2013

**14) UNI**

No development shall take place until full details of the proposed windows to the front elevation, including 1:20 scale sample elevations and 1:2 joinery profiles, have been submitted to and approved in writing by the Local Planning Authority. The development 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 HE6 of the Brighton & Hove Local Plan.*

**BH2013/02627**

**39 Station Road Portslade**

Erection of single storey rear extension.

**Applicant:** Cartridge World

**Officer:** Christopher Wright 292097

**Refused on 17/10/13 DELEGATED**

**1) UNI**

The proposed extension is not considered to be appropriately designed and detailed in relation to the recipient building and would, by reason of the siting, scale and bulk, give the building an over-extended and over-developed appearance, occupying the whole length of the rear open space, thereby appearing incongruous and out of character with the spatial characteristics and pattern of existing adjoining development, to the detriment of visual amenity. As such the proposal is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005 and SPD12: Design guide for extensions and alterations.

**BH2013/02681**

**St Peters Community Infant School St Peters Road and Ottima Wellington Road Portslade**

Application for approval of details reserved by condition 6 and 14 of application BH2012/02546.

**Applicant:** Brighton & Hove City Council

**Officer:** Guy Everest 293334

**Split Decision on 17/10/13 DELEGATED**

**1) UNI**

APPROVE the details pursuant to condition 6 subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to condition 14 are NOT APPROVED

**2) UNI2**

The proposed cycle parking arrangements, as required by condition 14, would not be sufficiently secure or convenient for staff or pupils, contrary to policy TR4 of the Brighton & Hove Local Plan.

**BH2013/02702**

**9 Fairfield Gardens Portslade**

Erection of single storey rear extension to replace existing conservatory, including the provision of a raised terrace.

**Applicant:** Ian McLean

**Officer:** Mark Thomas 292336

**Approved on 18/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan	130604/S0		7th August 2013
Block plan	130604/P0		7th August 2013
Existing ground floor plan and side elevation	130604/S1		7th August 2013
Existing ground floor plan	130604/S2		7th August 2013
Existing first floor plan	130604/S3		7th August 2013
Existing roof plan	130604/S4		7th August 2013
Existing front elevation	130604/S5		7th August 2013
Existing side (south) elevation	130604/S6		7th August 2013
Existing rear elevation	130604/S7		7th August 2013
Existing side (north) elevation	130604/S8		7th August 2013
Existing section A-A	130604/S9		7th August 2013
Existing section B-B	130604/S10		7th August 2013
Proposed ground floor plan and side elevation	130604/P1	Rev. A	7th August 2013
Proposed ground floor plan	130604/P2	Rev. A	7th August 2013

**BH2013/02723**

**St Peters Community Infant School St Peters Road and Ottima Wellington Road Portslade**

Application for Approval of Details Reserved by Conditions 13 of application BH2012/02546

**Applicant:** Brighton & Hove City Council

**Officer:** Guy Everest 293334

**Refused on 17/10/13 DELEGATED**

**BH2013/02859**

**Ground Floor Flat 11 St Andrews Road Portslade**

Erection of single storey rear extension.

**Applicant:** Mr Shaun Gilding

**Officer:** Mark Thomas 292336

**Refused on 11/10/13 DELEGATED**

**1) UNI**

The proposed extension, by virtue of its height, depth, positioning and proximity to the shared boundary with no. 9 St Andrews Road, would have an overbearing impact on occupiers of this neighbouring property, resulting in a loss of outlook, overshadowing and an increased sense of enclosure. As such, the proposed development would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, and to guidance within Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

**2) UNI2**

The proposed extension would extend beyond the rear wall of the outrigger, detracting from the original plan of the building, and in combination with the existing single storey extension would result in the recipient property having an overextended appearance, detracting from the character and appearance of the recipient dwelling. As such, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan, and to guidance within

**BH2013/02862**

**St Peters Community Infant School St Peters Road and Ottima Wellington Road Portslade**

Application for removal of conditions 10 and 15 of application BH2012/02546 (Demolition of existing external dining hut and Ottima light industrial building. Change of use of Ottima site from light industrial (B1) to educational (D1) and construction of new 2no storey school building and erection of single storey extension to existing school building and associated works) which require registration, assessment and certification by the Building Research Establishment under BREEAM.

**Applicant:** Brighton & Hove City Council

**Officer:** Adrian Smith 290478

**Refused on 14/10/13 DELEGATED**

**1) UNI**

The removal of conditions 10 & 15 of planning permission BH2012/02546 is considered unacceptable as insufficient information has been submitted to demonstrate that the development would otherwise accord with the requirements of policy SU2 of the Brighton & Hove Local Plan and the requisite standards set out in SPD08 'Sustainable Building Design'.

**BH2013/02972**

**27 Lincoln Road Portslade**

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

**Applicant:** Mr Barry Cole

**Officer:** Clare Simpson 292454

**Approved on 28/10/13 DELEGATED**

**BH2013/02978**

**13 Benfield Way Portslade**

Hip to gable roof extension to the west elevation and creation of pitched roof to front entrance porch (part retrospective).

**Applicant:** Robert Kennett

**Officer:** Steven Lewis 290480

**Approved on 28/10/13 DELEGATED**

**1) 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.*

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			02/09/2013
Existing ground floor plan			28/08/2013
Existing first floor plan			28/08/2013
Proposed ground floor plan			28/08/2013
Proposed first floor plan			28/08/2013

Existing and proposed south elevation			28/08/2013
Existing and proposed west elevation			28/08/2013
Existing and proposed north elevation			28/08/2013

**BH2013/03089**

**53 Norway Street Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.8m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2m.

**Applicant:** Mr Alan & Mrs Laura Peach

**Officer:** Chris Swain 292178

**Prior approval not required on 21/10/13 DELEGATED**

**HOVE PARK**

**BH2013/01297**

**The British Engineerium The Drove Way Hove**

Application for Approval of Details Reserved by conditions 6, 10, 11 and 12 of application BH2011/00228

**Applicant:** The British Engineerium Ltd

**Officer:** Guy Everest 293334

**Split Decision on 24/10/13 DELEGATED**

**1) UNI**

APPROVE the details pursuant to condition 6 subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to conditions 10, 11 & 12 are NOT APPROVED

**BH2013/01969**

**7 Rigden Road Hove**

Erection of two storey 3no bedroom detached dwelling on land to rear of 7 Rigden Road.

**Applicant:** Mrs Kelly Henry

**Officer:** Clare Simpson 292454

**Refused on 30/10/13 DELEGATED**

**1) UNI**

The subdivision of the existing garden to form additional building plot is considered to be in distinct contrast to the existing layout of the area. A house rising in this location would be in stark contrast to undeveloped neighbouring gardens and detrimental to the open garden character of the area. Furthermore the design of the proposed house would be overly dominant and incongruous in this location. The development would therefore be contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed development, by virtue of its bulk, form and massing in close proximity to the neighbouring boundaries, results in an excessive and un-neighbourly form of development which would be intrusive, overbearing and cause an increased sense of enclosure to the occupiers of 5, 7 and 9 Rigden Road; 5 Rigden Road would also suffer from adverse levels of overlooking. The development would therefore be contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, and QD27 of the Brighton & Hove Local Plan.

**BH2013/02132****109 Shirley Drive Hove**

Construction of single storey side and front extension with green roof following removal of staircase. Conversion of garage to living space including alterations to existing garage elevation. Raising of front terrace and installation of solar panels to south facing roof.

**Applicant:** Mr Alex Sherwood

**Officer:** Jason Hawkes 292153

**Approved on 14/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Access to the flat roof over the staircase extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof 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.*

**3) UNI**

No development shall take place until sample of the stone cladding to be used in the construction of the external surface 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 & Block Plan	CH556/001		26th June 2013
Existing Plans	CH556/002		26th June 2013
Existing Elevations	CH556/003		26th June 2013
Proposed Plans with Solar panels	CH556/004		26th June 2013
Green Roof Proposed South and Street Elevations	CH556/005		26th June 2013
Green Roof Proposed North and Front Elevations	CH556/006	B	20th August 2013
Green Roof Proposed North Elevation	CH556/007	B	20th August 2013

**BH2013/02190****72 Shirley Drive Hove**

Erection of two storey front/side extension. New roof dormer and rooflights.

**Applicant:** Mr Thomas Peel

**Officer:** Mark Thomas 292336

**Refused on 18/10/13 DELEGATED**

**1) UNI**

The proposed extension, by virtue of its bulk, height, form and positioning would represent a bulky and incongruous addition, which would erode the legibility of the original house and result in a cluttered and overextended front elevation. As such, the development would be contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document (SPD) 12: Design guide for extensions and alterations.

**BH2013/02289**

**5 Leighton Road Hove**

Change of Use from redundant access to residential garden with parking space incorporating access path.

**Applicant:** Adam Tribe

**Officer:** Clare Simpson 292454

**Approved on 14/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No development shall take place until details outlining removal of the existing radii junction and the reinstatement of footway with a residential dropped vehicle crossover, and, removal of the existing no entry signs have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed details and shall be retained as such thereafter.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed fence and gates			9th August 2013
5 Leighton Road (plans)			10th July 2013

**BH2013/02385**

**25 Tredcroft Road Hove**

Creation of additional storey to existing bungalow incorporating two storey rear extension. Single storey rear extension, alterations and extension to garage and associated works.

**Applicant:** Mr Declan Roche

**Officer:** Jason Hawkes 292153

**Refused on 21/10/13 DELEGATED**

**1) UNI**

Due to the position and bulk of the extension, the proposal would result in an unneighbourly form of development, a loss of outlook and a heightened sense of enclosure to 27 Tredcroft Road. The proposal would therefore lead to an unacceptable material loss of amenity and is contrary to policies QD14 & QD27 of the Brighton & Hove Local Plan and SPD12: Design Guide for Extensions and Alterations.

**BH2013/02569**



## **Goldstone Valley Gospel Hall Edward Avenue Hove**

Application for Approval of Details Reserved by Condition 4 of application BH2013/00703.

**Applicant:** Mr J Dryden  
**Officer:** Christopher Wright 292097  
**Approved on 10/10/13 DELEGATED**

### **BH2013/02622**

#### **14 Shirley Road Hove**

Construction of new vehicular access, driveway and crossover.

**Applicant:** Mr A Spicer  
**Officer:** Emily Stanbridge 292359  
**Approved on 22/10/13 DELEGATED**

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

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

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

#### **2) UNI**

No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of the on-street Elm and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved scheme.

*Reason: To protect the street tree in the interests of the visual amenities of the area and to comply with QD16 of the Brighton & Hove Local Plan.*

#### **3) UNI**

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

#### **4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed location and block plan	0118.PL.101	B	27.08.2013
Existing and Proposed	0118.PL.1002	A	27.08.2013
Existing and Proposed	0118.PL.1001	A	27.08.2013
Landscape concept	SHI/100/003		27.08.2013
Existing	0118.EXG.102		01.08.2013
Proposed front garden and Tree protection	804-03	A	24.09.2013

### **BH2013/02641**

#### **British Engineerium The Drove Hove**

Report from: 10/10/2013 to: 30/10/2013

Replacement of the 3no existing antennas at the top of the chimney and installation of 3no new additional antennas at a lower height on the chimney together with replacement of the cable tray ascending the chimney. Removal of supporting equipment from an internal room and installation of 5no new equipment units at the base of the chimney enclosed with a fenced compound and other ancillary works.

**Applicant:** Telefónica UK Limited

**Officer:** Adrian Smith 290478

**Refused on 28/10/13 DELEGATED**

**1) UNI**

The proposed new and replacement antennas and associated ducting and equipment compound would appear unattractive and inappropriate additions that would further clutter and detract from the architectural and historic character and appearance of the grade II\* listed chimney, adjacent Engineerium buildings, and the wider setting of the Engineerium Conservation Area, contrary to policies QD23, QD24, HE1 and HE6 of the Brighton & Hove Local Plan.

**BH2013/02642**

**British Engineerium The Drove Way Hove**

Replacement of the 3no existing antennas at the top of the chimney and installation of 3no new additional antennas at a lower height on the chimney together with replacement of the cable tray ascending the chimney. Removal of supporting equipment from an internal room and installation of 5no new equipment units at the base of the chimney enclosed with a fenced compound and other ancillary works.

**Applicant:** Telefónica UK Limited

**Officer:** Adrian Smith 290478

**Refused on 28/10/13 DELEGATED**

**1) UNI**

The proposed new and replacement antennas and associated ducting and equipment compound would appear unattractive and inappropriate additions that would further clutter and detract from the architectural and historic character and appearance of the grade II\* listed chimney and adjacent Engineerium buildings, contrary to policy HE1 of the Brighton & Hove Local Plan.

**BH2013/02778**

**287 Dyke Road Hove**

Erection of single storey detached building in rear garden.

**Applicant:** Care Management Group

**Officer:** Steven Lewis 290480

**Approved on 23/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No development shall take place until 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.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan			13/08/2013
Proposed Plan and Elevation	10/012/01	G	30/08/2013

**BH2013/02814**

**37 Park Lodge Dyke Road Hove**

Replacement of existing windows and doors with UPVC double glazed units.

**Applicant:** Mr Eric Boon

**Officer:** Mark Thomas 292336

**Approved on 17/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			22nd August 2013
Photographs			13th August 2013
Proposed doors Sketch 1			13th August 2013
Proposed windows Fig. 1 & 2			22nd August 2013
Floor plan			13th August 2013
Brochure by 'System 10'			13th August 2013

**BH2013/02839**

**Marche House Woodland Drive Hove**

Conversion of existing dwelling to form 1no two bed dwelling and 1no four bed dwelling, erection of single storey front extension and associated alterations.

**Applicant:** Threadneedle Entertainment Ltd

**Officer:** Steven Lewis 290480

**Approved on 25/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

The development hereby 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**

The development hereby permitted shall not be occupied until the sustainability measures, which comprise improved loft insulation, rainwater butts, garden irrigation, as detailed within the Sustainability Checklist / supporting statement received on the 27th August 2013 have been fully implemented, and such measures shall thereafter be retained as such.

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

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

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

**7) UNI**

The development hereby permitted shall be carried out in accordance with 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 and Existing First Floor Plan	0225.EXG.001		27/08/2013
Section AA & BB and Existing elevations	0225.EXG.002		27/08/2013
Location, Block and Ground floor plan	022.PL.001		27/08/2013
First Floor And Roof Plan	0225.PL.002	A	30/08/2013
Section AA & BB and Existing elevations	0225.PL.003	B	30/08/2013
Lifetime Homes Plans	0225.PL.004		19/08/2013
Sustainability Checklist	27/08/2013		
Design & Access Statement			19/08/2013

**8) UNI**

The new residential units 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.*

**BH2013/02858**

**267 Dyke Road Hove**

Application for variation of condition 2 of application BH2010/00975 (Change of use from residential dwelling (C3) with childcare facilities, to residential dwelling and day nursery for up to 18 children (C3/D1) in order to allow up to 32 children to attend the nursery (Additional supporting statement).

**Applicant:** Mr Simon Cheesman

**Officer:** Adrian Smith 290478

**Approved on 11/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The number of registered children attending the nursery shall not exceed 32 children at any one time.

*Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan*

**3) UNI**

The premises shall not be used as a day nursery except between the hours of 08.00 to 18.00 Monday to Friday with no use permitted on Saturdays, Sundays or Bank Holidays.

*Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

Outdoor play sessions in connection with the day nursery use hereby permitted shall be restricted to within the hours of 09.00 to 17.00 Monday to Friday with no use permitted on Saturdays, Sundays or Bank Holidays.

*Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

Within 3 months of the date of implementation of this permission the applicant 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) Increase awareness of and improve road safety and personal security:

(iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:

(iv) Identify targets focussed on reductions in the level of car use:

(v) Following the annual staff survey, an annual review will be submitted.

**6) UNI**

No amplified music or musical equipment shall be used in the outdoor play area in connection with the day nursery use hereby permitted.

*Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.*

### 7) UNI

The premises shall be used for the use described by this planning permission only and for no other purpose (including any other purpose in Classes C3 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

### 8) UNI

The rooms allocated for residential purposes as indicated on drawing no. 276/111 received on 16 August 2013 shall be retained as such and shall not be used as part of the day nursery.

*Reason: In order to protect the stock of residential accommodation within the city, in accordance with policy HO8 of the Brighton & Hove Local Plan.*

### 9) UNI

The nursery shall not accommodate more than 18 children until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

### 10) UNI

The development hereby permitted shall be carried out in accordance with 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	276/102	P1	16/08/2013
Proposed floor plans	276/111		16/08/2013

### 11) UNI

The nursery shall not accommodate more than 18 children until a written Management Plan for the outdoor play area has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall detail how all outside areas are to be managed, including details of staff supervision, layout of area showing types of play areas (e.g. quiet, wet, sand areas, planting, etc). The agreed scheme shall be implemented in full and thereafter retained.

*Reason: To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policies QD27 and HO26 of the Brighton & Hove Local Plan.*

### **BH2013/02871**

#### **12 Benett Drive Hove**

Certificate of lawfulness for proposed loft conversion incorporating a side/rear dormer with Juliet balcony.

**Applicant:** Graham Rowe

**Officer:** Guy Everest 293334

**Approved on 14/10/13 DELEGATED**

**BH2013/02922****19 Onslow Road Hove**

Application for approval of details reserved by conditions 9, 10, 11 and 12 of application BH2013/01811.

**Applicant:** Mrs Adele Lias

**Officer:** Jason Hawkes 292153

**Split Decision on 17/10/13 DELEGATED**

**BH2013/02967****31 Hill Brow Hove**

Erection of front boundary wall.

**Applicant:** Mr F Nasrati-Rad

**Officer:** Adrian Smith 290478

**Approved on 14/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The conifer tree adjacent to the western boundary adjacent to the proposed wall shall be protected at all times during construction works in accordance with BS5837 (2012).

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with 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			27/08/2013
Block plan			27/08/2013
Existing and proposed plans and elevations	01/033		27/08/2013

**BH2013/02979****44 Hill Brow Hove**

Roof extension at first floor level on front elevation to create new gable end over garage with enlargement and extension of existing front gable. Revised fenestration and associated external alterations.

**Applicant:** Sue Chapple

**Officer:** Adrian Smith 290478

**Refused on 24/10/13 DELEGATED**

**1) UNI**

The proposed first floor front extensions, by virtue of their excessive scale and projection, represent highly visible, incongruous and excessively dominant additions to the recipient building that fail to respect the scale and form of the original building and the positive characteristics of the street. The proposal is therefore considered to be a harmful overdevelopment of the building, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**BH2013/03039**

## **8 Hill Drive Hove**

Erection of two storey rear extension and loft conversion incorporating raising of ridge height, front and rear rooflights and associated alterations.

**Applicant:** Mr Ghar Cheung

**Officer:** Mark Thomas 292336

**Refused on 30/10/13 DELEGATED**

### **1) UNI**

The proposed two storey extension, by virtue of its excessive bulk and scale, would have an unacceptably harmful impact on the character and appearance of the recipient property, resulting in an overextended appearance. For the reasons outlined, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12 (SPD12): design guide for extensions and alterations.

### **2) UNI2**

The proposed extension, by virtue of its bulk, scale, height, positioning and proximity to the shared boundary, would have an unacceptable overbearing impact on the occupiers of no. 6 Hill Drive, with resultant overshadowing, loss of outlook and increased sense of enclosure. As such, the proposed development would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

## **BH2013/03123**

### **11 Poynter 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 5.6m, for which the maximum height would be 3.7m, and for which the height of the eaves would be 2.6m.

**Applicant:** Mr Alex Langley

**Officer:** Chris Swain 292178

**Prior approval not required on 21/10/13 DELEGATED**

## **WESTBOURNE**

### **BH2013/02661**

#### **116 Westbourne Street Hove**

Erection of single storey extensions to rear elevation.

**Applicant:** CruzStudio

**Officer:** Christopher Wright 292097

**Refused on 22/10/13 DELEGATED**

### **1) UNI**

The proposed infill extension would, by reason of the external finishes, have a discordant appearance in relation to the external finishes of the existing building, and would detract from the character of the recipient building, contrary to the requirements of policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guidance for extensions and alterations.

### **2) UNI2**

The proposed infill extension would, by reason of the height, siting and external finishes, have an overbearing impact and result in a loss of light and an unacceptable sense of enclosure for occupiers of the adjoining neighbouring property, 118 Westbourne Street, to the detriment of residential amenity and contrary to the requirements of policies QD14 and QD27 of the Brighton & Hove Local Plan and SPD12: Design guidance for extensions and alterations.

### **BH2013/02744**

#### **Top Floor Flat 19 Lawrence Road Hove**

Loft conversion incorporating front and rear rooflights.



**Applicant:** Miss Dena Patel  
**Officer:** Mark Thomas 292336  
**Approved on 14/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing plans and elevations, site location and block plans	1315/01		19th August 2013
Proposed plans and elevations	1315/02		9th August 2013

**BH2013/02837**

**13 Aymer Road Hove**

Removal of existing rooflights and installation of conservation style rooflights to front elevation and installation of rooflight to flat roof.

**Applicant:** Mr & Mrs Daniel Habba  
**Officer:** Christopher Wright 292097

**Approved on 18/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The 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**

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.*

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan	120802/S0		19 Aug 2013
Block Plan	120802/P0		19 Aug 2013
Roof Plan Survey as Existing	120802/S4		19 Aug 2013
Front (East) Elevation Survey as Existing	120802/S5		19 Aug 2013
Rear (West) Elevation Survey	120802/S7		19 Aug 2013

as Existing			
Side (South) Elevation Survey as Existing	120802/S8		19 Aug 2013
Side (North) Elevation Survey as Existing	120802/S6		19 Aug 2013
Section A-A Survey as Existing	120802/S9		19 Aug 2013
Section B-B Survey as Existing	120802/S10		19 Aug 2013
Section C-C Survey as Existing	120802/S11		19 Aug 2013

## 5) UNI

Plan Type	Reference	Version	Date Received
Ground Floor Plan Survey as Existing	120802/S1		19 Aug 2013
First Floor Plan Survey as Existing	120802/S2		19 Aug 2013
Second Floor Plan Survey as Existing	120802/S3		19 Aug 2013
Ground Floor Plan As Proposed	120802/P101		23 Aug 2013
First Floor Plan As Proposed	120802/P102		23 Aug 2013
Second Floor Plan As Proposed	120802/P103		23 Aug 2013
Roof Plan As Proposed	120802/P104		23 Aug 2013
Front (East) Elevation As Proposed	120802/P105		23 Aug 2013
Side (North) Elevation As Proposed	120802/P106		23 Aug 2013
Rear (West) Elevation As Proposed	120802/P107		23 Aug 2013
Side (South) Elevation As Proposed	120802/P108		23 Aug 2013
Section A-A As Proposed	120802/P109		23 Aug 2013
Section B-B As Proposed	120802/P110		23 Aug 2013
Section C-C As Proposed	120802/P111		23 Aug 2013

### **BH2013/02868**

#### **Flat 3 21 Langdale Gardens Hove**

Replacement UPVC windows to front, side and rear of first floor and front and rear of roof loft and replacement UPVC roof loft door to front.

**Applicant:** Mr A Goodwin

**Officer:** Mark Thomas 292336

**Refused on 15/10/13 DELEGATED**

#### **1) UNI**

The proposal to replace the timber front bay window and the timber fenestration to the front dormer with UPVC units would introduce an incongruous material and thicker frame profiles to the front elevation, detracting from the uniformity and cohesion of the front elevation and the wider street scene. For the reasons outlined, the proposed development would have a significantly detrimental impact on the character and appearance of the recipient property and the wider street

scene, contrary to policy QD14 of the Brighton & Hove Local Plan, and SPD 12: Design guide for extensions and alterations.

**BH2013/02870**

**49 Sackville Gardens Hove**

Application for approval of details reserved by condition 6 of application BH2013/00923.

**Applicant:** Edward Shuttleworth

**Officer:** Christopher Wright 292097

**Approved on 22/10/13 DELEGATED**

**BH2013/02909**

**First Floor Flat 102 Coleridge Street Hove**

Creation of dormer to rear and installation of 2no rooflights to front. (Retrospective)

**Applicant:** Saifain Bosotor

**Officer:** Helen Hobbs 293335

**Refused on 29/10/13 DELEGATED**

**1) UNI**

The rear dormer is unduly bulky and dominates the rear roof slope, causing significant harm to the character and appearance of the recipient property and the wider street scene. Furthermore, the dormer is poorly detailed, featuring excessive tile hung cladding, and relates poorly to the size, proportions and positioning of fenestration to the elevation below. As such, the dormer is contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12: Design guide for extensions and alterations.

**2) UNI2**

The front rooflights are poorly designed and positioned in relation to the fenestration below, causing significant harm to the character and appearance of the recipient property and the wider street scene. As such, the dormer is contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12: Design guide for extensions and alterations.

**BH2013/02914**

**2 Langdale Gardens Hove**

Loft conversion to form studio flat. (Retrospective)

**Applicant:** Anne & Robert Dunnett

**Officer:** Christopher Wright 292097

**Refused on 16/10/13 DELEGATED**

**1) UNI**

Policy HO9 of the Brighton & Hove Local Plan relates to residential conversions and the retention of smaller dwellings. The conversion of the space to form a separate studio flat is not acceptable in principle because the floor area of the first floor flat is less than 115 square metres and as originally built the property proposed to be sub-divided did not have more than 3 bedrooms. As such the proposal is contrary to the requirements of policy HO9 of the Brighton & Hove Local Plan.

**2) UNI2**

Policy QD27 of the Brighton & Hove Local Plan 2005 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent residents. The proposed flat located in the roof space of the building would not provide an acceptable standard of accommodation for future residents. The rooms are dictated by roof pitches that reduce the amount of habitable floor area and the rooms rely on rooflights for outlook. The proposal

would be detrimental to the amenities of future occupants and contrary to policies QD3, HO4 and QD27 of the Brighton & Hove Local Plan.

**BH2013/02948**

**37 Modena Road Hove**

Conversion of garage to habitable space, incorporating the introduction of a parapet wall above the flat roof, the installation of a lantern light to the flat roof and the installation of a window and door to the front elevation.

**Applicant:** Mr & Mrs Ed & Carly Tyndale-Biscoe

**Officer:** Mark Thomas 292336

**Approved on 30/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing plans and elevations, site location and block plans	A.001		27th August 2013
Proposed plans, elevations and section	D.001	Rev. D	29th October 2013

**BH2013/02981**

**4 Pendragon Court Arthur Street Hove**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and 2no rooflights to the front. Erection of single storey rear extension.

**Applicant:** Jamie Pumphrey

**Officer:** Clare Simpson 292454

**Approved on 24/10/13 DELEGATED**

**BH2013/03055**

**Basement Flat 26 Westbourne Street Hove**

Replacement UPVC windows to rear at basement level.

**Applicant:** Miss Karly House

**Officer:** Emily Stanbridge 292359

**Approved on 28/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan			05.09.2013

Photographs			05.09.2013
Retail survey report			21.10.2013

**WISH**

**BH2013/02625**

**153 Portland Road Hove**

Installation of ventilation duct to rear elevation and relocation of condenser unit

**Applicant:** Pub & Kitchen

**Officer:** Mark Thomas 292336

**Refused on 28/10/13 DELEGATED**

**1) UNI**

Insufficient evidence has been submitted to demonstrate that the repositioned condenser unit would not have a significantly detrimental impact on the amenity of occupiers of neighbouring properties by way of noise disturbance. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/02636**

**149 Portland Road Hove**

Conversion of part ground floor from bank (A2) to studio flat.

**Applicant:** Mr S Ajmi

**Officer:** Steven Lewis 290480

**Approved on 22/10/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

The development hereby permitted shall not be occupied until the sustainability measures including internal wall insulation, efficient gas boiler, cycle parking detailed within the Sustainability Checklist received on the 30th July 2013 have been fully implemented, and such measures shall thereafter be retained as such.

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

**4) UNI**

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

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

**5) UNI**

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**

The development hereby permitted shall be carried out in accordance with 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	13/253/OS		30/07/2013
Floor Plans and Elevations - Existing & Proposed	13/253/10		30/07/2013
Sustainability Checklist			30/07/2013

#### **7) UNI**

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

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

#### **BH2013/02795**

##### **30 Wish Road Hove**

Certificate of lawfulness for proposed conversion of 2no flats into single dwelling house.

**Applicant:** Mr Williams

**Officer:** Adrian Smith 290478

**Approved on 16/10/13 DELEGATED**

#### **BH2013/02872**

##### **7 Glebe Villas Hove**

Creation of new crossover and hardstanding with alteration to front boundary wall.

**Applicant:** Mr Allen Molloy

**Officer:** Emily Stanbridge 292359

**Approved on 18/10/13 DELEGATED**

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

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

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

#### **2) UNI**

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

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

#### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan	09		20.08.2013
Site Plan	08		27.08.2013
Elevations as existing & proposed	02		20.08.2013
Plan as proposed	03		20.08.2013
Plan as existing	01		20.08.2013

### **BH2013/02963**

#### **Land Adjacent to 53-55 Boundary Road Hove**

Change of use of yard to accommodate burger van (A5) for a temporary period of 12 months.

**Applicant:** Roseview Homes Ltd

**Officer:** Adrian Smith 290478

**Refused on 28/10/13 DELEGATED**

#### **1) UNI**

The proposed A5 takeaway van, by virtue of its general appearance and prominent position adjacent to residential properties, would appear a visually incongruous and alien addition that would detract from the character and appearance of the surrounding area and result in the harmful removal of a boundary wall, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan

#### **2) UNI2**

The proposed A5 takeaway van, by virtue of its proximity to residential and commercial units, would form an unneighbourly form of development that would result in noise and odour disturbance, contrary to policies SU9, SU10 & QD27 of the Brighton & Hove Local Plan.

### **BH2013/02970**

#### **6 Braemore Road Hove**

Erection of a new porch with a pitched roof.

**Applicant:** Paul James Consulting

**Officer:** Emily Stanbridge 292359

**Approved on 24/10/13 DELEGATED**

#### **1) UNI**

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

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

#### **2) UNI**

The 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
Water Plot Southern Water			29.08.2013

Proposed elevations		PL11	29.08.2013
Existing roof void & elevations		E2	29.08.2013
Proposed plans		PL10	29.08.2013
Existing Plans		E1	29.08.2013

**BH2013/03035**

**22 Kendal Road Hove**

Certificate of lawfulness for proposed single storey rear extension with alterations to fenestration.

**Applicant:** Mr Ian Robins

**Officer:** Adrian Smith 290478

**Refused on 17/10/13 DELEGATED**

**1) UNI**

The development is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as the extension projects more than 3m from the rear wall of the dwellinghouse.

**BH2013/03330**

**37 St Heliers Avenue Hove**

Certificate of lawfulness for proposed single storey rear extension. Proposed loft conversion incorporating hip to gable roof extension, rear dormer and rear rooflight.

**Applicant:** Mr R Corbett

**Officer:** Steven Lewis 290480

**Approved on 24/10/13 DELEGATED**

**Withdrawn Applications**

**BH2013/02807**

**40A Payne Avenue Hove**

Certificate of Lawfulness for proposed single storey to south elevation and alterations to fenestration.

**Applicant:** Ms Francesca McCready

**Officer:** Mark Thomas 292336

**WITHDRAWN ON 11/10/13**

**BH2013/03234**

**1 Woodhouse Road Hove**

Certificate of Lawfulness for proposed single storey side extension and conversion of garage to a habitable room.

**Applicant:** Lucy Farndon

**Officer:** Liz Arnold 291709

**WITHDRAWN ON 16/10/13**



**PLANS LIST 20 November 2013****PATCHAM**

**Application No:    BH2013/03318**  
**7 Beechwood Close, Brighton**

1no Ash - Remove dead limb. Reduce in height by no more than 4m, remaining crown to be reduced in proportion to reduction in height.

Applicant:            Mr Wayne Williams  
**Approved on 24 Oct 2013**

**PRESTON PARK**

**Application No:    BH2013/03467**  
**6 Cleveland Road**

Fell 1no Ash (T1) - the tree is not visible from any public space thus has no public amenity value.

Applicant:            Mr Luke Ellis  
**Approved on 24 Oct 2013**

**Application No:    BH2013/03490**  
**32 Florence Road, Brighton**

1no Ash - reduce size of crown by approx 40%.

Applicant:            Mrs Gillian Dean  
**Approved on 24 Oct 2013**

**Application No:    BH2013/03530**  
**29 Florence Road**

Fell 1no Yew (T2) in front garden. Whilst clearly seen from public spaces, its small size means that its amenity value is low thus would not be eligible for a TPO.

Applicant:            Mr Nicholas Eddison  
**Approved on 24 Oct 2013**

**Application No: BH2013/03531**  
**29 Florence Road**

1no Prunus Pissardii (T1) in rear garden - reduce by up to 30%, thin and tidy.

Applicant: Mr Nicholas Eddison  
**Approved on 24 Oct 2013**

### **REGENCY**

**Application No: BH2013/03395**  
**20 Montpelier Villas, Brighton, BN1 3DG**

Front Garden: 1no Bay (T1) - reduce height by approximately 1.5 - 2 metres, trim round to form a sphere. Front Garden: 1no Cherry (T2) - reduce length of all branches by 1.5 metres ensuring natural shape and balance typical of species is maintained where possible. Remove dead and diseased wood. Remove or cut back low branches to give a 2.5m clearance from ground level.

Applicant: Mrs Stuart  
**Approved on 17 Oct 2013**

**Application No: BH2013/03473**  
**Heather Court, 15 Montpelier Terrace**

1no Horse Chestnut (T1) - crown thin and prune back to boundary wall of 21 Hampton Place.

Applicant: Miss Karen Jamieson  
**Approved on 18 Oct 2013**

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

**Application No: BH2013/03396**  
**10 Alexandra Villas, Brighton BN1 3RE**

Rear Garden - Bottom Boundary: 1no twin-stemmed Sycamore (T1) - reduce length of all branches by 2 metres ensuring natural shape and balance typical of species is maintained where possible. Rear Garden - Right Hand Side: 1no Sycamore(T2) - reduce length of all branches by 2.5 metres ensuring natural shape and balance typical of species is maintained where possible.

Applicant: Ms Thornton  
**Approved on 17 Oct 2013**

**Application No: BH2013/03514**  
**7 Chatham Place, Brighton**

2no Sycamores (T1, T2) on the border of the garden - 30% reductions and deadwood.

Applicant: Mr Larry Liptrot  
**Approved on 18 Oct 2013**

**Application No: BH2013/03520**  
**7 Chatham Place, Brighton**

Fell one Sycamore (T3) in centre of garden. The tree is not visible from any public area and is of only short-term potential for retention.

Applicant: Mr Larry Liptrot  
**Approved on 18 Oct 2013**

**Application No: BH2013/03633**  
**9 North Gardens**

1no Hawthorn (T1) in front garden - 30% crown reduction (5ft off the top).

Applicant: Mr Nyall Thompson  
**Approved on 31 Oct 2013**

**WITHDEAN**

**Application No: BH2013/03420**  
**4 Varndean Road, Brighton**

Sycamore (T5) - 30% reduction equating to approx. 2.5m.

Applicant: Mr M Haddock  
**Approved on 24 Oct 2013**

**Application No: BH2013/03475**  
**Land to west of 7 Redhill Close**

1no White Poplar (T1) and 1no Sycamore (T3) - reduce overhang to 7 Redhill Close to previous points. 1no Ash (T2) - prune back overhang to 7 Redhill Close to the boundary.

Applicant: Mr Carlos Daly  
**Approved on 24 Oct 2013**

**Application No: BH2013/03493**  
**29 Tongdean Lane, Brighton**

Fell three Beech trees.

Applicant: Mrs Hayley Kirby  
**Refused on 31 Oct 2013**

**Application No: BH2013/03578**  
**1 Elms Lea Avenue**

1no Purple Plum (T1) - remove diseased and dead branches.

Applicant: Ms Susan Norgrove-Moore  
**Approved on 25 Oct 2013**

**Application No: BH2013/03584**  
**12 Elms Lea Avenue**

1no Douglas Fir (T1) - light trim all round (2-3ft), trim back away from house slightly harder (4ft) in order to allow in more light. 1no Indian Bean Tree (T2) - reduce all stems and branches by 3-4ft to allow in more light.

Applicant: Mr Lorry Michael  
**Approved on 25 Oct 2013**

**Application No: BH2013/03638**  
**91 Surrenden Road**

1no Sycamore (T1) and 1no Beech (T2) - thin crown by 15% and shape by 1.5 metres all over the crown to keep at reasonable size for garden and shape.

Applicant: Mr Richard Green  
**Approved on 31 Oct 2013**

### **MOULSECOOMB & BEVENDEAN**

**Application No: BH2013/03585**  
**Partridge House, Leybourne Road**

1no Sycamore (T1) reduce in height and spread by up to 2.3 metres and thin by 10% to give clearance to property and allow light to very dark ground floor. 1no Sycamore (T2) reduce in height and spread by 2.3 metres and thin by 10% to give clearance to property and allow light to very dark ground floor. 1no Scyamore (T3) reduce biased

canopy towards neighbouring property by up to 2.3 metres to give clearance to property and thin by 10% to allow more light into both properties.

Applicant: Mr J Couling, F A Bartlett Tree Experts Ltd  
**Approved on 31 Oct 2013**

### **QUEEN'S PARK**

**Application No: BH2013/03444**  
**17 West Drive**

1no Ash (T1) 30% reduction.

Applicant: Mrs Caulfield-Gates  
**Approved on 18 Oct 2013**

### **ROTTINGDEAN COASTAL**

**Application No: BH2013/03458**  
**Sussex Square Gardens**

1no Sycamore (T62) remove deadwood and reduce by 2.5m over road. 1no Sycamore (T64) lift to 6m, reduce by up to 4m over pavement/road, reduce southern stem by 2m. 1no Sycamore (T65) remove deadwood, lift to 6m over road, reduce by up to 2m over road. 1no Sycamore (T87) clean crown, rebalance by reducing by up to 3m north and east. 1no Elm (T88) reduce by 4m. 1no Sycamore (T118) reduce by up to 3.5m on north and east crown. 1no Quercus ilex (T121) - prop. 1no Populus alba (T123) - further propping. 1no Quercus ilex (T176) reduce by 2m on east over path.

Applicant: Mr Duncan Armstrong  
**Approved on 23 Oct 2013**

**Application No: BH2013/03515**  
**Timbers, The Green, Rottingdean**

Sycamore (T1) - reduce size of crown by 30%. Pine (T2) - remove two lowest limbs over road to crown lift and reduce the length of longest limb overhanging road by approx. 1.25m.

Applicant: Mr I Palmer  
**Approved on 18 Oct 2013**

**Application No: BH2013/03516**  
**Timbers, The Green, Rottingdean**

2no Cherry (T3, T4) - reduce size of crown by approx. 20%. 1no Holly (T5) reduce and reshape crown by 0.5m.

Applicant: Mr I Palmer  
**Approved on 18 Oct 2013**

**Application No: BH2013/03629**  
**10 Wilkinson Close**

3no Sycamore (T1,T2,T3) at rear of 10 Wilkinson Close - reduce to live growth point above old cuts.

Applicant: Mr J Hatch  
**Approved on 31 Oct 2013**

**Application No: BH2013/03634**  
**7 Wanderdown Way**

1no Sycamore (T1) 20% crown reduction and 10% crown thin. Line of Hawthorns (G1) trip tops of tree line and sides to neaten and make compact.

Applicant: Mr Nyall Thompson  
**Approved on 31 Oct 2013**

**Application No: BH2013/03639**  
**The Croft, Challoners Mews, Rottingdean**

1no Sycamore (T1) reduce and reshape crown by up to 3 metres, lateral branch reduction and crown thin by 20%.

Applicant: Mr Richard Green  
**Approved on 31 Oct 2013**

## **BRUNSWICK AND ADELAIDE**

**Application No: BH2013/03424**  
**Flat 2, 45 Selborne Road, Hove**

Sycamore - crown reduction by one-third plus crown lifting.

Applicant: Mr O Sykes  
**Approved on 17 Oct 2013**

## **CENTRAL HOVE**

**Application No: BH2013/03422**  
**14A Tisbury Road, Hove**

Sycamore in rear garden - reduce overhanging laterals by 2-3m back to live growth points.

Applicant: Mr J Hatch  
**Approved on 17 Oct 2013**

### **GOLDSMID**

**Application No: BH2013/03399**  
**10 Eaton Gardens, Hove BN3 3TP**

Front Garden: 1no Yew (T1) - remove dead and diseased wood, reduce all laterals by approximately 0.75 metres, crown lift up to 3 metres (secondary growth only).

Applicant: Ms Healy  
**Approved on 17 Oct 2013**

**Application No: BH2013/03448**  
**44 Cromwell Road**

1no Sweet Chestnut (T1) - reduce by 1-2m and away from building.

Applicant: Mr J Hatch  
**Approved on 17 Oct 2013**

### **NORTH PORTSLADE**

**Application No: BH2013/03552**  
**57 Crest Way Portslade**

Fell 1no Sycamore on front boundary.

Applicant: Mr Ed Haunton  
**Refused on 24 Oct 2013**

### **HOVE PARK**

**Application No: BH2013/03416**  
**6A Tongdean Road, Hove**

Fell one Cypress (T6 on plan) - tree is dying.

Applicant: Mr N Jones

**Approved on 18 Oct 2013**

**Application No: BH2013/03419**  
**6A Tongdean Road, Hove**

Purple Plum (T1) - reduce & reshape by 15-20% (1.5 - 2m), crown thin by 15%, and crown lift to approx. 3 metres. Hazel (T2) - coppice. Magnolia (T3) - reshape away from house by approx. 1.5m. Holly (T4) - trim to shape. Holly (T5) - reduce & reshape by approx. 20% (0.5m). 3no Hornbeam (T7) - reduce & reshape by 20% (up to 2m), tip prune away from side of house.

Applicant: Mr N Jones  
**Approved on 18 Oct 2013**

**Application No: BH2013/03474**  
**55 The Upper Drive**

2no Elms (T1, T2) - lift crowns of both by removal of epicormic growth, remove epicormic growth on scaffolding limbs within crown, reduce crown by up to 25% pruning back to previous pruning points and deadwood. 1no Scots Pine (T3) -reduce part of crown that extends into crown of adjacent Elm tree, remove deadwood.

Applicant: Mr Nicholas Eddison  
**Approved on 18 Oct 2013**

**WESTBOURNE**

**Application No: BH2013/03628**  
**29-31 New Church Road**

1no Elm (T1) lift lower canopy to 5.5m over road. 4no Elm (T2,T3,T4,T5) lift to 2.4m over pavement. 3no Sycamore (T6,T7,T8) lift to 2.4m over pavement.

Applicant: Mr J Hatch  
**Approved on 31 Oct 2013**

**Application No: BH2013/03632**  
**33 Westbourne Street**

1no Silver Birch (T1) in the garden of 71 Pembroke Crescent - cut back to boundary wall.

Applicant: Mr Nyall Thompson  
**Approved on 31 Oct 2013**



**Application No: BH2013/03637**  
**Blenheim Court, 17 New Church Road**

Fell 1no Blue Cedar (T1). Tree is visible from public areas and is in good health; however its small size means its amenity value is low and its present position is unsustainable in the long term.

Applicant: Mrs Rebecca Backhouse  
**Approved on 25 Oct 2013**



**NEW APPEALS RECEIVED****WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2013/02290

15 Shaftesbury Road Brighton

Erection of single storey rear extension.

APPEAL LODGED

10/10/2013

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2013/02227

4 Powis Grove Brighton

Relocation and widening of front entrance to facilitate vehicle crossover, formation of hardstanding and dropped kerb.

APPEAL LODGED

10/10/2013

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2013/02182

7 Fenchurch Walk Brighton

Erection of single storey framed smoking shelter

APPEAL LODGED

10/10/2013

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****GOLDSMID**

BH2013/01374

26 Shirley Street Hove

Erection of single storey rear extension.

APPEAL LODGED

10/10/2013

Delegated

<b><u>WARD</u></b>	<b>PATCHAM</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2013/01823
<b><u>ADDRESS</u></b>	20 Winfield Avenue Brighton
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of two storey rear extension.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	11/10/2013
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2013/02362
<b><u>ADDRESS</u></b>	34 New Church Road Hove
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Replacement of front boundary wall.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	11/10/2013
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>PATCHAM</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2013/01886
<b><u>ADDRESS</u></b>	1A Warmdene Way Brighton
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey side extension.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	10/10/2013
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>WOODINGDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2013/02480
<b><u>ADDRESS</u></b>	73 Balsdean Road Brighton
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey infill extension to front with pitched roof.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	15/10/2013
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>REGENCY</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2013/01666
<b><u>ADDRESS</u></b>	38 Ship Street Brighton
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Installation of ATM machine to front elevation.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	15/10/2013
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION**

the rear and rooflight to the front.

**APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2013/01899

4 Terminus Place Brighton

Loft conversion incorporating 2no dormers to

APPEAL LODGED

16/10/2013

Delegated

**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2013/02012

26A West Hill Road Brighton

Demolition of existing buildings and erection of  
1no four bedroom house (C3).

APPEAL LODGED

21/10/2013

Delegated

**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2013/02013

26A West Hill Road Brighton

Demolition of existing buildings.

APPEAL LODGED

21/10/2013

**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2013/01743

37 Shirley Drive Hove

Erection of two storey front and side extension,  
single storey rear extension and associated roof  
alterations.

APPEAL LODGED

21/10/2013

Delegated

**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****WESTBOURNE**

BH2013/02130

Co-op 67 Portland Road Hove

Display of externally illuminated fascia signs  
and internally illuminated projecting sign.

APPEAL LODGED

APPEAL RECEIVED DATE 23/10/2013  
APPLICATION DECISION LEVEL Delegated

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**WARD**  
APPEALAPPNUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

**REGENCY**  
BH2013/00029  
14 Sillwood Road Brighton  
Internal alterations to layout of house with associated external changes including reinstatement of front light-well and timber sash window at basement level, removal of rear timber steps and doorway and reinstatement of stone steps and installation of solar slates to roof.

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

APPEAL LODGED  
23/10/2013  
Delegated

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**WARD**  
APPEALAPPNUMBER  
ADDRESS  
Hove, East Sussex  
DEVELOPMENT DESCRIPTION

**BRUNSWICK AND ADELAIDE**  
BH2013/01962  
Leonardo Restaurant 55-57 Church Road

Erection of rear extensions at lower ground floor, ground floor, first floor and second floor levels. Installation of extract units to flat roof and associated works. (Part Retrospective)

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

APPEAL LODGED  
30/10/2013  
Delegated

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**WARD**  
APPEALAPPNUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

**PRESTON PARK**  
BH2013/01762  
Land rear of 7-9 Springfield Road Brighton  
Erection of 2no single storey courtyard houses with associated landscaping and pedestrian and cycle access from Springfield Road.

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

APPEAL LODGED  
30/10/2013  
Delegated

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**WARD**  
APPEALAPPNUMBER  
ADDRESS

**WESTBOURNE**  
BH2013/01809  
49 Sackville Gardens Hove

DEVELOPMENT DESCRIPTION

Erection of single storey rear extension.  
Removal of 2 no. rooflights and creation of  
dormer to rear roofslope. Insertion of 3 no.  
rooflights to rear side facing roofslope.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

30/10/2013

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**PRESTON PARK**

APPEALAPPNUMBER

BH2013/02084

ADDRESS

50 Waldegrave Road Brighton

DEVELOPMENT DESCRIPTION

Erection of single storey side and rear  
extension, and loft conversion incorporating  
rear dormer and rooflight to front. (Part-  
Retrospective)

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

30/10/2013

APPLICATION DECISION LEVEL

Delegated





**Brighton & Hove  
City Council****INFORMATION ON HEARINGS / PUBLIC INQUIRIES  
20<sup>th</sup> November 2013**

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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**22, 22A, 23, 23A East Street, Brighton**

Planning application no: BH2012/03423

Description: Conversion of upper floors from offices (B1) to 2no two bedroom flats.

Decision: Committee

Type of appeal: Informal Hearing

Date: 8<sup>th</sup> January 2014

Location: Hove Town Hall

**22, 22A, 23, 23A East Street, Brighton**

Planning application no: BH2012/03424

Description: Internal alterations to upper floors to convert offices to 2no two bedroom flats.

Decision: Committee

Type of appeal: Informal Hearing

Date: 8<sup>th</sup> January 2014

Location: Hove Town Hall

**1 De Montford Road, Brighton**

Planning application no: BH2013/00853

Description: Change of use from former chapel (D1) to house in multiple occupation (sui generis). (Retrospective).

Decision: Delegated

Type of appeal: Informal Hearing

Date: 11<sup>th</sup> March 2014

Location: Hove Town Hall

**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 – WORKSHOP, 1A MARMION ROAD, HOVE – WISH</b>	<b>261</b>
<p>Application BH2012/03254 – Appeal against refusal for demolition of the warehouse and the erection of four, two-bedroom terraced houses and a Class B1 unit, together with gardens and associated parking.  <b>APPEAL DISMISSED</b> (committee decision 20/02/13)</p>	
<b>B – LAND TO THE REAR OF 39-73, QUEEN VICTORIA AVENUE, HOVE – HOVE PARK</b>	<b>265</b>
<p>Application BH2013/00453 – Appeal against refusal for 2 no. new build dwellings. <b>APPEAL DISMISSED</b> (committee decision 15/05/13)</p>	
<b>C – CO-OPERATIVE FOOD STORE, 87-89 LUSTRELLS VALE, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL</b>	<b>271</b>
<p>Application BH2013/01173 – Appeal against refusal for fascia sign to the side elevation, externally illuminated by an overhead trough light.  <b>APPEAL DISMISSED</b> (delegated decision)</p>	
<b>D – 39 GREENFIELD CRESCENT, BRIGHTON – PATCHAM</b>	<b>273</b>
<p>Application Ref BH2013/02072 – Appeal against refusal two storey rear extension. <b>APPEAL ALLOWED</b> (delegated decision)</p>	
<b>E – 23 WANDERDOWN ROAD, O VingDEAN, BRIGHTON – ROTTINGDEAN COASTAL</b>	<b>275</b>
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<b>G – GBK, 45-46 GARDNER STREET, BRIGHTON – ST. PETER’S &amp; NORTH LAINE</b>	<b>283</b>
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<b>H – 42 FLORENCE ROAD, BRIGHTON – PRESTON PARK</b>	<b>285</b>
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<b>I – 1 WALDEGRAVE ROAD, BRIGHTON – PRESTON PARK</b>	<b>289</b>
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<b>J – 89 KING GEORGE VI DRIVE, HOVE – HOVE PARK</b>	<b>291</b>
Application BH2013/01239 – Appeal against refusal for single storey extension & replacement porch. <b>APPEAL PART DISMISSED &amp; PART ALLOWED</b> (delegated decision)	
<b>K – 40 WESTERN ROAD, HOVE – BRUNSWICK &amp; ADELAIDE</b>	<b>295</b>
Application BH2012/03267 – Appeal against refusal for new shop front and fascia. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>L – 17 EWART STREET, BRIGHTON – HANOVER &amp; ELM GROVE</b>	<b>299</b>
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<b>M – 88 GOLDSTONE ROAD, HOVE – GOLDSMID</b>	<b>303</b>
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<b>N – 84 HYTHE ROAD, BRIGHTON – PRESTON PARK</b>	<b>307</b>
Application BH2012/03641 – Appeal against refusal for loft conversion. <b>APPEAL DISMISSED</b> (delegated decision)	



## Appeal Decision

Site visit made on 24 September 2013

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2013

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**Appeal Ref: APP/Q1445/A/13/2196689**

**Workshop, 1A Marmion Road, Hove, East Sussex BN3 5FS**

- 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 Albany Homes Southern Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2012/03254 was refused by notice dated 28 February 2013.
  - The development proposed is the demolition of the warehouse and the erection of four, two-bedroom terraced houses and a Class B1 unit, together with gardens and associated parking.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the area; and the effect on the supply of industrial accommodation.

### Reasons

3. The proposal would replace the existing building with a new terrace of houses and an office building. The houses would be higher than the neighbouring property, The Cottage. Although the second floor would be recessed, it would be visible above the roof of that dwelling. The height of the proposed parapet would also result in the new development having a dominating and incongruous relationship with the traditional design of the adjacent house.
  4. The side facing elevation of the upper roof form does not have the design quality of the remainder of the proposal. It would not be a positive feature in relation to The Cottage. The other side elevation, although set back, would similarly detract from the appearance of the Marmion Road frontage.
  5. The lack of separation, actual or perceived, between the development and The Cottage or the lack of a more gradual change in roof heights, results in the proposed juxtaposition failing to achieve a satisfactory relationship with its neighbour. A more satisfactory design would be likely to result in the loss of some accommodation. However, in its present form, the proposal would detract from the character and appearance of the area, particularly with regard
-

- to the relationship with The Cottage. It conflicts with the design requirements of Policies QD1 and QD2 of the Brighton and Hove Local Plan 2004.
6. The dwellings would have only limited outdoor amenity space. The size of the rear yards would also limit the outlook from each of the dining rooms. However, the design incorporates a roof terrace and would provide an open outlook to the living rooms. Overall, I find that the layout represents good design that makes efficient use of the limited space. The living conditions of future residents would be satisfactory. I do not find conflict with the objectives of Policy HO5 with regard to the provision of amenity space.
  7. Concerns have been raised with regard to privacy. The use of a second floor terrace may result in the residents of the properties opposite having a greater perception of being overlooked. However, I am satisfied that the distances involved, given the nature of the accommodation proposed, would not unacceptably harm the living conditions of those residents with regard to privacy.
  8. The Council has suggested that the proposal fails to satisfy the redundancy test set out in Policy EM3. This policy advises that land in industrial use should not be released for other uses unless the site has been assessed and found to be unsuited to modern employment needs. This is a large building in a generally residential area. It is served by roads that are not ideally suited to industrial traffic. Information has been provided with regard to both marketing and the suitability of the building for employment uses. The proposal also includes some new office floor space.
  9. The Council's officers found the evidence with regard to the marketing and the loss of the employment use to be satisfactory. The Economic Development Officer raised no objection and welcomed the inclusion of the office space. Whilst some evidence was introduced that indicated that a commercial use was continuing, this has been addressed satisfactorily by the appellants. I find the assessment made by the Council's officers to be entirely reasonable. No other convincing evidence has been provided to suggest that this large property could or should continue to be used for industrial purposes in the longer term. I do not find conflict with the objectives of Policy EM3.
  10. There are a number of other matters that provide weight in favour of this development. It would make efficient use of this site and provide a number of good quality dwellings in a sustainable location. Given that the development plan does not identify an appropriate supply of housing land, this provides considerable weight in its favour. The new office accommodation would provide further benefits. Generally, I find that the proposal gains support from many of the elements of the *National Planning Policy Framework*.
  11. The *Framework* also seeks high quality design. I am not satisfied that a very similar scheme, without the unacceptable relationship with The Cottage and with improvements to the side facing elevations, could not be achieved. On balance, the proposal does not gain overall support from the *Framework* as the design shortcomings outweigh the benefits of the proposal.
  12. I have considered all the concerns raised by residents and other parties but generally, I find the principle of the development to be satisfactory. Although the design is clearly not to everyone's liking, I find that it represents a positive

approach to the development of this site. However, I agree that the relationship with The Cottage would be unacceptable and other design elements could be significantly improved. I find that the proposal would detract from the character and appearance of the area. As this is a matter that could be resolved, the benefits of the proposal do not outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**







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## Appeal Decision

Site visit made on 1 October 2013

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 October 2013**

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**Appeal Ref: APP/Q1445/A/13/2201260**

**Land to the rear of 39-73 Queen Victoria Avenue, Hove**

- 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 Cook Brighton Ltd against the decision of [ ].
  - The application Ref: BH2013/00453 dated 13 February 2013, was refused by notice dated 17 May 2013.
  - The development proposed is 2 no. new build dwellings.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - a) the effect of the proposal on the character and appearance of the local area;
  - b) whether the proposed development would create satisfactory living conditions for future residents, with particular regard to outlook and pedestrian access;
  - c) the effect of the proposal on the living conditions of surrounding residents, with particular regard to overlooking and loss of privacy, outlook, noise and disturbance, and
  - d) whether the proposal would achieve a satisfactory level of sustainability with reference to the Code for Sustainable Homes.

### Reasons

#### ***Issue a) Character and appearance***

3. The appeal site relates to a narrow strip of land on the south side of Edward Avenue which, along this part of the road, provides a service road to the rear of properties at 39 – 73 Queen Victoria Avenue. This terrace of properties comprises retail and service use at the ground floor and residential above. The surrounding area is predominantly residential with a mix of well-spaced houses and bungalows; some appear split-level, reflecting the local hilly topography.
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4. The appeal site is divided into a number of plots and some of the plots appear to be or have been used as amenity space or for parking. There is disagreement between the Appellant and the Council, as well as some of the local residents over the nature of the use of this land, and indeed some of the evidence is conflicting. Nonetheless, I consider that its openness does make a contribution to the character and appearance of the local area. The surrounding development is generally well spaced and this area of open land, despite its narrowness provides a physical open gap between the 2-3 storey development at Nos 39 – 73 Queen Victoria Avenue and the smaller scale residential development to the south in both Edward Avenue and Elizabeth Avenue. I do not therefore agree with the Appellant that the site, which varies in appearance between the individual plots, detracts from the character and appearance of the local area; it offers a generally open buffer between development which contributes to the local character and appearance of generally well-spaced dwellings.
5. The proposed development would introduce a single storey development with a mono-pitch, sedum roof, into this open gap to provide two new one bedroom dwellings. It would be a largely inward looking development with only high level windows facing towards the street and areas of terrace enclosed by tall, vertical timber boarding. It would not, in my view, in terms of its scale, bulk and massing relate appropriately to any of the surrounding development. Given the small size of the site and the nature of the proposal, including the extent of built massing and limited openings, it would appear as a cramped, oppressive and incongruous form of development which would detract from the character and appearance of the local area, comprising more generously spaced properties.
6. I therefore conclude that the proposed development would harm the character and appearance of the local area. This would conflict with Policies HO4, HO5, QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan 2005 (Local Plan) as well as the National Planning Policy Framework (Framework). These policies and the Framework seek a high quality of development which respects the local context.

***Issue b) Satisfactory Living Conditions for future residents***

7. The design of the properties would include for glazing from each sitting room, opening onto a terrace enclosed on all sides by tall timber boarding and a window from each bedroom looking into a restricted and enclosed space. Apart from these openings, the other windows would all be high level or roof level. I consider that this arrangement of windows and the restricted outlook would lead to a very claustrophobic internal environment. This would not provide a satisfactory outlook and living environment for future residents and would conflict with Policy QD27 of the Local Plan as well as one of the Core Principles of the Framework which states that planning should *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*.
8. The Council has also raised as a ground for refusal that the proposed footway in front of the two dwellings would not connect with the public footway outside of the site and would not therefore provide a safe and attractive pedestrian route to and from the development. However, were no other matters of concern and

planning permission were to be granted this is a matter which I consider could be addressed by an appropriate condition.

**Issue c) Living Conditions of Surrounding Residents**

9. No 50 Elizabeth Avenue to the east of the appeal site is set at a higher level, but in very close proximity to the appeal site with windows facing towards the rear. Given the proximity of the new development in relation to this adjoining property, I am concerned that the position of the window to the sitting room and terrace of the eastern most proposed dwelling would give rise to unacceptable overlooking and loss of privacy to some of the rear windows of No 50 Elizabeth Avenue. Notwithstanding the difference in levels, and the scale of the new development, the uncomfortably close proximity of the new development to this property would also be over bearing in terms of their outlook from the rear of the house. This would also unacceptably harm their living conditions.
10. The adjoining property at the south-western end of the appeal site at No 13 Edward Avenue is set at a lower level than the site with a bedroom window facing northwards. There is an existing fence between the appeal site and the adjoining property. Within the appeal site there is hardstanding which appears to be of a size which could be used for the parking of two cars. The proposed development would also include for parking for two cars in broadly the same location. There is again conflicting evidence before me as to the extent to which the hardstanding is currently used for parking and whether the proposed development would lead to a material intensification of that use. However, given the small scale of the development and taking into account the existing layout of the site immediately adjoining No 13 Edward Avenue, I do not consider that there would be material harm to the living conditions of these neighbours from the parking of cars as proposed.
11. There is a dense leylandii/conifer hedging along the northern boundary of the adjoining gardens of No 13 Edward Avenue and No 50 Elizabeth Avenue. Given the scale of the development in relation to the adjoining gardens together with this dense hedge screen, I consider that there would be no harm to the living conditions of the adjoining neighbours, from within their garden areas, in terms of loss of outlook due to overbearing development or overlooking and loss of privacy. The Council's Arboricultural Officer has noted that the footprint of the building would be likely to be within the root protection area of the existing planting, but were no other matters of concern and planning permission were to be granted, I have no reason to disagree with the conclusions of the Council's Officer that conditions could be imposed regarding the foundations and method of construction to protect the hedge.
12. Although I am satisfied, that subject to the imposition of appropriate conditions, that there would be no harm to the living conditions of the neighbours at No 13 Edward Avenue, this does not outweigh that harm I have concluded to the living conditions of the neighbours at No 50 Elizabeth Avenue, with particular regard to overlooking and loss of privacy as well as loss of outlook. This harm would conflict with Policy QD27 of the Local Plan as well as one of the Core Principles of the Framework which states that planning should *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

### **Issue d) Sustainability**

13. The Council has raised a further ground for refusal relating to the proposed level of sustainability for the development. The Appellant has proposed to achieve Level 3 of the Code for Sustainable Homes whereas the Council is seeking Level 5 on the basis of its view that the appeal site is a greenfield site. The decision notice refers to Policy SU2 of the Local Plan and the Council's Supplementary Planning Document SPD08: *Sustainable Building Design 2008* (SPD). Although not part of the development plan, the SPD is a material consideration and I have taken it into account. Policy SU2 of the Local Plan seeks to secure a high standard of efficiency in the use of energy, water and materials and is generally in accordance with the objectives of the Framework in this regard. The policy does not set out specific requirements for developments to meet. Under the SPD, a range of recommended standards are set out including in relation to different scales of developments and on greenfield sites. For small scale developments the recommended standard is Code Level 3 but for all greenfield sites this increases to Code Level 5.
14. I am not persuaded from the limited information before me that the site comprises 'fixed surface infrastructure' and so falls within the definition of previously developed land as set out in the Framework, but there is insufficient evidence to enable me to reach a firm conclusion on the matter.
15. Whilst the Council's overall objectives are to be supported, given the small size of the development and lack of firm evidence before me on the existing land use as well as the range of sustainability benefits being brought forward including the Appellant's proposal to meet Code Level 3, I am not persuaded in the particular circumstances of this case that it would be reasonable to seek a higher level. I therefore consider that the proposed development would secure a satisfactory level of sustainability with reference to the Code for Sustainable Homes, and taking account of the guidance under the SPD. There would be no conflict with Policy SU2 of the Local Plan in this regard.

### **Other Considerations**

16. The Framework sets out a presumption in favour of sustainable development and I have had regard to the Appellant's arguments in this regard. The Appellant has argued that the Council cannot demonstrate a five year housing land supply but the evidence submitted is not conclusive in this regard. Nonetheless, I recognise that there would be benefits from bringing forward two additional dwellings in terms of the overall stock of housing and I have also noted the support from the local residents who would be keen to occupy one of the properties. However, although I have concluded that the sustainability measures proposed are acceptable in the circumstances of this case, I have found that there would be harm to the character and appearance of the local area and that the proposed development would not provide satisfactory living conditions for future residents or the existing neighbours at No 50 Elizabeth Avenue. These conclusions are on their own compelling and the contribution that two additional dwellings would make to the housing supply would not outweigh the harm I have concluded.

17. For the reasons given above and having regard to all other matters raised, including in letters of representation, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR



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## Appeal Decision

Site visit made on 21 October 2013

**by M Brookes BA MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 October 2013

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**Appeal Ref: APP/Q1445/H/13/2202823**

**Co-operative Food Store, 87-89 Lustrells Vale, Saltdean, Brighton, East Sussex, BN2 8FA**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by the Co-operative Food Group against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/01173, dated 11 April 2013, was partly approved and partly refused by notice dated 17 June 2013.
  - The advertisement proposed that was refused is a fascia sign to the side elevation, externally illuminated by an overhead trough light.
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### Background

1. The appeal application was the subject of a split decision in which proposals for an externally illuminated fascia sign and internally illuminated projecting sign on the front elevation were approved. This appeal therefore relates solely to the sign for which consent was refused.

### Decision

2. The appeal is dismissed.

### Main Issue

3. The main issue in this case is the effect of the sign on the character and appearance of the area.

### Reasons

4. The appeal site is on an end of one of two staggered shopping parades. These parades generally face onto housing and are within a residential area.
5. The shops and other businesses in the parades have fascia signs and a few have projecting signs on their front elevations. The side walls at the ends of the parades do not have shop fronts with fascia signs above, except for a laundrette which has windows and a sign comprising individual non-illuminated letters facing towards a small car parking area. The commercial premises are therefore clearly advertised, but the signage is not unduly strident or obtrusive and generally does not impinge on the residential character and appearance of the surrounding area.
6. An exception to that pattern of signage is the display of six banner-type signs on the flank wall of the appeal property. These front onto School Lane, which

provides access to the rear of the shopping parade, to a parking area behind flats at Mayfield Court and to the Saltdean CP School. They are visible not only from the lane and from windows in the side of the flats at Mayfield Court, but also from Lustrells Vale.

7. The proposed sign would be located along this flank wall and close to the front of the building. In this location it would be particularly prominent in views from the south along Lustrells Vale because the front part of the store projects closer to the road than the building at Mayfield Court. It would not represent part of a shopfront, but would add to the existing clutter of signs comprising the banner signs on the flank wall and the forward-projecting sign on the front of the building. In addition, it would be a strident commercial feature in the street scene, uncharacteristically introducing externally illuminated signage on a side wall of one of the parades which faces over the open frontages and balconies of residential properties in Mayfield Court.
8. The sign would therefore unacceptably harm the character and appearance of the area.
9. I have noted the appellant's submission that the sign is important for public safety because cars park down the side of the building and because it would make the store more noticeable when driving up Lustrells Way. However, there is street lighting in School Lane and the store is at least as visible as all other premises in the parade, having a long, deep frontage fascia and a prominently sited projecting sign. Furthermore, as part of a parade of shops and other premises that essentially provide services for the surrounding area, potential customers will be well aware of the location of the parades and of the store. I therefore see no need for the sign on public safety grounds.
10. The Council has referred to Policy QD12 of the Brighton and Hove Local Plan 2005. The Regulations require that decisions are made only in the interests of amenity and, where applicable, public safety. Therefore the Council's policy alone cannot be decisive. However, I have taken it into account as a material consideration in my determination of the appeal.
11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*M Brookes*

INSPECTOR





## Appeal Decision

Site visit made on 15 October 2013

**by Thomas Shields DipURP MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 October 2013**

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**Appeal Ref: APP/Q1445/D/13/2205058**

**39 Greenfield Crescent, Brighton**

- 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 Carl Fidler against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02072, dated 14 June 2013, was refused by notice dated 13 August 2013.
  - The development proposed is a two storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 39 Greenfield Crescent, Brighton in accordance with the terms of the application, Ref BH2013/02072, dated 14 June 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 575/01, 575/02.

### Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the host building and the area.

### Reasons

3. 39 Greenfield Crescent is a semi-detached two bedroom bungalow with an existing conservatory. To the rear of properties on this side of the road the land falls away allowing distant views of the outskirts of Brighton and the countryside beyond. There is a significant drop immediately to the rear of the property where a store room has been constructed below the conservatory.
4. The proposed development is a two storey extension to replace the rear lower ground store room and ground level conservatory above.
5. During my visit to the site and the area I was able to obtain some views of the rear of other properties nearby, many of which have been extended over time in a variety of differing designs and roof forms. These include the two dwellings either side of the appeal property at 37 and 41 Greenfield Crescent.

6. There is a two storey rear extension to the rear of the adjoining semi-detached property (No 37) and the proposal would project only a little further back than its rear elevation. No 41 sits on higher ground than No 39 and has also been extended to the rear. These, and other extensions in the area, may have been built at times when the current Development Plan policies and Supplementary Planning Document (SPD) did not apply, and I agree with the Council that they do not set precedents. However, they do nevertheless form part of the existing character and appearance of the area.
7. On the north-eastern side the extension would project outwards in line with the side elevation of the existing dwelling, and the slope of the proposed hipped element would follow the slope of the existing roof. Although the levelled roof top is unusual it would reduce the overall height and mass of the extension and would be compatible with the flat roof of the adjacent two storey extension at No 37. Furthermore, it would not be readily visible in the street scene.
8. Additionally, although the extension has two storeys, the first floor would be at ground level with the bungalow, and would have a lower height than both the rear addition at No 37, and the property at No 41 which sits on higher ground.
9. Having regard to all of these factors, I consider the proposal would not be visually intrusive or bulky and would not be out of keeping with the host property or the properties on either side. Furthermore, given that views of the extension would be very limited indeed, I consider it would not harm the overall character and appearance of the area.
10. Consequently, I find the proposal would accord with the aims and objectives of saved Policies QD2 and QD14 of the Brighton and Hove Local Plan (2005) which together seek to ensure that extensions are well designed in relation to the host property, adjoining properties, and the surrounding area, and make use of appropriate materials.
11. I have had regard to the Council's SPD 12 Design Guide for Extensions and Alterations (2013) which states that as a general rule extensions should not dominate or detract from the original building or the character of an area, and should respect the design, scale and proportions of the host building. For the reasons given above the guidance does not affect my findings on the main issue.

## **Conclusion**

12. For all the above reasons, I conclude that the appeal should be allowed.

## **Conditions**

13. In addition to the statutory three year time limit condition I consider it is necessary, in the interests of proper planning and the character and appearance of the area, to impose a condition requiring the development to be carried out in accordance with the approved plans.
14. I have not imposed the suggested condition requiring external materials to match those of the existing building, as this would be superfluous given that matching and other materials are already specified on the submitted plans.

*Thomas Shields* INSPECTOR



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## Appeal Decision

Site visit made on 21 October 2013

by **M Brookes BA MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2013

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**Appeal Ref: APP/Q1445/D/13/2204134**

**23 Wanderdown Road, Ovingdean, Brighton, East Sussex, BN2 7BT**

- 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 J Perham against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01300 was refused by notice dated 28 June 2013.
  - The development proposed is an area of raised decking within the rear garden.
- 

### Decision

1. The appeal is allowed and planning permission is granted for an area of raised decking within the rear garden at 23 Wanderdown Road, Ovingdean, Brighton, East Sussex, BN2 7BT in accordance with the application, Ref. BH2013/01300 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: 1743/5 and 1743/6.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main issues

2. The main issues are the effect on living conditions in neighbouring properties in terms of privacy and on the character and appearance of the area.

### Reasons

#### *Living conditions in neighbouring properties*

3. The proposed decking would be above an existing shed at the end of the rear garden of the appeal property. The rear garden rises from the bungalow to the rear boundary such that the decking would provide views over the roof of the bungalow towards downland beyond. To the rear of the garden is a high hedgerow with countryside beyond.
4. The properties to either side of the appeal site are also bungalows with similarly long gardens. Vegetation on and within the side boundaries of these adjacent properties effectively screens their rear elevations and private

gardens from the rear garden of the appeal property. It would also provide effective screening of views from the higher level of the proposed decking.

5. Whilst I understand the Council's concern that the boundary vegetation might be removed and that the development could, in those circumstances, cause some loss of privacy, I think that in practice this is most unlikely and I note that neither neighbour has raised objection to the development. The vegetation does not impact on use of the gardens, which are of substantial size, and the planting close to the proposed decking is in the north eastern corner of the garden of 21 Wanderdown Road and well away from the bungalow itself. Furthermore, all of the boundary vegetation is beneficial in screening views from ground level in adjacent gardens and its removal would result in a loss of privacy irrespective of whether the proposed development takes place.
6. Even if the vegetation were removed, the degree of overlooking from the decking would be limited because of its distance from windows in the rear of the adjacent bungalows and would only occur when the weather is good enough for the decking to be used.
7. My conclusion on this first issue is that the development would not be harmful to living conditions in adjacent properties in terms of privacy. It would not result in a material or significant loss of privacy or amenity to the neighbouring property contrary to saved LP Policies QD14 or QD27 of the Brighton and Hove Local Plan 2005 (LP). Nor would it conflict with the National Planning Policy Framework (the Framework), which states that planning should always seek to secure good standards of amenity for all existing or future occupiers of land and buildings.

#### ***Character and appearance of the area***

8. The decking would be of unusual design, being raised on posts above an existing shed. However, it would have the scale and the general character and appearance of an ancillary domestic structure and would not be materially different in scale or form to the timber play equipment nearby in the garden. It would also have the benefit of being combined with, rather than separate from, the existing shed and would also be principally of timber construction.
9. In any case, as discussed above, it would be screened in views from adjacent properties. It would also not be visible from Wanderdown Road and in distant views from downland to the south-west it would appear as a very small feature on a substantially built-up hillside. In those views it would also be seen against a backdrop of a high hedgerow and a higher hillside beyond.
10. The development would not have a harmful effect on the character or appearance of the area. Having regard to its form as an addition to a typical garden shed of rudimentary design, it would not conflict with the Framework's promotion of high quality design or with saved LP Policy QD14, which states that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

### **Conditions**

11. I share the Council's view that a condition requiring matching materials for the decking is necessary to safeguard the character and appearance of the area. I also consider that a condition requiring compliance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

### **Conclusion**

12. The development would not have a harmful effect on living conditions in neighbouring properties in terms of privacy or on the character and appearance of the area. For those reasons, and having regard to all other matters raised, I allow the appeal.

*M Brookes*

INSPECTOR





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# Appeal Decision

Site visit made on 1 October 2013

**by S Stevens BSc (Hons), MSc, DipTP, DMS, MCMI, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 October 2013**

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**Appeal Ref: APP/Q1445/D/13/2203463**

**70 Redhill Drive, Brighton, East Sussex BN1 5FL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs T Dodsworth against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00732, dated 4 March 2013 was refused by notice dated 11 July 2013.
  - The development proposed is demolition of existing rear store, conservatory, terraces and bays. Proposed rear extension.
- 

## Decision

1. The appeal is dismissed.

## Procedural matter

2. The Council states the plans are inaccurate in relation to the existing roof of the bungalow. However, it says the inaccuracy is relatively minor and does not impact on the determination of the proposal. I agree and have determined the appeal based on the plans submitted.

## Main issues

3. The main issues are the effect of the proposed development on the living conditions of the occupiers of Nos 68 and 72 Redhill Drive and the effect on the character and appearance of the host property and the surrounding area.

## Reasons

4. The appeal site is within a residential area and is located on the southern side of Redhill Drive. The land level slopes down from the northern side with properties on the southern side sited at, or below, the level of the Redhill Drive. Many of the properties have the appearance of detached bungalows when viewed from the road although a number on the southern side have lower ground floor accommodation facing the rear.
5. The proposal is to demolish part of the rear of the property and to erect a part single, part two storey rear extension at lower ground floor and ground floor levels. The roof of the lower ground floor extension would be used as a terrace.

### *Living conditions*

6. The proposed lower ground floor rear extension would project approximately 6 metres from the rear wall of the existing bungalow. It would be just over one metre from the side boundary with No 72 and about 2.5 metres from the boundary with No 68. Due to the steeply sloping site the roof of the extension would be between approximately 2 to 4 metres above the ground level. The ground floor extension over the lower ground floor extension would be significantly smaller and would be located considerably further away from the side boundaries of the site.
7. The proposal includes the erection of a balustrade around the roof of the lower ground floor extension in order to form a terrace. The existing property does have a very modest terrace at a similar height but it is set well away from the boundaries and its use will be restricted by its size. The proposed terrace would be significantly larger, enabling it to be used by a greater number of people and for a variety of activities and it would extend closer to both of the side boundaries of the adjacent properties.
8. There are some predominantly deciduous trees and vegetation along the side boundaries that partially screen the adjoining rear gardens. They are quite overgrown and could be cut down or removed at any time whilst the extension and terrace would be a permanent feature. The close proximity of the proposed development to the boundaries and the height above ground level of the terrace would allow anyone using it to overlook the more private parts of the adjoining gardens near to the dwellings themselves. Furthermore, being aware of neighbours using the terrace would, in my view, add to the perception of being overlooked. This would adversely affect the privacy of the occupants of Nos 68 and 72.
9. The appellants refer to the existing screening and the level of inter-overlooking that currently exists between the rear of the surrounding properties and gardens. They suggest that the proposal would not make this worse but I disagree for the reasons set out above.
10. The proposal therefore conflicts with Policies QD27 and QD14 (b) of the Brighton and Hove Local Plan 2005 (LP) which seek to protect the amenities of the occupiers of adjacent properties.

### *Character and appearance*

11. Many of the properties in the vicinity of the appeal site have been altered by roof extensions, front dormer windows and, to properties on the southern side of the road, rear extensions. As a result there is now a variety of property designs.
12. The appeal property has existing steps and multi level patio areas which would be partially demolished as part of the proposal. The lower ground level element would be partially below the existing ground level thereby reducing its size and bulk. It would project just over 2.5 metres further than the rear of the existing steps, patio areas and retaining walls. The proposed smaller ground floor extension would have a ridge height that would be lower than the ridge height of the existing dwelling.
13. The proposed rear extension would be located to the rear of the property and would not be visible from the road. Furthermore, due to its bulk, depth, height



and massing the proposed development would be a subservient element of the property. I therefore conclude that the proposal would not harm the character or appearance of the existing bungalow or the area and that the proposal complies with the design aims of Policy QD14 of the LP. However, this does not outweigh my concerns regarding the loss of privacy set out above.

14. For the reasons given above I conclude that the appeal should be dismissed.

*Sarah Stevens*

INSPECTOR





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## Appeal Decision

Site visit made on 1 October 2013

**by Kenneth Stone BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 23 October 2013**

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**Appeal Ref: APP/Q1445/A/13/2193569**

**Gourmet Burger Kitchen, 45 - 46 Gardner Street, Brighton BN1 1UN**

- 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 Jonathan Cope (Gourmet Burger Kitchen) against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03796, dated 27 November 2012, was refused by notice dated 29 January 2013.
  - The development proposed is the removal of the existing soffit light fittings on the underside of the large projecting canopy and replacement with new soffit light fittings mounted on the underside of the large projecting canopy.
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### Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing soffit light fittings on the underside of the large projecting canopy and replacement with new soffit light fittings mounted on the underside of the large projecting canopy at Gourmet Burger Kitchen 45 - 46 Gardner Street, Brighton BN1 1UN in accordance with the terms of the application, Ref BH2012/03796 dated 27 November 2012, and the plans numbered 12009/101 rev P2 and 12009/102 rev P2 submitted with it.

### Procedural matter

2. The proposed light fittings were in place at the time of my site visit.

### Main Issues

3. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the North Laine Conservation Area.

### Reasons

4. The appeal premises, a restaurant, form part of a larger 1960's building accommodating a variety of uses including the Komedia club (an entertainment venue), and a coffee shop. The site is located in the North Laine Conservation Area which derives much of its special character from the network of narrow Victorian streets fronted by traditional terraced properties from the 19<sup>th</sup> century. The area has a vibrant and lively character emphasised by the use of bright colours and quirky advertising on a number of premises. The appeal building is somewhat at odds with the surrounding buildings and wider conservation area given its bland 1960's architecture and lack of detailing.

5. The canopy on the appeal building is the most prominent forward element in the street and does not sit comfortably within it. From longer views the light fittings are not readily visible during daylight hours although they become significantly more apparent in the evening when illuminated. The present building canopy, by virtue of its substantial projection, contrasts with the immediate environs of the street and the wider conservation area. There are other elements of illumination on the underside of the canopy for the adjacent users and therefore I do not see the illumination of this area per se as being a significant concern. Indeed it adds to the general vibrancy and activity which is characteristic of the wider area.
6. The number of bulbs and the fact they sit proud of the underside of the canopy are part of the design approach that has been adopted and one which seeks to celebrate the location much like many of the ways in which properties in the area are decorated. In this regard I find that the proposed light fittings are reasonably in keeping with and do not detract from the character and appearance of the building or surrounding area.
7. Given this reasoning and it is undisputed that the building has been identified in the North Laine Conservation Area Study (adopted 1995) as a building which detracts from the character of the area I further conclude that the installation of light fittings does not affect the significance of the heritage asset.
8. As a consequence the development would thereby preserve the character and appearance of the conservation area. The proposal does not therefore conflict with policies QD5, QD10, QD14 or HE6 of the Brighton and Hove Local Plan 2005 which respectively seek to present interesting and attractive shop frontages which respect the parent building and are generally well designed thereby preserving or enhancing the conservation area. This is consistent with the Framework in particular with regard to achieving good design and seeking to conserve and enhance the historic environment.
9. There are presently a number of alternative methods of illuminating the underside of the canopy by each of the other occupiers and whilst it is undoubtedly the case that this would appear more attractive if a coherent approach was adopted that does not weigh against my finding in favour of the appeal scheme such that permission should be withheld.

*Conclusions and conditions*

10. I have considered the suggested conditions in the light of Circular 11/95 and, given the development has already occurred the standard time limit condition is not required. In addition a condition restricting the times of use is not necessary given there is no dispute regarding any impact of the lighting on the living conditions of those living nearby.
11. For the reasons given above I conclude that the appeal should succeed.

*Kenneth Stone*

INSPECTOR



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## Appeal Decision

Site visit made on 1 October 2013

**by K Stone BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 October 2013**

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**Appeal Ref: APP/Q1445/D/13/2204312**

**42 Florence Road, Brighton, BN1 6DJ**

- 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 Jon Wilson against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01504 was refused by notice dated 3 July 2013.
  - The development proposed is rear extension, new dormer to rear and rooflight to front.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension; loft conversion incorporating rear dormer and 1 no rooflight to the front roof slope and 1 no roof light to the side roof slope at 42 Florence Road, Brighton in accordance with the terms of the application, Ref BH2013/01504, dated 13 May 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: 1282/A.01, 1282/A.02, 1282/A.03, 1282/ A.04, 1282/D.01 rev A, 1282/D.02 and 1282/D.03 rev A.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 4) The 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, and shall be retained as such thereafter.
  - 5) The rooflight in the eastern side 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 shall be retained as such thereafter.
  - 6) The dormer window hereby approved shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.
  - 7) 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.

### **Procedural matters**

2. The description of development on the decision notice differs from that above in that it also includes reference to a side rooflight not mentioned in the original description. I find that the Council's description more accurately describes the development proposed and I have used this as the basis for my decision.
3. Since the determination of this application the Council has formally adopted supplementary planning document 12 'Design Guide for extensions and alterations' (SPD12) which has superseded supplementary planning guidance BH note 1 'Roof alterations and extensions' which is referred to in the reason for refusal. I will therefore give weight to SPD12 as a material consideration and consider the appeal on that basis. The appellant has been afforded an opportunity to comment on the SPD and has provided representations.

### **Main issue**

4. The main issue in this appeal is whether or not the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area.

### **Reasons**

#### *Character and appearance*

5. The appeal site is a late 19<sup>th</sup> century semi-detached villa located in Florence Road in the Preston Park Conservation Area. The conservation area and Florence Road in particular is notable for its impressive detached and semi-detached houses. These are mainly red brick two or three storeys with gables to the street. The cohesive period housing, its form, design and detailing including string courses, window and door lintels, heavily moulded doors and mainly sash windows is of significance to the character and appearance of the conservation area.
6. The Council have not objected to the rooflights and dormer window concluding that they are appropriate in scale and design and thereby preserve the character and appearance of the conservation area. From my site visit I see no reason to differ from these conclusions.
7. The existing rear extension to the outrigger already undermines the plan form of the original building as does the mono-pitched infill extension to the side. The proposed extension with its lower profile roof and simple form will replace these elements removing the mix of materials and providing a more coherent structure. The plan of the two storey outrigger will still be discernible by virtue of its original two storey form and the addition will be read as a well designed and distinct modern addition to the original building.
8. I find that the proposed extension and the roof additions do not harm the layout, design and detailing of the house nor its contribution to the cohesive period housing defining the character and appearance of the conservation area. It would not therefore harm the significance of the designated heritage asset.
9. I conclude that the development preserves the character and appearance of the conservation area. In consequence the proposal does not conflict with policies QD14 or HE6 of the Brighton and Hove Local Plan 2005 and is consistent with the Framework in particular with regard to achieving good design and seeking to conserve and enhance the historic environment.

*Conclusions and conditions*

10. For the reasons given above I conclude that the appeal should be allowed.
11. The Council has suggested various conditions related to the detailing of the rooflights and the dormer window and given the location in a conservation area and the potential impact on the character and appearance of the area I am satisfied that these are necessary and reasonable. I have made some minor adjustments to the wording to ensure consistency within the conditions. For the same reasons a condition on materials is imposed. The Council have also suggested a condition in relation to the use of the flat roof area of the extension and this is necessary to protect the privacy and amenity of the adjoining neighbours. For similar reasons a condition is required to restrict the opening and require obscure glazing for the roof light in the eastern elevation. In addition, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is imposed.

*Kenneth Stone*

INSPECTOR





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## Appeal Decision

Site visit made on 1 October 2013

**by K Stone BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 October 2013**

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**Appeal Ref: APP/Q1445/D/13/2204001**  
**1 Waldegrave Road, Brighton, BN1 6GR**

- 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 Peter Crawhurst against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01400 was refused by notice dated 28 June 2013.
  - The development proposed is loft conversion with traditional flat top dormers.
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### Decision

1. The appeal is dismissed.

### Main issues

2. The main issue in this appeal is whether or not the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area.

### Procedural matter

3. Since the determination of this application the Council has formally adopted supplementary planning document 12 'Design Guide for extensions and alterations' (SPD12) which has superseded supplementary planning guidance BH note 1 'Roof alterations and extensions' which is referred to in the reason for refusal. I will therefore give weight to SPD12 as a material consideration and consider the appeal on that basis. The appellant has been afforded an opportunity to comment on the SPD and has provided representations.
4. The Council's description of development as it appears on the decision notice and the public consultation information differs slightly from that above in that it also refers to 2 roof lights to the front. The appellant's grounds of appeal also refer to these elements. They form part of the development proposed and I have had regard to this in my consideration of the appeal.

### Reasons

#### *Character and appearance*

5. The appeal site is located in the Preston Park Conservation Area which was developed in the mid to late 19<sup>th</sup> century and is predominantly residential with a relatively tranquil character. Many of the streets within the conservation area contain two storey houses. Although there are variations in design, the traditional materials and general consistency of form and style contribute to the

cohesive character of the Conservation Area. Waldergrave Road drops dramatically downhill towards the south with the appeal site at the bottom of the road ensuring the roofscape, within which there are some examples of modest dormers, plays an important role in the character and appearance of the area.

6. The proposal includes two small roof lights to the front elevation and two smaller dormers towards the edges of the rear roof slope. The Council have not raised any concerns with these elements of the proposals and following my site visit I see no reason to differ from those conclusions. On this basis I would agree that they preserve the character and appearance of the conservation area.
7. The larger central dormer on the rear roof slope is of significantly greater proportions than the other two proposed dormers. It contains larger areas of cladding either side and below the window resulting in the structure having a heavier appearance contrary to the advice on 'Dormers and Rooflights' in SPD12. The bulkier appearance accentuates the misalignment with the roof of the projection below which thereby appears unusual. The combination of these elements draws attention to the uneven spacing of the three dormers. I find that the proposals therefore provide a roof alteration which would be an incongruous addition to the roof. Whilst it may not be particularly visible from the street, except for limited views, it would be from many of the surrounding properties. The development would thereby detract from the consistency and attractive proportions of the roof form in the area harming the character and appearance of the house and the conservation area.
8. The harmful impact that other examples of older roof extensions in the locality have on the character and appearance of the conservation area does not justify the further harm that results from the appeal scheme. I also note the examples of recent approvals provided however these differ in terms of their design and form. The central dormers are smaller and have less cladding either side of or below the window compared to the appeal proposal. These do not therefore have the same impact as the proposal the subject of this appeal.
9. The appellant has raised concerns about accommodating an internal staircase and its impact on the interior of the house layout. However this is not a public benefit and I have not been made aware of other public benefits which may weigh in favour of the proposal which would be sufficient to weigh against the harm identified albeit that this is less than substantial to the significance of the conservation area.
10. I conclude that the proposal fails to preserve the character and appearance of the conservation area for the reasons set out above. In consequence the proposal also conflicts with Policies QD1, QD14 and HE6 of the Brighton and Hove Local Plan 2005 which require new developments to be of a high standard of design that takes account of local characteristics and preserves or enhances conservation areas. The appeal is therefore dismissed.

*Kenneth Stone*

INSPECTOR



## Appeal Decision

Site visit made on 26 September 2013

**by Timothy C King BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 October 2013**

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**Appeal Ref: APP/Q1445/D/13/2202679**

**89 King George VI Drive, Hove, BN3 6XF**

- 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 Jenny Walker against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01239, dated 12 April 2013, was refused by notice dated 12 June 2013.
  - The development is a single storey extension & replacement porch.
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### Decision

1. For the reasons that follow I dismiss the appeal insofar as it relates to the single storey extension. I allow the appeal, however, insofar as it relates to the remainder of the application and grant planning permission for a replacement porch at 89 King George VI Drive, Hove, BN3 6XF in accordance with the terms of the application, No BH2013/01239, dated 12 April 2013, subject to the following conditions.
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 246/01 and 246/02 insofar as they relate to the replacement porch.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issues

2. The main issues in this appeal are the effect of the proposed development on the living conditions of the occupiers of 91 King George VI Drive, with particular regard to matters of sunlight and daylight and whether it would be overbearing, and also the impact on the character and appearance of the streetscene.

## **Reasons**

### *Living conditions*

3. The appeal property is a post war, detached bungalow which sits at the corner of King George VI Drive and a cul de sac spur. It has an existing conservatory addition to some 3m depth which covers approximately half the width of the bungalow's southern elevation, facing onto its rear garden. The proposal would involve the conservatory's removal and its replacement with a slightly deeper rear extension but which would span the full width of the property. It is also proposed that bungalow's front porch be demolished and replaced by a larger structure. The Council has provided no objections to the replacement porch and I do not see any reason to disagree with this approach.
4. The new extension, to a depth of some 3.3m, would involve the continuation of the ridge line, some 5.5m high, and the projection of the characteristic hip ended roof, accordingly. No 91 King George VI Drive, another bungalow but to a smaller footprint, lies east of the appeal property. The appellant has referred to her householder permitted development entitlement so as to draw a contrast between that and the appeal proposal. For side extensions to bungalows I can confirm that the property could be extended up to half the width of the original bungalow, but must not exceed a ridge height of 4m. Also, as the extension would be within 2m of the boundary with No 91, the eaves must not exceed 3m in height. In this instance, therefore, a bungalow to a greater depth but to a lesser height could be built without the need for planning permission.
5. Nonetheless, the depth, height and orientation of the proposed development would result in an unneighbourly, overbearing extension that would impact on the degrees of daylight and sunlight which No 91 currently receives to its south west facing rear elevation and garden. In particular, the extension's height in such proximity to the common boundary would adversely impact on No 91 causing a sense of enclosure and consequential overshadowing.
6. Policy QD14 of the Brighton & Hove Local Plan relates specifically to the design and siting of extensions whilst Policy QD27 is more generally concerned with protecting the amenities of adjacent occupiers. I consider that the proposed development would be in conflict with the requirements of both policies and that the extended bungalow would represent an overbearing development, adversely affecting daylight and sunlight entry to No 91. Accordingly, the living conditions of its occupiers would be harmed.

### *Character and appearance*

7. Viewed from King George VI Drive, the appeal property has a definite symmetry either side of its centrally positioned front door and porch. I note the appellant's point as to the permitted development allowance but there would be an appreciable difference in the bungalow's appearance between the 4m maximum height entitlement, which would allow for a stepped-down, more subordinate addition and that which would result from extending the existing ridge line by some 3.3m. This would amount to a considerable expanse of its roofscape and, moreover, would have the effect of upsetting the property's balanced proportions. The enlarged porch, whilst acceptable as an entity in itself, would not temper this imbalance.

8. The appellant, in considering that the appeal property is subservient to No 87, a two storey house, mentions that the orientation and setting justified the use of a full pitched roof reflecting precisely the design and height of the original building. I disagree as, although No 89 is single storey, the resultant massing, should the development be built, would be significant.
9. Policy QD14 is again relevant, requiring that extensions should have regard to adjoining properties and the surrounding area. On this issue I consider that the development would both conflict with the policy's requirements and also be harmful to the character and appearance of the streetscene.
10. I have taken into account the appellant's reference to an extension built at No 69 King George VI Drive, another bungalow. However, I consider that this property, in its extended form, has retained a good degree of symmetry and is also better distanced from its neighbours in terms of impact.

### **Conclusions and Conditions**

11. Those elements of the proposed alterations that I have found to be unacceptable are severable from the remainder of the proposal. Therefore, for the reasons given above, I conclude that the appeal should succeed in relation to the replacement porch. However, in relation to the single storey extension, I conclude that the appeal should be dismissed.
12. In imposing conditions I have had regard to Circular 11/95. The Council has not suggested any conditions be imposed other than those of the statutory time limit and one also requiring the use of matching materials. I agree that the latter condition is necessary in order to ensure a satisfactory appearance. Also, for the avoidance of doubt, and in the interests of good planning, I have imposed a condition which requires that the development be built in accordance with the approved plans.

*Timothy C King*

INSPECTOR





## Appeal Decision

Site visit made on 24 September 2013

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2013

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**Appeal Ref: APP/Q1445/A/13/2195995**

**40 Western Road, Hove, East Sussex BN3 1JD**

- 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 Gourmet Pizza Kitchen against the decision of Brighton and Hove City Council.
  - The application Ref BH2012/03267 was refused by notice dated 8 January 2013.
  - The development proposed is a new shop front and fascia.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

### Reasons

3. The works to modify the shop front and the fascia have been undertaken. Photographs of the property, before it was modified, have been provided. The property lies within the Brunswick Town Conservation Area which is characterised by the formality and order of the street layout but also the traditional period designs of many of the properties.
  4. The original shop fascia sat immediately above the windows. The return fascia extended only the depth of the side window and terminated at a small corbel. It neatly joined the front fascia at the corner above the recessed door. The detailing around the edges of the fascia reduced its perceived overall scale and provided a more limited area for signage.
  5. The new fascia is higher to accommodate the canopy housing. Whilst I do not have measurements of the former frontage, the unrelieved design of the new fascia results in it appearing significantly larger. Unlike the former fascia, which appeared as an integral part of the shop front design, the new fascia appears as a substantial addition, imposed onto the front of the property. It has a very poor junction and relationship with the side facing fascia. This extends beyond the position of the former corbel, which has been removed.
-

6. The works have resulted in the loss of important features within this shop front. The new facia is entirely at odds with the former character of the property. The side and front facing facia do not sit satisfactorily together and the design increases the prominence of this corner element. I find these works to be entirely unsympathetic to the character and appearance of the property.
7. The shop front was formerly characterised by the two large windowpanes and there was a similar window to the side. It appears that the joinery had a narrow profile which emphasised the scale of the main panes. The new joinery detailing is entirely at odds with the former design. The scale of the timber surrounds dominates the new openings. The front door, which has been retained, contrasts starkly with the appearance and character of the new works. The area above the windows is of particularly poor quality and is devoid of design interest.
8. It is important that the building functions well and provides good quality accommodation. I do not share the Council's concerns with regard to the introduction of full height openings as these clearly have benefits with regard to the operation of the premises and provide an improved environment for customers. I also see no reason why a more modern and functional approach should not be adopted. However, this development does not appear to have sought to interpret the original design in a more modern way and it has also failed to achieve a level of quality or interest that would go some way towards justifying a different approach.
9. This development has resulted in the loss of historic fabric. Whilst it may not have been in good condition, it has not been replaced. The changes introduced have failed to retain the original character of the property and have also failed to achieve a satisfactory standard of design. Both the facia changes and the shop front alterations have resulted in harm to the appearance and character of this property and have failed to preserve or enhance the character or appearance of the conservation area.
10. I find the works to be contrary to Policy HE6 of the Brighton and Hove Local Plan 2005. The public benefit of the improved function of the building does not outweigh the harm that has resulted. The works are also contrary to a number of the requirements of Policy QD10. These are set out in more detail within the Council's supplementary planning document *SPD02: Shop Front Design 2005*. The proposal has little regard to these requirements particularly as it does not retain existing features or the important characteristics of the original shop front. The design shortcomings ensure that the works do not gain support from the *National Planning Policy Framework*.
11. Reference has been made to other shop fronts that have been permitted locally. I was able to view these but I do not have any information as to their former designs. In any event, although there are some similarities with certain elements of this proposal, I did not find that they justified accepting the harm that has resulted from these works. There are other shop fronts locally that are poorly designed and have an over dominant facia. These similarly do not persuade me that I should accept this proposal as it would consolidate and increase the harm and undermine the Council's clear policies.



12. Although the appellant has suggested that the scale of the return facia could be reduced by condition, this would not overcome my overall concerns. I am satisfied that the function of the property could be improved without unacceptable harm and as such, the benefits of the development do not outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**





## Appeal Decision

Site visit made on 17 September 2013

**by Ms T L Dow BA, Dip TP, Dip UD, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 October 2013**

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### **Appeal Ref: APP/Q1445/A/13/2197440**

#### **17 Ewart Street, Brighton, East Sussex, BN2 9UP**

- 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 Roderick Pack against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/00482 dated 14 February 2013, was refused by notice dated 22 April 2013.
  - The development proposed is a loft conversion.
- 

#### **Decision**

1. The appeal is dismissed.

#### **Procedural Matter**

2. The Brighton and Hove City Council Local Development Framework, Supplementary Planning Document 12, *design guide for extensions and alterations* (SPDBH12), was adopted in June 2013, after the Council's decision to refuse planning permission. The appellant has had the opportunity to comment on the document and I have had regard to it in reaching my decision.

#### **Main Issue**

3. The main issue in this case is the effect of the roof alterations on the character and appearance of the dwelling and the area, having particular regard to size, design and materials.

#### **Reasons**

4. Ewart Street is part of a larger area of generally small, terraced properties, which are distinctive, partly because of the variety of colours used to paint the front facades. They are set out in long rows on a grid pattern. They are of a traditional scale, with relatively limited depth and with fairly shallow, pitched roofs. Traditionally the roofs were covered in natural slate but these have been replaced with concrete tiles on some properties, including the appeal site. The area has a strong character and identity and is very attractive. A number of properties have converted loft areas and have added velux roof lights in the front roof slope.

5. The appeal site is within a long row of terraced properties and is typical of the fairly uniform appearance of other properties in the street, with the exception that it has been sub-divided. To the rear of the terrace, a number of large, flat-roofed dormers are visible on the backs of adjacent properties and on adjoining terraces. The Council has said that there are no records of planning permission having been granted for these roof extensions and it is possible that they have been constructed under permitted development rights. Although there are several, they are not so predominant a feature that they form part of the character of the area.
6. Policy QD14 of the Brighton and Hove Local Plan, 2005 (Local Plan) advises that extensions to dwellings should be well designed and detailed. The Council's recently adopted SPDBH12, says that box dormers constructed across the full width and height of the roof will not be permitted as they give the appearance of an extra storey on top of the building. In the appeal case, the proposed dormer would extend across the whole of the rear roof of the property and almost up to the ridge. It would completely mask the traditional pitch, appearing excessively large in relation to the scale of the roof. It would also appear bulky and over-dominant in comparison with the relatively small-scale nature of the existing dwelling.
7. Positioned well within the terrace, it would introduce a feature which would be out of character with the form of the existing roofscape. In views from adjacent properties and the adjacent street, the proposal would appear bulky and discordant, disrupting the appearance of the terrace as a whole. This would be the case in spite of the presence of some other, similar roof extensions, including one on the adjoining property. In addition, the large areas of cladding would be out of keeping with the traditional appearance of the dwelling, as would the 'juliette' balcony.
8. I accept that the other examples of flat-roofed dormers in the area have had an impact on its appearance. However, where planning permission is required that impact is regulated and the current policy context seeks to ensure that, amongst other things, roof extensions are in keeping with the character of the area.
9. I conclude that the proposed dormer would, because of its size, design and materials, harm the character and appearance of the dwelling and the area. As such it would conflict with Policy QD4 of the Local Plan and with the Council's SPDBH12. Likewise, the proposal would conflict with the requirement for good design as set out in paragraph 58 of the National Planning Policy Framework.

### **Other matters**

10. I have had regard to the appellant's points that conversion of the loft space would allow the provision of a two-bedroom development and that this would provide family accommodation and comply with the Council's Local Plan Policy HO9. I have noted the appellant's points about the contribution it would make to meeting the Council's housing need, creating a well-proportioned living space which would help avoid overcrowding in the City. Nevertheless, I do not consider these benefits outweigh the harm caused by the development to the character and appearance of the host dwelling and the area.

11. I have also taken into account that the Council raised no objection regarding the impact on the living conditions of adjacent residents and that there was no opportunity to amend the design of the proposal. However, these points do not affect my conclusion on the main issue.
12. The Council has not raised any objection to the proposed roof lights on the front roof slope. Having assessed their impact on the character and appearance of the area and the living conditions of neighbouring occupiers, I see no reason to take a different view. Therefore, this element of the appeal proposal would be acceptable.

**Conclusion**

13. For the reasons given above I conclude that the appeal should be dismissed.

*TL Dow*

INSPECTOR





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# Appeal Decision

Site visit made on 3 September 2013

**by Peter Rose BA MRTPI DMS MCMi**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 October 2013**

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**Appeal Ref: APP/Q1445/A/13/2197646**

**88 Goldstone Road, Hove, East Sussex BN3 3RH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Squires against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00282, dated 30 January 2013, was refused by notice dated 5 April 2013.
  - The development proposed is single storey rear extension to basement and roof conversion with rear dormer and front rooflights.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension to lower ground floor/basement and roof conversion with rear dormer and front rooflights at 88 Goldstone Road, Hove, East Sussex BN3 3RH in accordance with the terms of the application Ref BH2013/00282, dated 30 January 2013, and subject to the following conditions:
  - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with approved drawings 12418-Loc, plan titled 'Existing Floor Plans and Elevations', and plan reference number A-23-01-13.
  - 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

## Procedural Matters

2. The existing and proposed drawings submitted with the appeal do not contain drawings numbers. This matter was raised at the site visit, and by email dated 5 September, copied to the local planning authority, the appellant has confirmed the relevant drawing number of the proposed development to be A-23-01-13. The 'existing' drawing remains unnumbered and is referred to in Condition 2 by its title 'Existing Floor Plans and Elevations'.
3. The application form describes the extension as a basement extension, whilst the proposed drawing refers to it as a lower ground floor extension. This has also been clarified in the decision above.

## **Main Issue**

4. The main issue is the effect of the proposed dormer, front rooflights and rear extension upon the character and appearance of the host building and surrounding area.

## **Reasons**

5. The appeal site comprises a mid-terrace two-storey residential property plus basement/lower ground floor, and is occupied as three flats. To the rear, the property contains a small rear garden area and original three-storey rear addition. A further single-storey extension is attached to the rear addition and this appears to be in a state of some disrepair.

### *Rear dormer*

6. The proposed rear dormer would be larger than the Council considers appropriate and would not line up with the position and detailed design of the windows below. Nevertheless, it is a single dormer, and is centrally positioned both within the roof and between two windows below. It would be set within the existing roof profile with reasonable spacings left to the eaves, ridge and sides. In overall terms, its scale and design are such that it would not appear disproportionate or discordant. There is also a variety of window designs and materials in this vicinity, and the detailing does not appear inconsistent with the host building or the locality.
7. The dormer would therefore appear as a fairly discreet, subservient element to the host building and not appear incongruous or unsympathetic to its setting.

### *Rooflights*

8. Two 'conservation' style rooflights are proposed in the front elevation. Whilst the position of the lights is not well co-ordinated with the remainder of the front elevation, the lights would be relatively small, and would be set flush within the existing roof plane and not project above. The roof is also on a different plane to the main front elevation which further limits the degree of exposure. The Council refers to an absence of such windows in the immediate vicinity, but they are apparent in other parts of the street.
9. The design and position of the rooflights would be such that they would not appear unsympathetic or incongruous or otherwise be visually harmful to the host building or its setting.

### *Rear extension*

10. The existing flat-roofed, single storey rear extension would be further extended by one metre to a depth of some 5.4 metres, and rendered and painted as part of an upgrade of the host building. Neither of the adjoining properties has a comparable extension.
11. It is noted that the rear garden is already of limited size and is dominated by the existing extension. The main useable area lies to the side of the extension and not to the rear and this side area would be unaffected by the extension. The rear area is of very limited size, is enclosed by a high boundary wall and dense boundary planting, and appears to have limited use.



12. A further extension of one metre would not have any unduly harmful implications for use of the rear garden and would enable internal improvements to the accommodation. Whilst the proposal would make the extension appear larger, the rear of the garden is fairly enclosed and such views would be limited. In these circumstances, it is not considered the further extension would appear incongruous or imposing. Given the existing depth of the extension, a further one metre along the far end of the boundary with the adjacent No 90 would also have no discernible impact upon the outlook from that property.
13. Regard has been given to the general advice set out in the Council's Supplementary Planning Guidance SPGBH1: Roof Alterations and Extensions, (the SPG). For the reasons stated, the development does not give rise to significant harm and the general guidance set out in the SPG does not affect those findings on the main issue.
14. It is therefore concluded that the proposed dormer, rooflights and extension would not be harmful to the character and appearance of the host building or the surrounding area. Accordingly, the proposed development would not be contrary to Policy QD14 (Extensions and alterations) of the Brighton and Hove Local Plan, 2005.

### **Other Matters**

15. Reference has been made to previous planning decisions at 5 and 14 Goldstone Road. Full details of those decisions have not been provided but, in any case, the appeal has been considered on its own merits as identified.
16. Reference has been made by the local planning authority to the Brighton and Hove Proposed Submission City Plan Part One (February 2013) but this is an emerging plan at a relatively early stage of preparation and is afforded limited weight.
17. No objections have been received from adjoining occupiers.
18. The above matters have all been noted but do not affect my findings on the main issue.

### **Conditions**

19. A standard condition is imposed to ensure the development is commenced within 3 years. For the avoidance of doubt and in the interest of proper planning, a condition is imposed to ensure the development is undertaken in accordance with the relevant drawings. The Council has also suggested a condition be imposed that the external finishes match those of the existing building. This is both necessary and reasonable in order to ensure a satisfactory appearance to the proposed development.

### **Conclusion**

20. For the above reasons, I conclude the appeal should be allowed.

*Peter Rose*

INSPECTOR





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# Appeal Decision

Site visit made on 3 September 2013

**by Peter Rose BA MRTPI DMS MCMi**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 October 2013**

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**Appeal Ref: APP/Q1445/A/13/2198518**  
**84 Hythe Road, Brighton, BN1 6JS**

- 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 Peter Brockwell against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03641, dated 16 November 2012, was refused by notice dated 24 January 2013.
  - The development proposed is loft conversion.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The applicant describes the scheme as a loft conversion. As a matter of clarification, the development includes a rear dormer and front rooflight.

## Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the host building, the surrounding area, and the setting of the Preston Park Conservation Area.

## Reasons

4. The appeal site comprises a three-storey mid-terrace residential property. The upper two floors comprise a maisonette with a flat below.
5. At the back of the properties are reasonably sized gardens which, in turn, adjoin the corresponding rear gardens of parallel terraces in Preston Drive and which lie within the Preston Park Conservation Area.
6. The rear roofs to the properties in the appeal terrace are not generally uniform in their profile and appearance, and a significant number have already been extended with full width dormers. These are imposing features in contributing to the character and appearance of the rear of the terrace and in views from the properties in Preston Drive.
7. The proposed dormer would insert a full width extension at roof level to the rear with matching tiles. Whilst set slightly below the ridge, it would effectively create a new, flat-roofed storey above the eaves. The development would not be set within the existing roof profile as such but would effectively replace it, with no reasonable spacings left to the eaves, ridge or sides. The extension

would thereby be disproportionate in its overall scale to the host building, making it appear top heavy and adding an extension which would be unsympathetic and discordant to the roofscape of the wider setting. Whilst the appellant has referred to some similarity with the appearance of the existing flat roofed extension, this consideration would not offset the specific harm arising from the design of the proposed dormer.

8. The Council suggests that a number of the existing roof extensions in the vicinity may have come forward as Permitted Development, outside of planning control. It is also possible that further extensions could be developed without the need to seek planning permission. Whilst the existing roof extensions in other properties would to some degree mitigate the harm to the wider terrace which would be caused by the appeal proposal, the existence of those extensions does not in itself justify the further unacceptable impact which would be caused by this proposal.
9. Regard has been given to Policy HE6 (Development within or affecting the setting of conservation areas) of the Brighton and Hove Local Plan, 2005 (the Plan). As a matter of clarification, the appeal site does not lie within a Conservation Area but lies immediately north of the Preston Park Conservation Area.
10. Whilst the dormer would be clearly visible from the rears of properties in the Conservation Area and would alter those views, it would not be visible in any significant views of the Conservation Area itself. The dormer would also not be visible from any public areas, including from Preston Drove. The proposal is not therefore considered to have any discernible impact upon the character or appearance of the Conservation Area itself or its setting and would thereby not be contrary to Policy HE6.
11. Notwithstanding this finding, it is concluded that the size and design of the proposed dormer would be harmful to the character and appearance of the host building and the rear of the terrace. Accordingly, the development would be contrary to Policy QD14 (Extensions and Alterations) of the Plan and to the Council's Supplementary Planning Guidance SPGBH1: Roof Alterations and Extensions. The National Planning Policy Framework also places great importance upon high quality design and the proposed development would not be in-keeping with that aim.

### **Other Matters**

12. Reference has been made to previous appeal decisions at 114 Eldred Avenue, Brighton, at 19 Lawrence Road, Hove and at 1A Frith Road, Hove. It is understood those schemes included rear dormers. Full details of those decisions and of the accompanying schemes have not been provided but, in any case, the appeal has been considered on its own merits as identified.
13. Regard has been given to the improvements which would arise for the internal layout and quality of accommodation at the host building.
14. It is also noted that no objections have been received from adjoining occupiers, but the development would remain long after the circumstances of the existing occupiers change.
15. None of these matters affect my findings on the main issue.

**Conclusion**

16. For the above reasons, I conclude the appeal should be dismissed.

*Peter Rose*

INSPECTOR

